

THE  
INSTITUTE of  
ARBITRATORS & MEDIATORS  
  
AUSTRALIA

Australia's leading ADR organisation since 1975

2007 NATIONAL CONFERENCE

# NEW HORIZONS IN ADR



Glenelg Jetty

STAMFORD GRAND ADELAIDE  
MOSELEY SQUARE, 2 JETTY ROAD  
GLENELG, SOUTH AUSTRALIA

1-3 JUNE 2007

The Institute of Arbitrators & Mediators Australia, ABN 80 008 520 045. Incorporated in ACT

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## 2007 NATIONAL CONFERENCE

# NEW HORIZONS IN ADR

## WELCOME



LAURIE JAMES  
President

### Dear Delegate

The Institute of Arbitrators & Mediators Australia (IAMA) is the nation's largest, independent and most experienced alternative dispute resolution (ADR) organisation.

Each year, it hosts a national conference which attracts the world's leading ADR academics and practitioners and offers delegates an opportunity to exchange ideas and information on the theory and practice of dispute resolution.

This year's conference in Glenelg, South Australia is no exception. I am pleased to acknowledge the work of Andrew Robertson and the IAMA SA Conference Committee who have organised an outstanding program, **New Horizons in ADR**.

**New Horizons in ADR** provides a forum for introducing and considering new initiatives and developments in arbitration, mediation and adjudication. Topics include recommendations for the amendments of the Uniform Commercial Arbitration Acts of the States and Territories; the challenges and opportunities for private mediation in the post WorkChoices workplace; western mediation and dispute resolution practices in the Asia Pacific and the emerging trends in adjudication in Malaysia. I am

particularly pleased to announce we will be launching the much anticipated Arbitration Rules (incorporating the Fast Track Arbitration Rules).

There will also be major announcements concerning further developments in bilateral agreements and a panel discussion of international speakers including representatives from the China International Economic and Trade Arbitration Commission (CIETAC).

Once again, the Institute's conference features an array of eminent speakers and presenters, including: the Hon John Doyle, Chief Justice of the Supreme Court of South Australia; the Hon Justice Bruce DeBelle of the Supreme Court of South Australia and Chairman of the Judicial Conference of Australia; the Hon Justice John Hamilton of the Supreme Court of NSW; the Hon Sir Laurence Street AC KCMG QC; the Hon Andrew Rogers QC; the Hon Christopher Kourakis QC, Solicitor General of South Australia; Malcolm Holmes QC; Stephen Walsh QC; the Hon Nick Xenophon MLC; Dato Kevin Woo, President of the Malaysian Institute of Arbitrators; the Hon Trevor Griffin, former Attorney General of South Australia; Anna Booth; Professor Dale Bagshaw and many other leading ADR professionals.

The conference venue is the majestic Stamford Grand Adelaide. Less than twenty minutes from the airport, the hotel is located on absolute beachfront in Adelaide's premier beach district and boasts panoramic views of the ocean and nearby Adelaide hills. It is also within reach of world-renown wine regions, including the Barossa Valley. As London's **Observer** newspaper noted of the area, "...the proximity of seas and sand, and the splendid wines are alone sufficient to produce a sense of exhilaration ..." Indeed.

I welcome you to the **New Horizons in ADR** Conference and look forward to seeing you in Glenelg.

### Best regards



LAURIE JAMES  
President

**Cancellation Policy:** Your registration will be confirmed in writing when full payment is received. We will refund your registration in full if you notify us before 1 May 2007. Any cancellation after this date attracts an administration fee of \$100. No refunds will be payable for cancellations made after **10 May 2007**.

**CPD/CLE Points:** IAMA members may claim 16 CPD points for attendance at the whole Conference. Partial claims are calculated at the rate of 1 point per hour of attendance (excluding refreshment and meal breaks). Where other mandatory CLE points apply, registrants should contact their professional association.

**Privacy Notice:** The information you provide on this registration form is being collected by IAMA for the purpose of processing your registration for the Conference. The information will not be used for any other purpose and will not be provided to any other organisation.

**Team Discounts:** Groups of five or more registrants booking from the same organisation/company will be entitled to entry at the IAMA member's rate for all members of that group.

**Part Attendance:** A daily fee is available for people who wish to attend for one day only rather than the whole conference. In these cases, registrants will be entitled to a discount of 30% on the standard applicable fee.

**New Members:** Members are financial members at the date of registration. New applicants for membership will be eligible for the member's rate, provided they have previously forwarded the prescribed entrance fee and annual subscription to the Institute.

**Accommodation:** A special conference rate has been arranged with the Stamford Grand Adelaide. Please book by ringing **08 8461 0399** quoting the conference date, name and conference code IN0106. **City View at \$160** a night and **Ocean View at \$190** a night.

**NB:** Conference registration fee does not include cost for travel and/or accommodation.

2007 NATIONAL CONFERENCE  
**NEW HORIZONS IN ADR**

**PROGRAM**

**FRIDAY 1 JUNE 2007**

**7.00 pm - 9.00 pm**

Welcome Reception Cocktails



**SATURDAY 2 JUNE 2007**

**8.30 am - 9.00 am**

**Registration**

**9.00 am - 10.00 am**

Plenary Session 1

*Welcome from National President and Official Opening* Laurie James

*Keynote Address: Does Litigation Have a Future?*

The Hon John Doyle, Chief Justice of the Supreme Court of South Australia

*Chair:* Ian Nosworthy

**10.00 am - 10.30 am**

Plenary Session 2

*New Horizons: Launch of the Arbitration Rules (Incorporating the Fast Track Arbitration Rules)* Laurie James

*Chair:* John Cooper

**10.30 am - 10.45 am**

**Morning Tea**

**Arbitration**

**Mediation**

**Adjudication**

**10.45 am - 11.30 am** *Session 1 Theme: Practical Aspects of Conducting an Arbitration*  
Ross Williams  
*Chair:* Tracey Harrip

*Session 1 Theme: Attila the Hun, Napoleon and the Mediator*  
Alysoun Boyle  
*Chair:* Sandy Policansky

*Session 1 Theme: Reporting in from Around the States*  
David Campbell-Williams, Russell Thirgood, Andrew Stephenson, Laurie James  
*Chair:* The Hon Chris Kourakis QC

**11.30 am - 12.15 pm** *Session 2 Theme: Relationship between Expert Determination and Arbitration*  
Barry Tozer  
*Chair:* Georgia Quick

*Session 2 Theme: Learning from the 'Other': Western Mediation & Dispute Resolution Practices in the Asia Pacific*  
Professor Dale Bagshaw  
*Chair:* Jennifer David

*Session 2 Theme: Evaluating the Options*  
Graham Anstee-Brook, Warren Fischer, Peter Sarlos, Tim Sullivan,  
*Chair:* The Hon Chris Kourakis QC

**12.15 pm - 1.00 pm** *Session 3 Theme: Arbitrability of Disputes over Statutory Rights*  
Scott Ellis  
*Chair:* Andrew Kincaid

*Session 3 Theme: Collaborative Practice*  
Marilyn Scott  
*Chair:* Professor Dale Bagshaw

*Session 3 Theme: Adjudication in Malaysia - Speedy and Rough v Fine and Paced Justice*  
Dato' Kevin Woo  
*Chair:* Karyn Reardon

**1.00 pm - 1.45 pm**

**Lunch**

**1.45 pm - 2.30 pm** *Session 4 Theme: Use of Experts by the Arbitrator*  
John Cooper and Nick Rudge  
*Chair:* Graham Easton

*Session 4 Theme: Private Mediation in Post WorkChoice Workplaces: Challenges and Opportunities*  
Anna Booth  
*Chair:* Professor Angela O'Brien

*Session 4 Theme: Pushing Out the Boundaries*  
Michael Chesterman  
*Chair:* The Hon Nick Xenophon MLC

## Arbitration

2.30 pm - 3.15 pm

*Session 5 Theme: Amendments to the Commercial Arbitration Legislation*  
Robert Hunt  
*Chair:* The Hon Sir Laurence Street AC KCMG QC

## Mediation

*Session 5 Theme: Queensland Police Internal Mediation Service: The Why and How of Its Functions*  
Matt Malloy  
*Chair:* Chas Cini

## Adjudication

*Session 5 Theme: 10 Days in Utopia: A Review of the Adjudication Initiative*  
Robert Fenwick Elliott  
*Chair:* Stephen Walsh QC

3.15 pm - 3.30 pm

## Afternoon tea

3:30 pm - 4.30 pm

### Plenary Session 3

*New Horizons: The View from Around the World - International Perspectives*  
Panel of International Speakers

4:30 pm - 5.00 pm

## Annual General Meeting

Laurie James, Kenneth Stout, Gordon Tippet and Gianna Totaro  
*Chair:* Laurie James

5.00 pm - 5.30 pm

### Plenary Session 4

*New Horizons: IAMA Membership Survey*  
Anthony Grieve and Bryan Ahern

7.00 pm - 11.00 pm

## Dinner

The Hon Andrew Rogers QC



## SUNDAY 3 JUNE 2007

9.00 am - 9.45 am

*Session 6 Theme: Recent Development and Cases in Arbitration Law of Australia*  
Malcolm Holmes QC  
*Management of Expert Witnesses*  
Albert Monichino  
*Chair:* Andrew Robertson

*Session 6 Theme: Mediating Franchise Disputes*  
Josh Simon  
*Chair:* Stephen Walsh QC

*Session 6 Theme: Moot Part 1 – An Adjudication Conference: The Western Model*  
*Participants include*  
Laurie James, Chris Lenz and Robert Riddell

9.45 am - 10.30 am

*Session 7 Theme: Reform of Civil Procedure and Lessons for Arbitration*  
Ian Bailey SC and The Hon Justice John Hamilton  
*Chairs:* Peter Callaghan SC and Lesley Dankbaar

*Session 7 Theme: Broadening the Scope of Mediation and Facilitation in the Commercial Context*  
Stephen Walsh QC  
*Chair:* The Hon Trevor Griffin

*Session 7 Theme: Moot Part 2 – The Legal Challenge: Back In The Court Room*  
*Participants include*  
Patrick O'Sullivan and David Howard

10.30 am - 11.00 am

## Morning tea

11.00 am - 11.45 am

Plenary Session 5  
*Should Judges Mediate?*  
The Hon Justice Bruce DeBelle  
*Chair:* Ian Nosworthy

11.45 am - 12.30 pm

Plenary Session 6  
*New Horizons: Around the States and Territories* Chapter Chairs Forum *Chair:* Laurie James

12.30 pm - 1.00 pm

## Official Close

Laurie James and Andrew Robertson

1.00 pm - 2.00 pm

## Lunch

2.00 pm +

## Tour of Griffin Wines

*Host:* The Hon Trevor Griffin



## 2007 NATIONAL CONFERENCE

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## CONFERENCE REGISTRATION FORM

This form becomes a tax invoice/tax receipt on full payment. ABN 80 008 520 045.

PERSONAL DETAILS: *(Please print)*

Surname: \_\_\_\_\_ Prof/Dr/Mr/Ms/Other: \_\_\_\_\_

Given Name: \_\_\_\_\_

Preferred Name (for badge): \_\_\_\_\_

Dinner/Cocktail Party Partner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Any special dietary needs? (Please specify): \_\_\_\_\_

**Early Bird Registration (Payable by 7 May)**

Members \$545 (incl GST) pp ea x + \$ \_\_\_\_\_

Non-Members \$795 (incl GST) pp ea x + \$ \_\_\_\_\_

**Registration (Paid after 7 May)**

Members \$645 (incl GST) pp ea x + \$ \_\_\_\_\_

Non-Members \$895 (incl GST) pp ea x + \$ \_\_\_\_\_

Conference Dinner \$110 (incl GST) pp ea x + \$ \_\_\_\_\_

Winery Tour \$ 50 (incl GST) pp ea x + \$ \_\_\_\_\_

Total Fee Payable \$ \_\_\_\_\_

Please circle the Session and Stream you would like to attend:

**Friday 1 June 2007**

Welcome Reception Cocktails

**Saturday 2 June 2007**

<b>Plenary Session 1</b> (9.00 am)	<b>Session 1</b> Arbitration (10.45 am)	<b>Session 2</b> Arbitration (11.30 am)	<b>Session 3</b> Arbitration (12.15 pm)	<b>Session 4</b> Arbitration (1.45 pm)
<b>Plenary Session 2</b> (10.00 am)	Mediation (10.45 am)	Mediation (11.30 am)	Mediation (12.15 pm)	Mediation (1.45 pm)
<b>Plenary Session 3</b> (3.30 pm)	Adjudication (10.45 am)	Adjudication (11.30 am)	Adjudication (12.15 pm)	Adjudication (1.45 pm)
<b>Plenary Session 4</b> (5.00 pm)				

**Session 5**

Arbitration (2.30 pm)  
Mediation (2.30 pm)  
Adjudication (2.30 pm)

**Lunch** (1.00 pm)

**AGM** (4.30 pm)

**Conference Dinner** (7.00 pm)

**Sunday 3 June 2007**

<b>Plenary Session 5</b> (11.00 am)	<b>Session 6</b> Arbitration (9.00 am)	<b>Session 7</b> Arbitration (9.45 am)	<b>Official Close</b> (12.30 pm)	<b>Lunch</b> (1.00 pm)
<b>Plenary Session 6</b> (11.45 pm)	Mediation (9.00 am)	Mediation (9.45 am)		
	Adjudication (9.00 am)	Adjudication (9.45 am)	<b>Winery Tour</b> (2.00 pm +)	

Payable by cheque/money order/credit card

Please make cheques payable to The Institute of Arbitrators & Mediators Australia.

Credit Card details: *(tick where applicable)*  Bankcard  Mastercard  Visa (no AmEx or Diners)

Card Number: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

Card Name: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

Please forward completed Conference Registration Form and payment to:

**The Institute of Arbitrators & Mediators Australia**  
National Office  
PO Box 13064 Law Courts Victoria 8010 Australia  
Telephone: 03 9607 6908 Facsimile: 03 9602 2833  
Email: national@iama.org.au Website: www.iama.org.au



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The Institute of Arbitrators & Mediators Australia (IAMA) is the nation's largest, independent and most experienced alternative dispute resolution (ADR) organisation. Founded in 1975, membership comprises some of Australia's eminent and experienced ADR professionals drawn from a diverse range of sectors including commercial, legal, education and government. With offices in all states and territories, it also plays a key role in industry and consumer schemes. The IAMA provides services in all forms of ADR including arbitration, mediation, conciliation, adjudication and expert determination, and is involved in the professional development, training and accreditation of ADR across Australia and internationally.

**The Institute provides:**

**Dispute Resolution Services:**

- Access to a wide range of highly qualified and experienced dispute resolvers, who have been graded as Arbitrators, or accredited as Mediators, Adjudicators or other ADR practitioners.
- Nomination of Arbitrators, Mediators, Adjudicators and other ADR neutrals from lists of practitioners accredited by the Institute on the basis of their training and experience and compliance with the Institute's CPD requirements.
- *Rules for the Conduct of Commercial Arbitrations* (incorporating the Expedited Arbitration Rules).
- *Conciliation & Mediation Rules*.
- *Expert Determination Rules*.
- Administered Industry-based Consumer Dispute Resolution Schemes.
- Practice Notes for Practitioners.
- Assistance in dispute resolution process selection or design, and available practitioners.

**Education and Training:**

- *The Professional Certificate in Arbitration* (in conjunction with the University of Adelaide and provider universities across Australia).
- *The Practitioner's Certificate in Mediation*.
- Training programs in other forms of ADR, such as adjudication, expert determination and conciliation.
- A high quality Continuing Professional Development Program delivered across Australia, covering arbitration, mediation, adjudication, conciliation, expert determination (and appraisal) and other forms of ADR.
- Pupilage training and experience for newly-qualified practitioners.

**Other Services:**

- A high quality refereed journal, *The Arbitrator & Mediator*, published three times a year.
- A national newsletter, *The IAMA News*, distributed widely throughout Australia and internationally.
- Website database of accredited and graded ADR professionals.
- The central administration of the Institute is conducted from the National Office which is located in Melbourne.
- Chapter offices in all States and Territories which provide administrative services, as well as regular educational and networking activities, Chapter newsletters etc.
- Dispute Resolution Centre with excellent hearing rooms facility located in Sydney.
- Annual National Conference, featuring an interesting and varied program dealing with topics of interest in ADR.

[www.iama.org.au](http://www.iama.org.au)

