

TALK ON OCCASION OF 30th ANNIVERSARY DINNER OF A.C.T. CONFLICT RESOLUTION SERVICE, 19 MARCH 2019, by DAVID PURNELL OAM

It is a pleasure to be able to be part of this event and to share some of my impressions about CRS and its journey in conflict resolution and mediation.

The genesis of our organisation was the formation of the Community Justice Centres pilot project in NSW in 1980 “to provide a means of settling the sort of disputes that conventional court-based procedures are unable to resolve satisfactorily”. The focus was on domestic and neighbourhood disputes, and centres were established in Surry Hills, Bankstown and Wollongong. The scheme was made permanent through legislation in 1983 and extended to Campbelltown, Penrith and Newcastle. Both sides of politics supported it, and the Law Foundation of NSW monitored the scheme. The first director of the CJs was Wendy Faulkes, who was awarded a Churchill Fellowship in 1982 to study mediation and dispute resolution in the UK and USA. She became a passionate advocate for mediation, and was instrumental in spreading the profession into other parts of Australia, including here in the ACT. The CJs were from the beginning funded by government and incorporated into the government bureaucracy.

Reflecting on community mediation later in a journal article in 2006, Wendy Faulkes said part of the impetus for the mediation movement was that people movements reacted against state control and wanted to choose a form of conflict resolution that gave them power and self-determination. The outcome was the training of mediators from all sections of the community as ‘process professionals’ rather than ‘content professionals’. This training drew on political science, peace studies, education, policing, government, town planning and the social sciences.

Here in Canberra, a number of people had already been trying to use alternative approaches to resolving conflict, and heard of the CJC initiative. Accordingly in 1986 we convened a public meeting at ANU to hear from Wendy Faulkes. From this a committee was formed to begin working for a similar service in our region. Among those who became involved were Jeremy Long, the Commissioner for Community Relations (who succeeded Al Grassby), Charles Foley (mediator from USA), Mary Hinchey (who was part of interfaith conflict resolution), Tim Johnstone (a lawyer), Jennifer Deveney (now Rivers), and Ray Polglase

(community activist). We sought and obtained incorporation in August 1988 as an association, and I became the first president of the management committee, with Jennifer Deveney as vice-president. We then lobbied the federal Attorney-General's Department to set up a mediation service. Once the ACT became separate, we turned our attention to the incoming government (led by Rosemary Follett) and managed to persuade them to set up a pilot scheme. We were assisted during this time by John Langmore, one of the ACT's federal MPs. The funding for the pilot scheme was \$100,000 in the 1989-90 ACT budget.

At the beginning of 1990, after a selection process, three people opened the doors of CRS at the old Acton House. They were David Syme, coordinator, Sue Sheridan as assistant coordinator and Intake officer, and Fere Hooshmand, as administrative assistant and ethnic liaison person. They were joined soon afterwards by Rhian Williams working on a youth mediation project. There was a panel of 45 mediators, trained with the assistance of CJC's Linda Fisher, who later became president of the Australian Dispute Resolution Association.

In the first year, there were 371 referrals and 170 mediations, covering a wide range of disputes. In the annual report in 1991, David Syme said the following about the response to the Service - "Most people using CRS welcome the neutrality, impartiality and skills of the mediators, and the accessibility and quality of the service generally.... 90% of parties attending a mediation session reached an agreement...and 95% expressed satisfaction with the service. It is estimated that each dispute accepted by the service represents a saving to the community of over \$1700 in costs associated with litigation, violence and continued conflict". There was outreach through the media, talks in schools, the police, and neighbourhood groups. From the beginning, CRS mediations were free of charge to clients. This changed later when budgetary pressures increased.

Sue Sheridan, as Intake officer, reported that "difficulties with communication, refusing to negotiate, and harassment, were issues that were common to all types of disputes". She commented on the increasing number of family disputes coming to CRS even then. Two-thirds of disputes were referred by other agencies. Fere Hooshmand, who oversaw the Migrant Access project, ensured that people from non-English backgrounds were among the panel and the clients. Fere made contact with ethnic groups, and worked with the Migrant Resource Centre to raise awareness of the value of mediation for cross-cultural misunderstandings. Rhian Williams led the youth mediation project called *Resolve*. Rhian commented in her report that year that "mediation is regarded as developmentally appropriate for adolescents and other young people in that it

provides a balance between autonomy and interdependence". A successful innovation in *Resolve* was the training of young mediators between 14 and 25 to work with CRS. A program to train homeless young people in mediation was also introduced.

All four of the staff just mentioned have gone on to other significant work in mediation and other community advocacy. David Syme went to work for the National Alternative Dispute Resolution Advisory Council (NADRAC) in the Federal Attorney-General's Department; Sue Sheridan became a counsellor to the LGBTIQ community and later coordinator of Parentline, among other things; Fere Hooshmand now runs her own agency called Fere Hooshmand Mediation Services; and Rhian Williams also has her own business called Dispute Management Services. I would also like to acknowledge the excellent contribution made by Katrina Spyrides, who led the CRS for ten years before going on to be one of the leaders of the NSW Community Justice Centres.

Government funding for CRS rose from the initial \$100,000 to \$134,000 in the second year (after the pilot became an ongoing service), and \$198,000 in the third year. In 1991-2 there were 220 mediations, including many rental bond disputes which were automatically sent to CRS at the end of tenancies when issues of releasing the bond money were involved. Training was stepped up to ensure mediators had a good grasp of family mediation, tenancy law, business, youth and cross-cultural issues. Referrals were coming from police, legal aid, private solicitors and ACT government agencies. In February 1992 there was an Open Day at which certificates of accreditation were presented to mediators by the then Attorney-General Terry Connolly.

By this time it was clear that CRS was making an impact on the Canberra community. It was also setting high standards for mediator training and accreditation, and this proved important in contributing to the Australia-wide growth in mediation and the need to achieve national standards. CRS was also being asked to train people in such agencies as the Women's Information and Referral Centre, the ACT Planning Authority, the Tax Office, Woden Community Service, the ANU and the Defence Department.

Expansion in 1993 and 1994 saw the number of mediators reach 50, and the annual funding rise to over \$400,000. Specialist training for family law mediation was increasing. CRS even made a submission to the ACT Legislative Assembly's study on 'Canberra in 2020' predicting that "consensual rather than adversarial dispute settlement will predominate". We're getting close to 2020 – how are we doing?

I could go on reciting the way in which CRS grew in every way during the 1990s. Its primary role in resolving conflict remained clear – to offer a space for people to listen to each other, to be heard, and to work through to outcomes that were mutually agreed and beneficial. Whether we were assisting individuals or groups, we used a co-mediation model which had the advantage of modelling good communication, mutual support, and being matched with those in dispute (eg male/female, old/young, anglo/other). The feedback remained very positive from clients, the training was constantly developed, and the intake staff became increasingly pivotal to an effective service.

After thirty years, we are going through another transition in CRS, and I hope the ideals and values that have stood us well in the past will continue to guide and strengthen all involved in the future. I found a quote from Frederick the Great who said “My people and I have come to an agreement which satisfied us both. They are to say what they please, and I am to do what I please”. I think we can do a good deal better than that as we provide a place for people in our community to listen and work together in solving the problems we all face in bringing about a more peaceful world.