

# Mediation Association of the Northern Territory Inc.

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## *Background of the Mediation Service*

The Mediation Association of the Northern Territory Inc. arose from an inaugural meeting held on 2 April, 1992. The Meeting was supported by Mr Stephen Meredith as coordinator of the Mediation Skills Training Support Group. Present at that meeting were also Graham Nicholson, Maria De Ionno, Betsy Mackay, Di Knox, Ian Lee, and Vivienne Jennings.

The meeting established a Steering Committee to develop a constitution, standards of practice, membership criteria and objects of the association. A training subcommittee was also formed at that time.

A constitution was tabled and adopted with one small amendment on 7 May, 1992. This constitution contains the following objects:

1. To promote and popularise mediation as a means of alternative dispute resolution in the Northern Territory.
2. To provide a training service for the purposes of certification in the Northern Territory.
3. To establish guidelines that will allow accreditation in the Northern Territory.
4. To develop programs to help ensure that mediators in the Northern Territory will receive ongoing training.

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5. To provide support services and continuing education for maintaining competent standards.
6. To provide a forum for the ongoing exchange of information.
7. To establish and monitor ethical standards that are recognised in the professional field of mediation and to discipline members who breach those standards.
8. To provide a referral source of information to the general public for qualified mediators.
9. To contribute to a more peaceful and harmonious community.

Viv Jennings was elected unopposed as the first President. Ian Lee, Damian Howard and Graham Nicholson comprised the balance of the first committee. By August, 1992 when Ian Lee resigned as Treasurer, MANT had about 30 members. Graham Nicholson attended to incorporation of the new Association which became Mediation Association of Northern Territory Inc.

In addition, basic training requirements which include a basic training course with an approved mediation trainer, 40 hours of supervised and advanced training were adopted as the initial requirements for full membership.

Ethical Standards for Mediation practice in the Northern Territory were also drawn up.

Viv Jennings left for Canada at the end of 1992 and the inaugural Annual General Meeting in March, 1993, appointed a new Committee with Graham Nicholson as President, and Maria De Ionno, Valmai Martin-Jard and Lyn Douglas as Members. That Committee was joined during 1993 by Liz Mildren and Stephen Herne.

During 1993, the Committee has established an attractive logo which represents people in disagreement subsequently coming together under the acronym for the association. A further basic training course was offered in conjunction with the Institute of Arbitrators in 1993 run by Andree Reese Maddox a Mediation consultant from Sydney, together with advanced training sessions in communication skills. The culmination of the year will be the first presentation of certificates of accreditation to full members.

The Committee is presently endeavouring to produce a brochure which we enable the association to acquaint the community with its role and the availability of trained mediators.

*Lyn Douglas*

### *Draft Bill:*

#### *Miscellaneous Corporate Law Amendments for Public Consultation.*

The Attorney-General, Michael Lavarch, has announced the Government's release of a draft Corporations Legislation Amendment Bill for public consultation.

The Bill proposes a number of miscellaneous amendments to improve the operation of the Corporations Law and to facilitate the operations of the Australian Securities Commission.

Mr Lavarch said, "The nature of each amendment is such that it would not be appropriate to defer it until the foreshadowed simplification or corporate law reaches the relevant area of the corporations legislation."

The Attorney-General drew attention to one of the more important amendments proposed by the Bill. Over the last year there have been a number of court decisions to the effect that lower courts, such

as district courts and county and magistrates' courts, do not have jurisdiction to hear civil claims made under the Corporations Law. These cases have generated concern that many legitimate civil claims will not be pursued because of the costs of bringing actions in superior courts. Mr Lavarch said, "The Bill will address these concerns by conferring civil jurisdiction under the Corporations Law on lower courts in the areas of debt recovery and monetary compensation." Other Key amendments will:

- make a number of technical amendments to support the introduction of the Clearing House Electronic Subregister System ('CHESS') to be introduced by the Australian Stock Exchange;
- rationalise the respective roles of the Corporations Law and State Financial

Institutions legislation in the regulation of the activities of building societies and credit unions;

- better equip the Corporations and Securities Panel to fulfil its legislative charter of making timely commercial decisions in relation to takeovers and extend its jurisdiction to takeover conduct generally; and
- provide for the regulation of markets in certain securities using screen based trading systems.

"I propose to finalise the amendments for introduction in March 1994", said Mr Lavarch. "The exposure draft process will permit a comprehensive public assessment of the detail of proposals."

Copies of the Bill, with explanatory paper, will be available from Australian Govt Bookshops. The closing date for comments is 28 February 1994.