



University of
South Australia

6th World Summit on Mediation with Age- Related Issues

Program

29 April – 1 May

University of South
Australia City West
Campus



<https://www.unisa.edu.au/Calendar/World-Summit-on-Mediation-with-Age-Related-Issues/>



Welcome

Welcome to Adelaide, South Australia and to the 6th Annual World Summit on Mediation with Age Related Issues, a joint venture of the Centre for Peace, Conflict and Mediation, University of South Australia (UniSA) and the Elder Mediation International Network (EMIN).

This Summit is the first of its kind to be held in Australia and we are hosting a selection of national and international speakers - consumers, policy makers, academics, students and practitioners - from many disciplines and fields of practice including: health, social work, psychology, ageing, law, human rights, justice, dispute resolution and education. We especially welcome our overseas delegates who have travelled a long way to share their knowledge and experiences with us.

Previous EMIN Summits have been held in Scotland, Switzerland, the United States, Ireland and Canada - see www.eldermediation.ca

A two day workshop on Mediation with Age Related Issues will be conducted post-Summit, on May 2 and 3, 2013, by Judy M Beranger from Canada for interested Summit participants. Separate registration is required.

For more information on the Summit and the Workshop please visit our website

<https://www.unisa.edu.au/Calendar/World-Summit-on-Mediation-with-Age-Related-Issues/>

With permission from the presenters, some of the Summit papers and power point slides may be posted on this website post-Summit.

Overview of the Summit

Summit Aim:

The Summit aims to provide participants with a comprehensive international overview of elder mediation and an opportunity to examine established initiatives in this field and explore its potential in their own countries.

Summit Goals:

1. To increase awareness of mediation with age related issues and its benefits and build the knowledge base of practitioners and policy-makers
2. To highlight examples of research and best practice in elder mediation from various countries across the world
3. To facilitate dialogue between mediators, other professionals, representative groups and older people, with a focus on the opportunities and challenges of providing elder mediation
4. To offer mediators a set of practical options for facilitating equal opportunities for older people to participate in decision-making, consultation and complaints processes
5. To provide opportunities for networking.

Summit Organising Committee:

In Adelaide: Dale Bagshaw (Co-Chair), Elly Nitschke, Greg Rooney, Margaret Ross, Clare Swetenham, Valerie Adams and Sandra Jacobson.

In Canada: Judy M Beranger (Co-Chair), Greg M Beranger, Colleen Currie and Elizabeth Reagh and in Ireland: Margaret Bouchier

Summit Sponsors, Welcome Event and the Sherren Awards:

The **Office of the Employee Ombudsman** is graciously hosting welcome drinks and a meal at Parliament House on Monday evening, April 29th, from 5.30 for 6 until 8pm for all Summit speakers and delegates. Delegates may also be offered a tour of the historic old building. Key members of the South Australian Parliament, members of the Australian Institute of Mediators and Arbitrators (IAMA) and members of LEADR have been invited.

The **Elder Mediation International Network (EMIN)** will be presenting the **Sherren awards** at the welcome event on Monday evening so we encourage everyone to attend.

We are grateful for the financial and other support provided by the **South Australian Department for Health and Ageing**, who have sponsored the Summit, and for the ongoing support provided by various staff from the **University of South Australia**, including staff from the **School of Psychology, Social Work & Social Policy**.

Program

Day 1: Monday 29 April 2013

Time	Session
8.45am	Registration
9.15am	Welcome and Opening: <ul style="list-style-type: none"> • Welcome & Introductions: Assoc Prof Dale Bagshaw, Summit Co-Chair • Welcome to Country: Aboriginal Elder: Dr Lewis O'Brien • Welcome to the University: Professor Pal Ahluwalia, Pro Vice Chancellor, Division of Education, Arts & Social Sciences, University of SA • Opening address: The Honourable Leesa Vlahos M.P. Parliamentary Secretary to the Premier of South Australia. • Australian Aboriginal dancers
10.30am	Morning tea
11.00am	Introduction to the Summit: This introduction will be facilitated by Dale Bagshaw. <ul style="list-style-type: none"> • <i>What is elder mediation, when and with whom is it likely to be useful and what special knowledge and skills are required?</i> Judy M Beranger, Summit Co-Chair, Chair of the Elder Mediation International Network (EMIN)
11.30am	A Consumer's Experience of Mediation: This presentation will be facilitated by Judy M Beranger. <ul style="list-style-type: none"> • <i>A caregiver shares her family's experience of mediation:</i> Pat Mutch, Carer, Canada
12.00pm	Lunch
1.00pm	International Perspectives of Mediation with Older Adults: This session will be facilitated by Dale Bagshaw. <ul style="list-style-type: none"> • <i>Elder mediation in Canada:</i> Greg M Beranger, mediator and marital and family therapist, Canada • <i>Elder mediation in Ireland:</i> Helen Harnett, accredited elder mediator, Ireland (narrated PowerPoint slides) • <i>Elder mediation in the USA:</i> Linda Ochensfeld, accredited mediator, USA (narrated powerpoint slides) • <i>Elder mediation in Austria –</i> Martina Pruckner, legal adviser & registered mediator, Austria (narrated PowerPoint slides) • <i>The effects of elder mediation on empowerment, family inclusion and levels of care. The results of a Canadian evaluative study of mediation.</i> Gabriela Peter-Egger, Switzerland (narrated PowerPoint slides). • <i>Who are you calling unprofessional? Scepticism and defensiveness in Scotland.</i> Charlie Irvine, Visiting Professor, University of Strathclyde Scotland (Podcast).
3.00pm	Afternoon tea
3.30 pm	<ul style="list-style-type: none"> • <i>"Wellderly", but not okay: Coping elders as a hidden group.</i> Dr Barbara Wilson, mediator, England, (narrated PowerPoint slides). • <i>"Alone we can do so little; together we can do so much"¹</i> Mediation with older people – An Australian experience. Dr Cate Banks, lawyer, accredited mediator, Australia.
	International Panel response to questions: Judy M Beranger, Greg M Beranger, Pat Mutch, Cate Banks and Elizabeth Reagh
4.30	Close
6.00 - 8pm	Welcome Reception hosted by the South Australian Office of the Employee Ombudsman and the Sherren Award Presentations by EMIN. The Honourable Jack Snelling, M.P. Minister of Health and Ageing will welcome all who attend. Location: Parliament House, Cnr North Terrace and King William Road, Adelaide. <i>A bus will leave the Hawke Centre at 5.30pm.</i>

¹ Helen Keller.

Day 2: Tuesday 30 April 2013

Time	Session
8.30am	Registration
9.00 am	Opening remarks
9.10am	<p>A Consumer's Perspective of Mediation This session will be facilitated by Judy M Beranger</p> <ul style="list-style-type: none"> • <i>Employee Assistance Programs and mediation with age related issues: The perspective of adult children:</i> Patricia Nash Canada (narrated PowerPoint slides)
9.40am	<p>Abuse of Older People and Implications for Mediation This session will be facilitated by Elly Nitschke:</p> <ul style="list-style-type: none"> • <i>The abuse of older people by family members and implications for family mediators:</i> Adjunct Associate Professor Dale Bagshaw, School of Psychology, Social Work & Social Policy, University of South Australia
10.10am	Morning tea
10.30am	<ul style="list-style-type: none"> • <i>Do older women want a different response to elder abuse?:</i> Les Jackson, Coordinator, UnitingCare Community Elder Abuse Prevention Unit (Qld), Queensland, Australia • <i>Preparing elderly persons to mediate issues of historic abuse and conflict:</i> Margaret Ross, barrister and mediator and Greg Rooney, lawyer and mediator, South Australia. • <i>Implications for legislation: the role of mediation with age-related issues in the prevention of elder abuse:</i> Judy M Beranger, mediator, counsellor, educator and author, Chair of EMIN, Canada, Summit Co-Chair. • Panel response to questions: Dale, Les, Margaret, Greg and Judy.
12.30pm	Lunch
1.10pm	<p>Human Rights and Ethical Practice with Older Adults This session will be facilitated by Clare Swetenhan.</p> <ul style="list-style-type: none"> • <i>Recognising and protecting the rights of older persons - challenges and opportunities:</i> Associate Professor Wendy Lacey, Associate Head, University of South Australia Law School, Adelaide. • <i>Ethical issues when mediating family disputes when the older person has impaired decision-making capacity: a rights-based approach to family disputes about advance care directives:</i> Elly Nitschke, Senior Project Officer, Advanced Care Directives Project, South Australian Office of the Public Advocate, Adelaide. • <i>The importance of ethics and training in mediation with age-related issues</i> Karen Erwin, attorney and elder mediator, Ireland (narrated powerpoint). • <i>Code of Professional Conduct for Mediation with Age Related Issues:</i> Margaret Bouchier, mediator, facilitator, investigator & trainer, Ireland (narrated PowerPoint). • Panel response to questions: Wendy and Elly
3.00pm	Afternoon tea
3.20pm	<p>Engaging older people and families in mediation: This session will be facilitated by Margaret Ross.</p> <ul style="list-style-type: none"> • <i>Looking at the pitch:</i> Margaret Pitcher, social worker, Domiciliary Care, Dept. Communities and Social Inclusion, South Australia, Australia • <i>Transformative mediation and the role of empathy in conflicts involving older people:</i> Jim Cyngler, mediator and trainer, Melbourne, Victoria. • Panel responses to questions: Margaret and Jim
4.30pm	Day summary and close
6.30pm	<p>Summit Dinner (three course meal and drinks) Red Ochre Grill Restaurant War Memorial Drive, Adelaide. For catering purposes please confirm your attendance and pay by Day 1. Speakers will be funded. <i>A bus will leave the Hawke Centre at 6.15 and return at 9.30 pm.</i></p>

Day 3: Wednesday 1 May 2013

Time	Session
8.30am	Registration
9.00	Opening remarks
9.10am	<p>Issues for older people in care: This session will be facilitated by Maria Vlachoulis, Office for the Ageing.</p> <ul style="list-style-type: none"> • <i>Voice and the vulnerable older person:</i> Sandra Jacobson, University of South Australia Master of Mediation student, educational counsellor and carer • <i>Conflict and care:</i> Ruth Richter, Quality Support Manager, BlueCross, Victoria • Panel response to questions: Sandra and Ruth
10.30am	Morning tea
10.50am	<p>The Issue of Capacity: This session will be facilitated by Dale Bagshaw.</p> <ul style="list-style-type: none"> • <i>The use and abuse of cognitive function tests:</i> Marie Mune, retired social work academic, South Australia • <i>Lawyer's skill in capacity assessment: a human rights approach:</i> Lise Barry, senior lecturer, Macquarie University, NSW, Australia • <i>Integrating mediation techniques with formal Tribunal processes to advance the protection and welfare of elderly persons:</i> Julie Ford (solicitor) and Pam Goodman (social worker), Civil and Administrative Tribunal, Queensland, Australia. • Panel response to questions: Marie, Lise, Julie and Pam.
12.30pm	Lunch
1.15pm	<p>Intervention Approaches and Techniques: This session will be facilitated by Greg Rooney.</p> <ul style="list-style-type: none"> • <i>Making mediation mainstream.</i> Jane Anderson, Deputy President of the Guardianship Board of South Australia • <i>Restorative approaches to address the abuse of older people – constraints and challenges:</i> Michael O'Connell, Commissioner for Victims' Rights, South Australia • <i>Self-compassion through neural rewiring: how to enhance the mediator's effectiveness in the mediation with age-related issues process:</i> Dr Anita Dorczak, mediator, barrister, solicitor and collaborative practitioner, Canada. • Panel response to questions: Jane, Michael and Anita.
3.30pm	Afternoon tea
4.00pm	<p>Where to From Here?</p> <p>This session will be facilitated by Dale Bagshaw and Judy M Beranger, Co-Chairs of the Summit. It will include a panel discussion with the overseas speakers and provide information about the 2014 EMIN Summit in Halifax Nova Scotia.</p>
4.30pm	Summit conclusion

Welcome to country

Dr (Uncle) Lewis Yerloburka O'Brien



We acknowledge that the land that we meet on for the Summit is the traditional land of the Kurna people and we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the greater Adelaide region.

Uncle Lewis Yerloburka O'Brien, a Kurna elder, was born at Point Pearce mission, on the Yorke Peninsula, South Australia, on 25th March 1930. Although born on Narungga country, Uncle Lewis is a Kurna. His family relocated there in the nineteenth century, after the loss of the land-holdings of his great, great grandmother, Kudnarto, in the northern-most reaches of Kurna country, near the Clare District. Uncle Lewis terms his childhood "difficult", a euphemism for a weakening jaundice till ten, being separated from most of his siblings and becoming a ward of the state at twelve. From then, until eighteen, he passed through a succession of foster homes, boy's homes and hostels. In 1946, at a time when it was rare for an Aboriginal boy to be in secondary education at all – and despite barriers erected by foster parents and the 'Welfare' - Uncle Lewis gained his Intermediate Certificate. He then succeeded in a competitive process to gain an apprenticeship as a fitter and machinist with the SA railways. Taking off for up to three months at a time - to undertake sufficient grape-picking, bag-sewing or 'rabbiting' to supplement a meagre apprentice's wage - meant that he took an extra year, but finally qualified. At twenty two, he was ready to join the merchant navy.

Uncle Lewis' grasp of culture, credited by him to his systematic instruction by Elders and relatives during the years at Point Pearce, is matched by a rare ability to locate Aboriginal philosophy in relation to, and in juxtaposition to, Western ways of knowing. All education is valuable to him, and he has spent as much of his life supporting Aboriginal children's attainments – beginning his work in schools in 1977 – as weaving Aboriginal knowledge and values into contemporary Australia. He has overcome formidable financial, legal and personally-discriminatory barriers: at one or two stages of growing up even struggling to maintain the ability to talk in the face of not being heard, bureaucratically and socially. As a Kurna Elder, Uncle Lewis has provided three decades of cultural and pastoral support to Aboriginal children, families and inmates. His face-to-face work has been complemented by substantial contributions to scholarly and creative domains, particularly with respect to the maintenance and promotion of Kurna language and culture. His body of work, however, includes significant political and community contributions that range from Aboriginal Advancement League involvement in the 1960s to leading organisations or committees concerned with heritage, arts, sport, reconciliation and all levels of education. His tertiary-level contributions have involved Kurna language support at the University of Adelaide, research support at the University of South Australia and student support, as a visiting Elder, at Flinders University. At the University of South Australia, he consulted on integrating Indigenous knowledge into science and engineering programmes, an Australian first. Overall, Uncle Lewis O'Brien's activities have been central to a re-inscribing of a Kurna presence into the Adelaide topographical and cultural landscape and an imbrication of vital Aboriginal knowledge, protocols and conceptualisations into the national purview. His unique body of work, and his specific contributions to Flinders University, led to his being awarded the Degree of Doctor of the University (DUniv).

Presenters' Abstracts and Biographies

Presenters from Overseas

Judy M Beranger, Canada

Implications for legislation: the role of mediation with age-related issues in the prevention of elder abuse.

The importance of research in the field of mediation with age-related issues and how it can influence the justice systems will be discussed (Bill C-37: *An Act to amend the Criminal Code of Canada*). The focused practice of mediation with age-related issues under the family mediation umbrella can be a means of identifying suspected elder abuse and neglect. It can be a tool to catch aggravated conflict and often reduces the likelihood of a conflict spiralling into abuse. The complexities and uniqueness of this area will be discussed.

Judy M Beranger, MA, CertCFM, CertEM is the EAP coordinator for Teachers in NL, Canada, Chair of the Elder Mediation International Network (EMIN), a Past President of Elder Mediation Canada, board member of Family Mediation Canada, and co-chair of five summits and symposiums on elder mediation. Judy is a member of the certification committee of Family Mediation Canada and is Chair of its Professional Development Committee. She is a comprehensive certified mediator, counsellor, educator and author. Judy was team leader for a community-based research project to inform the practice of mediation with age-related issues. Judy was contracted by the Department of Justice Canada to research and produce a report on the role of mediation with age-related issues in the prevention of elder abuse.

Greg M Beranger, Canada

Elder mediation in Canada

Greg M Beranger, MSW, Cert.EM is the Registrar for EMIN's certification Program. An experienced mediator and marital and family therapist he is a founding member of Family Mediation Canada, Elder Mediation Canada, Mediation PEI INC and the Elder Mediation International Network. Greg has received several awards for his Family and Community work including the Queen's Jubilee Medal.

Margaret Bouchier, Ireland

The role of standards and ethics in elder mediation

This session will focus on managing the balance between mediation as a profession and mediation as a movement through the establishment of processes that are appropriate, responsive and, most importantly, sensitive to the varied contexts and needs of our clients.

Margaret Bouchier is M.MII, Principal of Working Solutions, has been working in private practice as a mediator, facilitator, investigator and trainer since 2004. During that period she has worked extensively throughout the Irish public and private sectors and at all levels of organisations, including senior management/CEO/Principal Officer level. Margaret works as an independent, external consultant, delivering discrete interventions to workplace, commercial and intergenerational (Elder Mediation) disputes and engages specialist professionals and organisations in the development and delivery of strategies to promote collaborative workplace development. Margaret is a Practitioner Member of the Mediators' Institute of Ireland (The MII), the professional association for mediators in Ireland, and is recognised by the International Mediation Institute (The IMI). Her client organisations include hospitals, healthcare providers, Government Departments, semi-state bodies, academic institutions, schools, and private and voluntary organisations. She is also a past Executive and Council member of the MII.

Anita Dorczak, Canada

Self-compassion through neural rewiring: how to enhance the mediator's effectiveness in the mediation with age-related issues process.

Compassion with its roots in eastern tradition has recently attracted growing interest and research in western culture. The presentation will address the concept of compassion and its role in the mediation setting with a particular emphasis on self-compassion. Are we wired for compassion or not? Does neuroscience research provide new insights? The aim of the presentation will be to explore what we

can do as mediators to increase our capacity for self-compassion in order to create the most effective process to resolve the conflict and alleviate the suffering of the family members.

Anita Dorczak, PhD is a mediator, a barrister and solicitor and collaborative family professional practising in Edmonton, Alberta, Canada. Her practice is devoted to family disputes, which she always first recommends resolving through mediation and collaborative processes before engaging in litigation. Anita has a Master's degree in English Philology, a Bachelor of Laws and Doctor of Philosophy degrees. She was a founding member of the Elder Decision Making and Conflict Resolution section of the Association for Conflict Resolution (ACR), has attended annual conferences and moderated the section programs. She is also delighted to have attended all previous World Summits on Elder Mediation (EMIN). Currently, she chairs the Alternative Dispute Resolution section of the Canadian Bar Association in Edmonton, sits on the board of the Alberta Family Mediation Society and on the program committee of the above-mentioned ACR section. She is also a member of International Academy of Collaborative Practitioners, American Bar Association and Canadian Bar Association. Anita has a keen interest in neuroscience and its application to dispute resolution.

Karen Erwin, Ireland

The importance of ethics and training in mediation with age-related issues

This session will provide a rationale for the critical importance of mediators meeting training standards leading toward certification. Mediators wanting to grow and enhance their knowledge of age-related issues grow credibility and consistent standards in the field and adhere to a code of ethics and practice.

Karen Erwin is an attorney, mediator, elder mediator and the founder and principal of Erwin Mediation Services. Karen works in Ireland and internationally. Karen is the Past President of the Mediators' Institute of Ireland and a member of the Standards Commission of the International Mediation Institute, provides training and led the elder mediation training program in Ireland.

Helen Harnett, Ireland

Elder mediation in Ireland

Helen Harnett is co-founder of Later Life Mediation and Director of Harnett Tannam Consultancy which specialises in training and consultancy in Diversity and Conflict Resolution. She gained EMIN accreditation in 2012 and is committed to and very active in the development of Elder Mediation in Ireland. Helen is a member of Council of the Mediators' Institute of Ireland (the MII) and also acts as Liaison for the Workplace and Organisational Sector for the MII. She has facilitated numerous workshops for Mediators throughout Ireland on 'Cultural Factors in Mediation' at MII Conferences and gave a Master Class at the MII Symposium in 2008. Helen has also facilitated workshops for Mediation Northern Ireland. Helen lectures on Intercultural Communication in Dublin City University on the Master's in Intercultural Studies and International MBA Programs. She holds a Master's Degree from the University of Nancy in France, an Advanced Diploma in European Studies from the European University Centre in Nancy and a Higher Diploma in Education. She mediates and trains through French as well as English.

Charlie Irvine, Scotland

Who are you calling unprofessional? Scepticism and defensiveness in Scotland.

Charlie Irvine has been mediating in Scotland for twenty years and describes this small country's response to successive waves of mediation innovation. He examines the hopes of mediation enthusiasts and well-meaning policymakers; the responses of a range of gatekeepers, including legal and health professionals; and two 'success stories'. He speculates about the causes of these success and failures and proposes wider lessons for those who advocate for the greater use of mediation in complex and highly-regulated States.

Charlie Irvine is a Visiting Professor at Strathclyde Law School where he teaches the MSc in Mediation and Conflict Resolution. He also teaches Mediation and Mediation Advocacy to law students at both Strathclyde and Edinburgh Law Schools. His academic work is concerned with emotions in conflict and the role of alternative dispute resolution in the justice system. In 2010 he wrote a literature review for the Health Professions Council which has informed its policy on the use of mediation for complaints against health professionals. He is also an experienced mediator with a

practice including commercial, employment and family disputes. Charlie is a trustee and past Chair of the Scottish Mediation Network.

Patricia Mutch, Canada

A consumer's perspective of mediation.

Patricia Mutch has been married for 59 years. Her 80-year-old husband, Don, has been living with dementia for over twelve years. As a caregiver, Pat will share her experience of mediation and the significant turning point it presented for her and her family. Pat is an articulate speaker and advocate for person-centred care and is a sought-after speaker in her home province of Prince Edward Island in Canada. Pat has presented at each of the summits held to date and is a highlight of the presentations.

Patricia Nash, Canada

Employee Assistance Programs and mediation with age related issues: The perspective of adult children.

Patricia Nash recently retired from a 33 year career in teaching at the Junior and Senior High levels in Newfoundland. She has a Masters in Counselling Psychology including internship work in grief counseling at Pastoral Care office and Adult Psychiatry Department in a major hospital in St. John's, Newfoundland. Patricia is an advocate for promoting support and quality of life for families regardless of the health issue involved.

Linda Ochensfeld, United States

Elder mediation in the USA

Linda Ochensfeld, J.D., Cert.EM, is a mediator with the firm of Peaceful Resolutions who concentrates her practice in issues affecting older adults, as well as in employment matters. Linda has worked closely with hospice organizations and has also practiced as an elder law and employment attorney. She has received mediation certifications through the Center for Conflict Resolution, the Institute for the Study of Conflict Transformation, and the Elder Mediation International Network.

Gabriela Peter-Egger, Switzerland.

The effects of elder mediation on empowerment, family inclusion and care level – evaluation results of a Canadian study on mediation with age related issues.

Gabriela Peter-Egger, lic. ès sc. soc., is a trilingual sociologist with an economical background, mediator SVM and evaluator SEVAL. She is the managing director of e&e, entwicklung & evaluation GmbH, Switzerland. e&e is a specialized firm and has been working in the fields of research in the social sciences, development of instruments and consulting for over 15 years and has specialized in the field of old age and care, among others. It is the development firm for BESA, an instrument used in over 800 elderly homes in Switzerland and Austria. Gabriela grew up in German- and French-speaking parts of Switzerland and the UK. She studied sociology, economics and political sciences at the University of Neuchâtel in Switzerland. During and after her studies she worked as a guide for cultural-tours for Kuoni Travel, Switzerland. She worked in the former USSR, the United States, the Maghreb, Western Europe and Scandinavia. As a sociologist she guided projects for the Swiss Government in the field of migration, including feasibility studies and evaluations for over 7 years. She joined e&e as a project manager in 1999. She has been guiding evaluation projects, developing instruments, consulting firms, institutions and the public sector for e&e. Over the years she became a co-director and partner and has been the managing director since 2005. Within her professional development she took a degree in mediation, demanding an extra-occupational two years study time and has been a certified mediator SVM since 2000. She uses the instruments of mediation to solve conflicts in different fields and settings and is specialized in the field of old age and care, among others.

Martina Pruckner, Austria

Elder mediation in Austria

Martina Pruckner is a legal adviser, registered mediator, conflict and bullying consultant and the spokeswoman for Upper Austria within the Austrian Association for Mediation. Martina is the Chairwoman Mo.B.I.P. (Association for Harassment Counseling, Intervention and Prevention) and is a consultant for health care ethics. She is also an author, trainer and lecturer in adult education institutes and universities

Elizabeth Reagh, Canada

Panel member on Day 1

Elizabeth Strong Reagh Q.C is a practicing lawyer, family mediator and elder mediator in the province of Prince Edward Island (PEI) in Canada. In June of 2013 she will have spent 53 years as a practising lawyer and in 1999 was awarded a Queen's Counsel appointment by the Law Society of PEI.

Elizabeth was a founding Board member of the provincial mediation association in Prince Edward Island, founding board member of Elder Mediation Canada and currently serves on the Elder Mediation Committee of Family Mediation Canada. She has been present at all the World Summits for Age-Related Issues held to date. She is a strong advocate for the ongoing development of the elder mediator Code of Ethical Practice and an advocate and leader in the development of the Elder Mediation Certification process that has resulted in the promotion of a consistent, credible standard for elder mediators. Elizabeth is accredited in both elder and family mediation. In 2010 Elizabeth was the recipient of the Sherren Award for her leadership in the field of Elder Mediation. In addition to elder mediation Elizabeth's present legal practice is as a general practitioner with emphasis on wills and estates, real estate, family and Part II Companies and collaborative dispute resolution with families.

Barbara Wilson, England

"Welllderly", but not okay: Coping elders as a hidden group.'

End of life care and significant related matters are increasingly the subject of public and professional debate in England and Wales. Critical as these are, they do not entirely represent elders' experiences. Many elders are still essentially and functionally well: they may be dealing with certain physical or cognitive impairments, but are not necessarily incapacitated. Elders in this position can find themselves in situations which are in many respects invisible, especially against a background narrative of elder burden and dependency. Examples include their giving practical and emotional support to their adult offspring and grandchildren, and also making numerous other contributions not always recognised as valuable. Elders' conflicts are often deeply affected by their life-stage and context – for instance, alienation from family members, loss of contact if grandchildren are adopted, or the implications of late divorce where couples had expected to stay together. Here a deficit view of elder identity can fail to reflect the challenges they face, and concepts of resilience and coping may be more meaningful to their needs. This brief podcast will discuss the role of mediation in 'well elder' conflicts. It will also suggest that the conventional mediator rhetoric of neutrality and impartiality may not automatically meet elders' ethical concerns at a time when other considerations often occupy their thoughts.

Barbara Wilson, PhD is based in Hampshire, England. She became a mediator in 1990 and has practised full-time since 1999. She has mediated around 2,000 disputes, mainly in the context of family conflicts arising from divorce, separation and adoption. Barbara also mediates workplace disputes and consults to a number of other mediators. She is a published author in her home jurisdiction as well as in Australia and the US. She is a Visiting Scholar at the University of Strathclyde and taught on postgraduate courses previously run by the Institute of Family Therapy in partnership with Birkbeck College, University of London. She is also a Competence Assessor for the Family Mediation Council. She is especially interested in ethical issues and the development of mediator expertise. She conducts, annually, a five-day residential mediation workshop in Tuscany Italy with Margaret Ross and Greg Rooney from Adelaide. www.questmediation.co.uk

Presenters from Australia

Jane Anderson, South Australia

Making mediation mainstream

In addition to formal hearings, the Guardianship Board conducts mediations or 'Preliminary Conferences', where the Board endeavours to assist parties to reach agreement about decisions and outcomes for the vulnerable person. A small but important proportion of the applications lodged with the Guardianship Board involve conflict between family members of the vulnerable person. Such matters may come to the attention of the Board because existing informal arrangements by family members have not been adequate, or have been ineffective or compromised due to the existence of conflict. A formal hearing process, while in certain circumstances is appropriate and necessary, can also expose and exacerbate conflict to the detriment of the vulnerable person. The statistics indicate certain matters involving conflict within a family can frequently re-appear before the Board and

necessitate a large number of separate hearings. Conflict, and its continuation or exacerbation, can be distressing and can contribute to other mental health issues, impacting in particular on older persons with dementia. The Board has responded to this problem by utilising mediation as an alternative means of dispute resolution. It identifies certain matters as being potentially suitable for Preliminary Conference. An aim of the Conference is to assist the people in the person's life to reach agreement on important matters and outcomes about the protected person, for example, the vulnerable person's accommodation, access and visitation, and health care; - as well as the management of the person's financial affairs. Mediated outcomes give permission for family members to move on from the conflict and work towards common goals and interests. This mediation model offered by the Guardianship Board is informal and flexible. It is also highly effective in resolving matters. Indeed, since the model was introduced, approximately 90% of the matters referred for Preliminary Conference have resulted in agreements being reached; and the matters resolved without further recourse to legal avenues. Importantly, Guardianship Board mediation has proven effective in significantly reducing the impact of family conflict, and in some cases restoring family harmony, while at the same time respecting the interests of the vulnerable person.

Jane Anderson is a Deputy President of the Guardianship Board of South Australia and a lawyer who has practised in South Australia and New South Wales. Previously she was a senior lawyer at the Commonwealth Director of Public Prosecutions, where she appeared as prosecuting counsel in criminal courts and provided legal advice to government agencies. She has experience in the area of mental health and the criminal law, including the Mental Health Diversion Court. In addition to her work at the Guardianship Board, Jane has a strong interest in mental health advocacy and support, and is a member of the Board of the Mental Illness Fellowship of South Australia (MIFSA). She is also a committee member of the Advisory Committee for the Disability Community Visitor Scheme, and is on the steering committee for the Review of Actions to Prevent the Abuse of Older South Australians.

Dale Bagshaw, South Australia

The abuse of older people by family members and implications for family mediators

This presentation will draw on the findings of research conducted for the SA Government's Plan - *Our Actions to Prevent the Abuse of Older South Australians* and a subsequent national Australian Research Council Linkage project, which focused on developing an older-person-centred model of family mediation to prevent the financial abuse of older people by a family member, the most commonly reported form of abuse of older people in Australia. For the latter, the researchers from UniSA conducted three national surveys and a phone-in and worked with their Linkage partners to develop and trial an older-person-centred model of family mediation. The research teams were led by Dale and included Dr Sarah Wendt, Dr Lana Zannettino and Dr Valerie Adams. The South Australian Linkage Partners were the Office for the Ageing, Department for Families and Communities, Office of the Public Advocate, Alzheimer's Australia (SA), Relationships Australia (SA) and the Guardianship Board SA. For more information about the project see

<http://w3.unisa.edu.au/hawkeinstitute/research/elder-mediation/default.asp>

Dale Bagshaw, Dip Soc Stud, BA, M Soc Admin, PhD. After 36 years as an academic at the University of South Australia, Dale is now an adjunct Associate Professor in the School of Psychology, Social Work and Social Policy where she was previously a Head of School, Director of Postgraduate Studies, Program Director for the Masters/Graduate Diploma in Mediation and Conflict Resolution and the Doctor of Human Service Research. From 1993 to 2009 she was also the Director of the Centre for Peace, Conflict and Mediation and conducted research, consultancies and mediation/conflict resolution training programs for many organisations. Since retiring from UniSA, Dale has been appointed as a Visiting Professor and examiner with the Mediation and Conflict Intervention programs in the School of Business, National University of Ireland, Maynooth. She also conducts research, supervises PhD students, publishes and conducts mediation/conflict resolution consultancies and training programs. Dale was a founding member, President and Vice President of the World Mediation Forum and is the inaugural and continuing President of the Asia Pacific Mediation Forum, formed in 2001. She has trained mediators in 8 different countries, led many national research projects, published internationally in many peer-reviewed books and journals, has been on the International Editorial Board for the *Conflict Resolution Quarterly* since 2004 and is a reviewer for four other prominent journals. Dale and her colleagues researched and wrote the SA Government's State Plan '*Our Actions for the Prevention of Abuse of Older South Australians*' and she is currently a member of an Office for the Ageing Steering Committee which is updating the plan.

Cate Banks, Queensland

“Alone we can do so little; together we can do so much”² Mediation with older people – An Australian experience.

As the population ages in Australia and the role of mediation becomes more specialized, it is somewhat curious that elder mediation as a specialty is not professionalised nor recognised or promoted. Nevertheless older people in Australia are participating in mediation with more frequency in a variety of areas including intergenerational relationships, family business, financial concerns, end of life decisions, retirement, medical decisions, family relationships, abuse and neglect, safety, health care, guardianship, neighbourhood issues and estate planning. As participation in dispute resolution processes increase for older people in Australia, it is an important time to consider what types of processes or models may be useful to respond to the nuances, sensitivities and issues that elder mediation requires. This presentation is designed to share experiences and observations from a mediator who conducts regular elder mediations in Australia. The intention is to open up a dialogue about how to design reflective and thoughtful programs and discuss meaningful options for older people to resolve disputes through this process.

Cate Banks, PhD is the Co-Managing Director for the Centre for Integrative Law (Australia) and Director and Principal of BUILDING BRIDGES - Centre for Community and Dispute Resolution. Cate is an experienced and highly committed alternative dispute resolution practitioner who has conducted more than 1000 mediations in a wide range of personal, family, workplace, and community settings. She is a well-known facilitator, mediator and trainer. Cate was also an academic for more than 15 years and now works as a part time academic, teaching postgraduate law students and conducting independent research for a variety of community organisations. Cate is a Nationally Accredited Mediator and a qualified Family Dispute Resolution Practitioner with the Attorney-General's Department. She is a current member of the panel of mediators of the South East Queensland Dispute Resolution Centre, Dispute Resolution Branch (Justice and Attorney-General), LEADR and QPILCH, she has also conducted mediations on behalf of QCAT. Cate is a lawyer admitted in the Supreme Court of Queensland and the High Court of Australia. She was a Manager of a Family Relationship Centre for almost two years and was immediate Past President of the Chair of the Management Committee of the Ipswich Centre Against Domestic Violence for more than two years. Amongst her mixed and varied practice in dispute resolution, Cate has developed a specialized practice in mediating with older people in a myriad of different types of disputes. She is a committed collaborative and reflective practitioner who believes building interdisciplinary relationships with other related professionals is an important means of providing a service that is in the client's best interest.

Lise Barry, New South Wales

Lawyer's skill in capacity assessment: a human rights approach.

In 2012, a decision of the Victorian Supreme Court established a new ground of professional negligence for lawyers – capacity negligence. Essentially, a lawyer who fails to properly assess whether their client has legal decision making capacity can be liable in negligence if their client subsequently makes a decision that they didn't have the capacity to make. This decision has clear implications for lawyers and elder clients in mediation. This presentation provides a snapshot of case law in Australia to demonstrate that the process of capacity assessment is ad hoc. This has profound implications for the rights of elders to participate in mediation. Australia is a signatory to the Convention on the Rights of People with Disabilities and it is within this framework that the author examines the current state of legal decision making assessment in Australia. Mediation holds great promise in elder care, however it's vital that all participants, including lawyers, enter into the mediation space with a full understanding of its potential and of the capacity of the elder person to make their own decisions.

Lise Barry, Senior Lecturer, Macquarie University, NSW, Australia is also a PhD candidate at Macquarie University, and convenes courses in legal ethics and ADR. Her work in law and mediation has spanned the life cycle. Starting out as a youth worker with homeless young people, she was drawn into restorative justice mediation and has worked for 16 years as a Youth Justice Conference Convenor in NSW. Lise is an accredited mediator and has also worked for the NSW Community Justice Centre for the past eight years, mediating hundreds of disputes in a wide range of areas.

² Helen Keller.

Since 2005, Lise has been a Guardian Ad Litem with the NSW Department of Attorney General and Justice, assisting people who lack capacity to participate in mediation, conciliation and litigation.

Jim Cyngler, Victoria

Transformative mediation and the role of empathy in conflicts involving older people.

The transformative framework explains what happens to people when they are engaged in conflict and can assist them to make decisions which are sensible from their point of view. This involves both getting clear on their own priorities as well as being more responsive to the other. Experience with older people suggests that these issues become difficult for them and their families. This presentation will focus on the relevance of the transformative framework to conflict involving older people and go beyond transformative mediation to look at the role of empathy in helping disputants find a way to not only better understand each other's perspectives and make good decisions from their own point of view but also to explore the notion of forgiveness.

Jim Cyngler, OAM, Melbourne, Australia, is the founder and director of Jim Cyngler Consulting, which provides mediation services, mediation and conflict management training and facilitation to organisations and individuals. He regularly trains and coaches conflict management both in Australia and overseas. He has been a practicing mediator since 1992 and is a senior trainer for the Institute of Arbitrators and Mediators Australia and is a Principal Instructor under the Australian National Mediator Standards. He is a member of the Victorian Bar. Jim's focus is enhancing capacity in managing and transforming conflict as a key leadership and management skill. His training workshops provide participants with skills to recognise the causes of conflict and how to manage conflict. Jim regularly trains mediators, senior managers and team leaders. Jim has been actively engaged in Board membership and leadership of numerous Not-For-Profit Community Organisations. In 2009 Jim was awarded an OAM for services to the community.

Julie Ford and Pam Goodman, Queensland

Integrating mediation techniques with formal Tribunal processes to advance the protection and welfare of elderly persons.

When elderly persons lose the capacity to make either personal or financial decisions that will ensure that they are safe and properly cared for, Tribunals appoint others (often family members) to make these decisions for them. Tribunal decisions affect the lives of this group of people for many years, and have wide ranging impacts on their way of life and family relationships. The elderly person and their family may find themselves in a long term relationship with the Tribunal, and it is imperative that the relationship is positive and protective. When a Tribunal is considering an application for a substituted decision maker to be appointed, a pure mediation is often not appropriate or practical – most matters require a formal decision to be issued after a hearing of the matter. Alternative dispute resolution techniques are an important tool for Tribunal members in formal decision making. At the Queensland Civil and Administrative Tribunal, a condensed process is conducted by a member or panel integrating ADR techniques into the hearing. The integrated process is beneficial to the person with impaired capacity, and to their family and wider support network. Mediation works to reduce stress on family members and improve the relationship between the Tribunal, the elderly person, and their support network. We offer the best of both worlds: flexibility with legal rigour. Our approach works well in a resource and time poor environment, particularly where there may be conflict within families. It encourages confidence in the Tribunal. The integrated process is tailor made for our jurisdiction – personal, responsive, just and quick.

Julie Ford is a social worker who has worked in the disability sector for twenty plus years in Queensland and has been a tribunal member covering mental health reviews, child protection reviews and in guardianship and administration decision making since 2000. Julie is currently a full time member of QCAT. Julie has worked as a social advocate for people with disability, as a university lecturer in North Queensland and has undertaken research work in South East Asia. Julie is also a nationally accredited mediator and uses these skills in her work within the varied jurisdictions in QCAT.

Pam Goodman is a solicitor with over 20 years of experience with a particular interest in the use of mediation tools within administrative review. She currently works at the Queensland Civil and Administrative Tribunal, primarily in the Human Rights division. Pam has studied law, psychology and alternative dispute resolution and draws on this knowledge in her work.

Les Jackson, Queensland

Do older women want a different response to elder abuse?

The main legislative response to elder abuse in Queensland falls under Domestic and Family Violence Legislation. After reviewing Queensland data from 230,000 Protection Orders (AVO's) it would appear that not many older people, particularly older women, are pursuing this option. One of the possibilities is that mothers are reluctant to take out a protection order against their own child. Using as a backdrop Domestic Violence data as well as data and case studies from the Elder Abuse Helpline this presentation will explore the applicability of various responses to different situations of elder abuse with a particular emphasis on the potential use of mediation as an option.

Les Jackson, Coordinator, UnitingCare Community Elder Abuse Prevention Unit (Qld), Queensland, Australia has a Social Science (Psychology) background and has worked in the area of elder abuse prevention for over 12 years. Les is currently the Coordinator of the Elder Abuse Prevention Unit (EAPU) in Queensland. The EAPU makes use of current research as well as issues and data arising from the unit's service delivery to inform practice. Les has presented at several national conferences on various aspects of elder abuse and his presentations are always focused on the potential for the practical application of the material presented.

Sandra Jacobson, South Australia

Voice and the vulnerable older person

When the older person's physical appearance belies their mental capacity they are at risk of exclusion from participation in decisions about matters that affect them. A vulnerable older person who is unable to use their voice may express their needs through a range of secondary behaviours emerging from frustration, fear, despair. The way in which secondary behaviours are interpreted can lead to a further loss of dignity and voice if 'donees' or 'carers' don't understand the issues or respond with restrictive practices. This paper will discuss the important role a trained and neutral mediator could play in alleviating issues related to 'hearing' and responding to the voice of the vulnerable older person with multiple age related disabilities where the person has the ability to make decisions for themselves. This presentation will:

- a) address a number of age related issues to do with self-determination which intersect with the complexities of advance directives and impact upon the vulnerable older person's ability to use their voice and
- b) unpack the issues in a case study where a neutral trained mediator could work through the voice of the vulnerable older person in a family/care conference to better assist an ageing couple, their family members and carers to accept harsh realities, to harness limited resources in creative ways and to develop productive and nurturing partnerships for the future. In particular, the mediator could assist the family to ensure the older person's capacity to determine matters that affect them is respected for the whole of their life.

Sandra Jacobson, is currently enrolled in the Master of Mediation program at the University of South Australia and, as part of her field education, has played a central and valuable role in the planning and execution of this Summit. Human rights, civil citizenship and voice in decision making were cornerstones of Sandra's work in schools. Prior to her early retirement from full-time paid employment in 2009 to care for her parents she was employed for nearly thirty years with the Department of Education and Children's Services (now DECD) in a number of leadership positions. She has specialist expertise in behaviour management, in particular with children with emotional difficulties, and as principal of a large mainstream school she managed two special education units. The skills and experience developed through these roles have been transferred to her new role as a carer. Since 2005, Sandra has provided long distance care and family support for two elderly parents with multiple disabilities. This has involved assistance with daily living, finances, advocacy, relocation, family liaison, emotional support and other tasks that ensure quality of life until the end of life. For the last two years both of her parents have required 24 hour nursing care in an aged care complex as well as informal assistance from family. There are now some situations, days, and times of day in which her mother and father are able to negotiate and act on their own behalf and others in which they need assistance. As a leader, Sandra worked through mediation to manage change in complex learning communities. In her new role she can see there is an emerging need for mediators with cultural competence and an understanding of age related issues to assist families like hers at various stages in the ageing process.

Wendy Lacey, South Australia

Recognising and protecting the rights of older persons: Challenges and opportunities

The human rights of older persons are, along with the rights of all human beings, recognised and protected in several international human rights conventions, including the ICCPR and ICESCR. However, as a specific group, older persons are not separately recognised in a discrete human rights convention, being the focus of declaratory, non-binding international instruments only (ie, the UN Principles for Older Persons). While a move towards the adoption of a stand-alone convention for older persons has gained momentum in recent years, current political resistance means that a new treaty is unlikely to be realised in the short term. However, nations continue to face policy dilemmas associated with an ageing population and the need to provide adequate service provision and support without eroding the liberty and basic rights of older persons. At the national and sub-national levels, governments around the world are adopting human rights based approaches in the development of new legal and policy frameworks for matters such as the prevention of elder abuse and the regulation of residential aged care. In many countries, these initiatives are framed against the backdrop of an existing human rights statute or charter. However, in Australia, where no such Act or Charter exists in the majority of jurisdictions (only Victoria and the ACT having such legislation), a number of interesting issues arise regarding the relevance and place of international human rights norms in the formation of law and policy. In this presentation, Dr Lacey will explore the challenges and opportunities for innovative rights based approaches in the absence of an international convention on the rights of older persons, and in jurisdictions (including South Australia) where the prohibition of age discrimination and existing criminal laws presently reflect the key legal protections afforded the rights of older persons. In this context, she will discuss the proposal for a new South Australian policy framework for the prevention of elder abuse.

Wendy Lacey, Associate Professor, Associate Head, University of South Australia Law School, Australia holds an Honours degrees in Law and Arts (Political Science) and a PhD in Law. She has previously held positions at the Universities of Tasmania and Adelaide, and joined the foundation staff of the new Law School at UniSA in 2007. Dr Lacey has authored and co-authored many books, book chapters and refereed journal articles on human rights and public law, but has specialised in the intersection of international human rights with constitutional and administrative law principles. Her work has been widely cited, including in decisions of the High Court of Australia and other judicial bodies. Associate Professor Lacey was the leader of a multidisciplinary research team from the University of South Australia's Human Rights and Security Research and Innovation Cluster, which collaborated with the Office of the Public Advocate to produce the report, *Closing the Gaps: Enhancing South Australia's Response to the Abuse of Vulnerable Older People*, October 2011.

Marie Mune, South Australia

The use and abuse of cognitive function tests

Marie is an older adult and became interested in cognitive function tests when after two spells in hospital she found herself responding very badly to cognitive function tests. Finding that her reaction was not unusual led her to a search of the copious literature and she found some excellent articles that compare tests. There seems, however to be a significant difference between tests for clinical and tests for administrative uses. The clinical tests are longer, more relevant to a wide range of injuries and address difficulties with a specificity that assists neurological diagnoses. They are only part of the clinicians' repertoire and are used in the context of much wider examination and knowledge of the patient. One of her friends, recently diagnosed with Alzheimer's, described a positive experience in a clinical setting where he felt the staff were on his side. In contrast the short tests come with caveats about inappropriate use and she found only one casual reference to the effect on patients. The literature confirmed her impression that tests for clinical and administrative use differ in more than length and convey quite different attitudes. There are four main concerns about short tests used routinely: the effect on patients, the potential for incorrect assessment, and the tendency to use the tests as drafting gates to deny or provide services or merely to complete the paper work. The fourth and her particular concern is that tests can be used as a weapon in a general deskilling of human service professions when they are used as pass/fail examinations. A small study of the experience of General Practitioners, Nurses, Occupational Therapists, Social Workers and others about requirements to use tests against their judgment is warranted.

Marie Mune, BA (Hons), Dip Soc Stud, MA (Psych), South Australia, was born in the Fiji Islands and came to her mother's family farm in South Australia when she was two. She studied by correspondence and then was the only child in her class in a very small one teacher school. Her

secondary schooling was as a boarder in an Adelaide School and she then went on to University of Adelaide. She studied the BA in English and History, with an Honours Year in History and Politics and a Diploma in Social Work. She worked part time through teaching adults in a private college, and, when she finished social work, in two social work settings. After a full time social work job she gained a scholarship to do her MA in Psychology and followed that with some short term research projects until another scholarship allowed her to go to the University of Liverpool where she participated in a range of research projects. She worked at the Flinders University in Adelaide and then took on the position of establishing the School of Social Studies at the South Australian Institute of Technology (now UniSA) at the time when the demand for social work training expanded rapidly. She later moved to the more limited task of heading the teaching in the Research and Policy area. She retired in 1990.

Elly Nitschke, South Australia

Ethical issues when mediating family disputes when the older person has impaired decision-making capacity: a rights-based approach to family disputes about advance care directives:

Older people are encouraged to make advance care directives to ensure that if in the future their decision-making capacity becomes impaired those whom they have appointed can make substituted decisions about their health, accommodation and care, based on their values and wishes. All too often when the older person loses decision-making capacity, family members come into dispute about the decisions that need to be made. Not only can this conflict have a negative impact upon the health, well-being and sense of worth of the older person, but due to the level of conflict and debate over their mental capacity they can be marginalised, or left out of the decision-making process entirely. Proposed advance care directives legislation for South Australia takes a rights-based approach, aiming to put the person who made the advance care directive firmly in the centre of the decision-making process. The legislation will enable the Public Advocate to assist to resolve matters without the need for families to resort to a more formal Guardianship Board process. The Office of the Public Advocate's Advance Care Directives Project seeks to produce mediation and family conferencing models that give particular consideration to the ethical issues and guiding principles that must exist when the older person has impaired decision-making capacity, as well as identifying any particular skills and requirements for mediators working in this area.

Elly Nitschke, is currently the Senior Project Officer, Advanced Care Directives Project, South Australian Office of the Public Advocate, Adelaide, Australia. As a Senior Social Worker with the Public Trustee and Senior Advocate Guardian with the Office of the Public Advocate, Elly has substantial experience in working with older people with impaired decision-making capacity and their immediate and extended families, assisting them to find a way to resolve concerns and conflicts that may arise. She is a founding member of the Alliance for the Prevention of Elder Abuse (APEA) and was recently the Senior Project Officer on the Vulnerable Adults Project (VAP). The VAP final report made recommendations to close the gaps in South Australia's current system to prevent and provide early response to the abuse of older people. She has extensive knowledge of current advance directives, such as Enduring Powers of Attorney and Enduring Powers of Guardianship, and of the conflicts that can arise for older people and their family members in relation to the administration of these directives.

Michael O'Connell, South Australia

Restorative approaches to address the abuse of older people – constraints and challenges.

This presentation will focus on elder abuse, elder resilience and restorative justice practices to resolve certain cases of elder abuse. A case-study will highlight a problem when undertakings made during a family conference are not followed up, resulting in further victimisation.

Michael O'Connell APM, BSocSc MPubP&Admin DipVictimology, is South Australia's first Commissioner for Victims' Rights. Before his appointment, Michael was the first Victims of Crime Coordinator and the first Victim Impact Statement Coordinator. He served for almost twenty-five years as a police officer. He has studied victimology and victim assistance in Australia, USA, South Africa and Japan, and lectured in these countries, among others, as well as written articles and chapters on victims' rights and victim assistance. Michael is a life-member and current Secretary-General, World Society of Victimology. In 1995 he was awarded the Australia Police Medal for his work for victims of crime and in 2010 he was awarded the National Award of Victim Support Australasia for advancing victimology and victims' rights. He is a White Ribbon Ambassador and campaigns for the elimination of violence against women and children.

Margaret Pitcher, South Australia

Looking at the pitch

Domiciliary Care is a government organisation in South Australia supporting older people living in their homes in metropolitan Adelaide. It uses a case management model comprising service coordination (allied health staff) and specific allied health interventions to provide a range of services to approximately 5,500 clients, often over many years. We see a myriad of situations where abuse or conflicts are problems for our clients, families and significant others, where it can be very hard to empower clients to have their opinions, wishes, and beliefs voiced, let alone heard. However we only made one or two referrals to the "The older-person-centred mediation project: preventing the financial abuse of older people by a family member" conducted in South Australia in 2012 – Why? This presentation will discuss some of the possible reasons and how they might be addressed in order to provide a mediation service. Focus will not be on the actual process of mediation, but on how the process could be "pitched" within the community to increase acceptance and uptake. The paper will address the following: how a service is "pitched", what language is chosen to describe it to potential users, how the service needs to be perceived to be accessible and understandable and achievable, and how to engage workers in the field to use a new approach. Getting it right is not easy but is important as mediation as an alternative dispute resolution process has the ability to make a positive difference in the lives of older people.

Margaret Pitcher, Social Worker for Domiciliary Care in South Australia is the coordinator for their "Responding to Abuse of Older People" strategy. Margie also has a strong interest in working with and developing a service response framework for people experiencing problems in relation to squalor and hoarding.

Ruth Richter, Victoria

Conflict and care

BlueCross is an Aged Care Service provider with 21 residences in Victoria. Managers report that conflict resolution is a substantial part of their leadership team's daily work. These include conflicts which originate in families, those between residents or families and the facility and those involving staff. Given the highly charged, critical changes that happen for families and individuals on entry to and during care, conflicts are to be expected. Research is being done with 67 Regional Managers, Facility Managers, Clinical Care Leaders and Lifestyle Leaders to identify:

- the types of conflict they deal with
- the processes they use to resolve them
- their understanding of, experience with and training in mediation and other conflict resolution processes.

The research is identifying areas where training is needed and general training in conflict resolution will be delivered and further training in identified areas of need is planned. This paper will report on the initial research and training delivery. The research is using a combined survey and targeted structured interview process. The individual surveys are on an internet based delivery system. Because people have been identified with either robust, or minimal knowledge and experience, structured interviews are targeted to explore their situation. There will also be an Appreciative Inquiry process to explore the practices that are positively supporting current conflict resolution processes. Further research is planned to identify the effect of the training.

Ruth Richter, Quality Support Manager, BlueCross, Victoria, started her involvement with mediation in 2004, and since then has worked in parent adolescent mediation, family mediation and family dispute resolution. She developed training and assessment tools for and delivered the Certificate IV in Mediation and coaches trainee mediators at IAMA in Victoria. She has twice served on the Victorian Association for Dispute Resolution Committee. Since 2008 Ruth has been an Aged Care Quality Assessor and has worked for the Aged Care Standards and Accreditation Agency, managed a facility and currently works as a Regional Quality Support Manager. She has previously worked as a consultant in evaluation and research providing services to Government Departments and Not for Profit Community Service Providers and has a particular interest in generative processes.

Margaret Ross and Greg Rooney, South Australia

Preparing elderly persons to mediate issues of historic abuse and conflict.

Many elderly persons are the victims of historic abuse either at the hands of religious institutions or other family members. Others find themselves at the end of their lives suffering the effects of old

unresolved patterns of conflict. While their short-term memory has faded their long-term memory is still vivid and haunting. Pre-mediation meetings and careful preparation are essential not only for the elderly person but also for the other parties and for the mediator. This presentation will focus on interventions and techniques to bring the elderly person out of the past and into the present. It will also examine the state of mind required for mediators to maximise the chances of a positive outcome. It will touch on and address issues that can arise for family members and institutions in meeting with the elderly. Margaret and Greg will draw on their experience in preparing elderly parties for mediating a range of age related issues. They will particularly refer to their experience in mediating meetings between elderly victims of physical and sexual abuse within religious institutions and the current religious leaders and in family mediations involving the elderly.

Margaret Ross is a barrister and mediator in Australia, where she has been a legal practitioner for 30 years and a mediator for 21 years. She has mediated in excess of 1,000 disputes since 1990. She specialises in Family Law, Mediation and Dispute Management in a wide area of disputes. Margaret is a Nationally Accredited Mediator and a Registered Family Dispute Resolution Practitioner. She is a member of the National board of AIFLAM (Australian Institute of Family Law Arbitrators and Mediators) and is a member of several Mediation panels, including the Advanced Panel of LEADR Mediators, the Office of the Mediation Adviser, the Law Society and Supreme Court of South Australia Panels, Flinders University and the Catholic and Anglican Churches. Margaret was a member of the Aged Care Complaints Panel of Mediators in Australia. She has conducted dispute resolution and mediation courses for several Universities and has co-designed and facilitated dispute resolution courses for government and non-government organisations in Australia. She conducts, annually, a five-day residential mediation workshop in Tuscany Italy with Greg Rooney and Barbara Wilson from the UK.

Greg Rooney has been a practising mediator in Australia since 1991. He retired as a lawyer in 1996 and has since then worked full-time as a mediator and arbitrator. Greg has mediated more than 1,500 disputes in a diverse range of conflicts including multi-party disputes involving government institutions, commercial and industrial disputes, agricultural disputes, franchise disputes, matrimonial disputes and disputes involving conflict in the workplace. For the last eight years Greg has mediated over 250 face-to-face mediations between religious leaders and individual victims of sexual abuse in the Catholic, Anglican and Protestants religions in Australia. He has published papers on mediating sexual abuse cases, the use of intuition in mediation, Project Alliancing and a number of other mediation based topics. He conducts, annually, a five-day residential mediation workshop in Tuscany Italy with Margaret Ross and Barbara Wilson from the UK.