

For current information regarding the dispute resolution process design, please visit:

<http://www.resolveadvisors.com.au/dbpage.php?pg=apradesign>

My name is Shirli Kirschner and I am an independent consultant specialising in dispute resolution and system design, (my CV is below). I have been engaged by APRA as an independent consultant to design a mechanism for resolving issues that may arise with their licensees, in a way that is transparent and independent. The ACCC has provided some useful parameters. I am being assisted by Robbie Emmett who has good experience in documenting systems of this kind.

In order to ensure the process is effective and workable, it is important to consult with licensees about the options available so that the system can meet the needs of all the users. I have asked APRA to distribute this note to enable me to consult and get feedback. Particular points that will need to be addressed are:

- Understanding of the different dispute processes and their respective strengths.
- Getting feedback on the processes available and the time periods for escalation.
- The name for the system.
- A discussion of the types of skills available for people available to assist as dispute resolvers.
- An agreement of its core values/deliverables.
- A discussion of the costs and who pays (and the implications of this).

Properly designed this will be user friendly and accessible. To do this your input is desirable. A face to face is optimal). The following dates are available. The meetings will be face to face where it is possible to get 15 people or more in one room and by Skype for smaller meetings:

- Sydney - 19 November at 9.30am-11.30am
- Melbourne - 21 November 11.15am-1.00pm
- Brisbane - 2 December at 2.30pm -5.00pm
- Western Australia- 10 December at 1.00pm-3.00pm

The location for each meeting will be advised when the meetings are confirmed.

Please contact us if you would like to attend and the locations do not suit you, we will do our best to accommodate all requests. If you can attend please will you RSVP by email to Robbie Emmett arobertemmett@gmail.com, by Tuesday 12 November 2013.

Please let us know:

- your preferred State for attendance
- the names and positions/ titles of your delegates.
- A contact phone number.

If for some reason you cannot attend in person please let us know and we will send you an information pack and a short survey.

Kind regards,

Shirli Kirschner/Robert Emmett

Shirli Kirschner -Nationally Accredited Mediator (LEADR).

Tertiary qualifications: BA/LLB UNSW.

I have been a qualified mediator since 1992 and the principal of Resolve Advisors Pty Ltd, which I established in August 1996. Resolve provides services resolving disputes, assisting group decision making and process design services to a wide client base. I have a background in Law. I have also had the benefit of working with Roger Fisher and the Harvard Negotiation project and their licensee as a coach and consultant in negotiation. My background has given me skills to assist people and organisations to solve issues in an interactive, effective and pragmatic way.

Mediation Panels:

- LEADR Advanced Panel of mediators
- Law Society Panel of mediators
- Singapore National Electricity market panel
- Federal Court Native Title panel.
- ATO workplace Panel

Other Relevant positions:

- Member of NADRAC -The National Alternative Dispute Resolution Advisory Council (NADRAC) is an independent body charged with providing policy advice to the Australian Attorney-General on the development of Alternative Dispute Resolution. (Appointed June 2013)
- Appointed by the Australian Energy Regulator as the Resolution Adviser Wholesale Energy Market disputes (wholesale electricity and Gas market disputes).
- Sessional Registrar for mediation of small claims, workplace issues Federal Circuit Court (Appointed February 2012)
- Sessional Lecturer UNSW Masters of Law – Foundations of Facilitation and Mastering facilitation- Effective meetings and assisting groups to make smarter decisions.
- Trainer for Resolve Advisors programs in, Negotiation, Mastering Difficult Conversations and Under Attack- Managing the fight and flight response.
- Dispute Resolution Adviser for the wholesale telecommunications market- Industry award 2002.
- Editorial committee ADR Journal
- The Law Society of NSW ADR Committee (2003-2005)
- Board Member of the Shalom Institute UNSW (2009 –2013)
- Board Member Jewish Care (current)

Personal Training completed:

- LEADR mediation training and advanced mediation training
- Facilitation (basic and advanced)
- Conflict coaching CINERGY® model (2005)
- Narrative mediation (2008)
- Cardio Respiratory Psychophysiology- Gateway to Mind and Body Medicine- Richard Gervits PHD (2 days (2011)

- IMI Cross cultural training (2 days 2011)

Scope of mediation and facilitation work:

- Dispute resolution system design for APRA and AMCOS (current)
- Commercial disputes.
- Workplace, discrimination and partnership mediations in both a corporate and court context.
- Industry work in electricity, telecommunications and Gas focussing on wholesale and connection disputes.
- Large group decision, strategy and running effective meetings.

Specific examples include:

- Facilitation re public lighting issues (2013)
- Distribution dispute re licensed technology and exclusivity (2013)
- Mediation for a high profile organisation between the CEO, CIO and another a senior manager to realign a joint vision(2013)
- Mediation of a Supreme Court matter re shipping containers (2012)
- Mediation re bullying complaint between senior uniformed persons and the office manager in an emergency services operation (2012)
- Mediation of sale of business breach of contract and misleading conduct claims and cross claims District Court (2011)
- Interactive problem solving between family members and partners of a family company to restructure the company and their relationship.(2011)
- Workplace conference and strategic team with HR content experts and the Business Facing HR partners to consolidate and align an HR model and resolve internal tensions (2011)
- Mediation between CEO, CFO and the Board of a not for profit in relation to conflict over performance issues (2011)
- Report to a Board of an organisation with representatives from Government, Traditional Owner Groups and the community on governance and conflict management issues (2011).
- Integration of GenY into the workforce for McDonalds
- Strategic consultation for Workplace Agreement in the Tri-services (2011)
- Community sessions on the nuclear reactor for ANSTO (2006-2008)
- Facilitation and capacity building in Israel and the administered Territories working with Israeli's and Palestinians with Israeli passports building cross functional dialogue around identity. Part of an International team (2003), (2004).
- Mediations for organisations including Department of Defence, Qantas, Perpetual, NBNCo, Telstra, Optus, AEMO, Nurses Association, Rio Tinto, Cotton Australia.
- Interactive problem solving, assisting senior leaders one on one.

- Dispute system design- wholesale Electricity market, Victorian Gas market and individual organisation dispute resolution systems.

Papers and Capacity building: Part of change often involves capacity building I have lectured and designed programs in dispute resolution, negotiation and managing the effects of conflict, for a number of organisations locally and Internationally including the U.S. Department of the Navy, the USA Department of Interior (2012) the Department of Justice (Victoria) the Department of Health and Ageing (NSW), IBM, Cotton Australia, NSW Farmers' Association, the Environment Protection Authority, Energex and Argyle Diamonds.

I have been an invited speaker at industry functions and have presented at International conferences, including the Mediation Conference Singapore (2012), National Mediation Conference Sydney (2012) Darwin (2004), LEADR conference in Melbourne and Christchurch, American Bar Association in Washington DC (2000) and the World Mediation Conference, Asia Pacific Region.

Background: I am a graduate in Arts (Psychology) and Law from the University of New South Wales. I practiced law full-time for six years first at Allen Allen & Hemsley, where I was a Senior Associate, and then at Gilbert & Tobin. I left full time legal practice to start Resolve Advisors.



APRA

Effective Dispute Resolution

Collaboration. Respect. Imagination (CRI)

Draft architecture for APRA issues/dispute resolution website.

1. **Home:** summary of when to use issues resolution [link back to their web site or contact]
2. **Dispute resolution**
 - **CRI – 3 step plan**
 - **More about dispute resolution options:** Details on all options; negotiation through to adjudication, possibly with details on benefits of each. [link to pool members]
 - **Forms:** Online form(s) and printable form(s) for information on process
3. **Contact points**
 - List of contact points in APRA
 - Contact points in each of the organisations [licensees]
4. **Pool of expert**

Name	State	Phone	Email	Category	Cost
				Facilitator / Advisor / Determinator	

- Link each to cv, photo, location details, cost
5. **Previous dispute outcomes**
 - A link to previous licensee related determinations
 6. **Get more (no need to cri lol)**
 - Answers to frequently asked questions
 - **Other links:** Links to other websites such as APRA home and dispute resolution websites
 - **Complaint or compliment form:** Online form about the site that will send the entered information to the email address in Contact details.
 7. **Contact CRI**
 - **Contact details:** email, phone and address of Shirli
 - **Contact form**