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ELECTRONIC OPENING  
OF ADELAIDE MEDIATION  
CENTRE

Opening Ceremony  
Roper Street Mediation Centre, Adelaide  
2 August 2010

The Hon. Michael Kirby AC CMG

**ROPER STREET MEDIATION CENTRE, ADELAIDE**

**OPENING CEREMONY**

**MONDAY 2 AUGUST 2010**

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The Hon. Michael Kirby AC CMG\*

**RETURN TO ADELAIDE**

It is typically generous of Ian Nosworthy and Craig Lind, partners in the Roper Street Mediation Centre, to arrange this opening at the beginning of August. That was the time when, in my glory days, I would come to Adelaide as a Justice of the High Court of Australia. I would walk the pleasant streets again; sit in court and witness the members of the South Australian legal profession; attend the social functions; and visit a university or two.

During that time, I would often meet the Honourable John von Doussa, my co-launcher in this enterprise. I have held the highest of respect for him over many years. Not only as a judge, but also for his marvellous work to advance human rights when he was President of the Australian Human Rights and Equal Opportunity Commission. As well, I saw him preside at a graduation ceremony of the University of Adelaide. Having served as Chancellor of Macquarie University, I thought I knew all the tricks. But he would have given me a run for my money. I congratulate

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\* Former Justice of the High Court of Australia (1996-2009); President of the Institute & Mediators Australia (2009-10); Board Member, Australian Centre for International Commercial Arbitration (2009-); Arbitration Panel of International Centre for Settlement of Investment Disputes, Washington DC (2010-).

him on concluding his distinguished service as Chancellor. Today, I am proud to share this occasion with him.

If I could not return to Adelaide in person, the next best thing is to appear electronically through the facilities provided in Sydney by Philip Argy, who leads the Technology Dispute Centre. By the miracle of telecommunications, we can conquer the tyranny of distance. I see on the screen many familiar faces of friends in Adelaide. I pay my respects to the members of the judiciary, legal profession and the arbitrators and mediators who have gathered in Adelaide to mark this significant event.

I have known Ian Nosworthy, the senior partner of Roper Street, since the days, in the 1980s, when I was serving as inaugural chairman of the Australian Law Reform Commission. At that time, he served as the representative of the South Australian Attorney-General on the Federal Advisory Committee for the introduction of new information technology into legal practice. He has always been at a cutting edge of informatics. He was a teacher to us all in this respect. He was a predecessor as President of IAMA between 2002 and 2004. Rightly, that Institute made him a life fellow in 2008.

Ian Nosworthy and Craig Lind practise in alternative dispute resolution. They have established the new Centre for their own practice in arbitration, mediation and expert determination. But also to provide the best quality technical support for colleagues in Adelaide who look for a first rate facility in that city.

## **THE FACILITIES**

The facilities provided in the new Centre include three large conference rooms, two of which are fitted with video-conferencing capacity as well as three break-out or interview rooms, suited for accommodation of individual parties. One technique sometimes used by mediators is to encourage experts to confer or make brief presentations as part of the process of informing each party about the other's case. Assessing the other's case is a key step in advancing many mediations. The availability at the Roper Street Mediation Centre of separate in-dial facilities for ease, and privacy, of instructions and communications, reach high standards. So does the availability of catering and other facilities. It is possible to make a virtual tour of the Centre online and to receive in that way additional information in relation to mediation and other forms of ADR. The ease with which this opening ceremony can be performed from the Technology Dispute Centre in Sydney to Adelaide is a striking illustration of the way in which ADR can now be performed across Australia and across the world.

The Roper Street Mediation Centre provides not just rooms and a kitchen. It affords the possibility of simulcasts. The same link that connects us in Sydney and Adelaide today allows separate and concurrent linkages across our continental country and to distant parts of the world.

Tomorrow, in Sydney, the Federal and New South Wales Attorneys-General will open the new centre established there for international commercial arbitration (ACICA). The presence of these law officers will symbolise the support that is now extended by political as well as professional leaders, for more accessible, participatory, swift, private

and economical disposal of disputes. The passage of new federal legislation to support international commercial arbitrations and the active consideration of uniform state amendments to this area of the law indicate that Australians are, at last, becoming serious about ADR. Truly, they are regarding it as an independent alternative to court room determinations of disputes.

In a sense, the distances in Australia, the growth of national, regional and global trade, the advances of technology and the costs and disadvantages of curial disposition, come together to make us specially attentive to the potential of ADR. This is why the opening of this Centre is important, not only for Adelaide (where it is physically sited) but nationally and internationally.

### **SOME TRIBUTES**

I pay tribute to Ian Nosworthy for his unflagging energy, long-standing dedication to the potential of information technology to change professional practice and admirable leadership in the field of ADR. Little could we have imagined, on our first encounters 30 years ago, how much would be accomplished in such a relatively short interval.

I pay tribute to the judges and lawyers of Adelaide who have gathered in Roper Street to mark this important occasion. The profession and the universities in Adelaide have always upheld high standards in the cause of law with justice. I am grateful for the opportunity to be with them again, albeit in a disembodied form. It affords a healing balm for the withdrawal from that most welcome and regular August judicial circuit to Adelaide.

I pay tribute to the non-lawyer mediators, arbitrators and independent experts who join in the occasion and who will utilise the facility. ADR is the conduct of court litigation by another means. It involves challenging new ways to resolve serious differences. The advances of technology themselves will stretch our minds to find still newer techniques as ADR becomes truly national and international.

Finally, I repeat my expression of respect for John von Doussa and his marvellous service to the law and human rights. I invite him to support these remarks of mine and to declare the Roper Street Mediation Centre in Adelaide, Australia duly opened.

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