



National
Alternative
Dispute
Resolution
Advisory
Council

Annual Report

1995-96

NATIONAL ALTERNATIVE DISPUTE RESOLUTION
ADVISORY COUNCIL

ANNUAL REPORT

1995-96

Canberra

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Inaugural Meeting 23/24 November 1995



Photo of members at inaugural meeting

Back row, from left: Susan Gribben, Jennifer David, Colin Neave
Josephine Tiddy, Philip Theobald, Oscar Shub, Kurt Noble.

Front row, from left: Wendy Faulkes, Dr Gregory Tillett, Associate Professor
Hilary Astor (Chairperson), Associate Professor Gay Clarke, Magdekine Fadjar
Hon Justice Nahum Mushin. Absent: Quentin Bryce

Council Membership

Chairperson

Associate Professor Hilary Astor
Faculty of Law
University of Sydney

Term of appointment

31 October 1995 - 30 October 1997

Members

Quentin Bryce
Chair and Chief Executive
National Childcare Accreditation Council

31 October 1995 - 30 October 1997

Associate Professor Gay Clarke
Faculty of Law
Queensland University of Technology

31 October 1995 - 30 October 1997

Jennifer David
Dispute Resolution Consultant

31 October 1995 - 30 October 1997

Magdeline Fadjar
Senior Member
Immigration Review Tribunal

31 October 1995 - 30 October 1997

Wendy Faulkes
Director
NSW Community Justice Centres

31 October 1995 - 30 October 1997

Susan Gribben
Executive Director
Relationships Australia (Vic)

31 October 1995 - 30 October 1997

Richard Moss
Deputy Secretary
Attorney-General's Department

Observer
(Pending appointment)

The Hon Justice Nahum Mushin
Family Court of Australia

31 October 1995 - 30 October 1997

Mr Colin Neave
Deputy Secretary
Attorney-General's Department

Ex-officio
(Until 5 February 1996)

Kurt Noble Community Justice Program Department of Justice and Attorney-General (Qld)	31 October 1995 - 30 October 1997
Oscar Shub Partner, Parker & Parker (Perth) Consultant, Allen Allen & Hemsley	31 October 1995 - 30 October 1997
Philip Theobald Barrister Brisbane	31 October 1995 - 30 October 1997
Josephine Tiddy Former SA Commissioner for Equal Opportunity	31 October 1995 - 30 October 1997
Dr Gregory Tillett Research fellow University of Western Sydney	31 October 1995 - 30 October 1997

Draft Charter

1. The National Alternative Dispute Resolution Advisory Council (NADRAC) will advise the Attorney-General on issues of effectiveness, efficiency, fairness and standards for alternative dispute resolution services. In particular, NADRAC is responsible for advising the Attorney-General on the elimination of power imbalances and biases in alternative dispute resolution services resulting from gender, cultural, economic and social differences in the resolution of disputes in the community including business and industry, including:
 - (a) the registration and accreditation of service providers;
 - (b) appropriate consumer protection arrangements;
 - (c) data collection and data management in relation to alternative dispute resolution services; and
 - (d) maximising effectiveness and fairness and facilitating innovation in the provision of alternative dispute resolution services.
2. The Council will advise on current programs to enhance awareness of the availability, and benefits, of alternative dispute resolution services, including recommendations on the development of future community education initiatives and the Council's role in undertaking any such initiatives.
3. Immediate priorities for the Council will be to advise on:
 - the elimination of power imbalances and biases in alternative dispute resolution processes, including making recommendations on the development of appropriate models and conditions to ensure equity for all user groups;
 - issues of registration and accreditation for alternative dispute resolution practitioners and service providers; and
 - current programs to enhance awareness of the availability, and benefits, of alternative dispute resolution services, including recommendations on the development of future community education initiatives and the Council's role in undertaking any such initiatives.
4. In performing its functions the Council will consult broadly with alternative dispute resolution organisations, service providers and practitioners, Courts and Tribunals, the legal profession, educational institutions, business, industry and consumer groups. and community organisations.
5. The Council will develop a forward work plan, including reporting dates, for each financial year and provide a copy of that work plan to the Attorney-General for consideration and agreement.
6. The Council will provide the Attorney-General with a report of its operations as soon as possible after 30 June each year.

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1. Introduction

1.1 The National Alternative Dispute Resolution Advisory Council (NADRAC) was established in October 1995 to provide independent advice to the Attorney-General on policy issues relating to the fast growing alternative dispute resolution sector. The need for a national body to advise the Commonwealth on issues relating to the regulation and evaluation of alternative dispute resolution (ADR) was identified in the 1994 report of the Access to Justice Advisory Committee (the "Sackville Committee") entitled 'Access to Justice-an Action Plan'.

1.2 Alternative dispute resolution services, particularly mediation services, are growing at a phenomenal rate and are becoming an increasingly important feature of the Australian justice system. Federal courts and tribunals are increasingly utilising ADR as a means of reducing costs and increasing their capacity to deal with their caseloads. In this environment the Federal Government faces an increasing need to ensure consistent quality and efficiency in ADR services provided to clients of the Federal justice system.

1.3 NADRAC's role is to provide the Attorney-General with coordinated and consistent policy advice on the development of high quality, economic and efficient ways of resolving disputes before they come to Federal courts. There are already numerous organisations around Australia spending time and money (frequently public money) duplicating effort in developing standards for alternative dispute resolution services. The standards promulgated by these organisations frequently reflect the characteristics of particular organisations and the type of disputes with which they are familiar. This presents obvious difficulties for the Federal Government in seeking to ensure a consistent quality in the administration of justice across Australia.

1.4 NADRAC is composed of 14 members representing a range of dispute resolution backgrounds covering judicial and quasi-judicial functions, commercial arbitration, family arbitration and mediation, community mediation and conciliation. Members have links to all the primary stakeholders in the area of dispute resolution including courts, tribunals, the Law Council, law societies, bar associations, ADR practitioner organisations, community mediators, private mediators and the tertiary education sector. Despite this range of backgrounds, and the differing interests represented, the members have achieved a cohesive and highly cooperative working relationship. Consequently, the Council is uniquely placed to consolidate and develop the substantial, but disparate, work currently being undertaken in Australia on dispute resolution processes. In so doing Council believes that it can make a significant contribution to a more effective and accessible justice system.

1.5 The Attorney-General's Department developed draft terms of reference for NADRAC and presented them to the Council for consideration. NADRAC considered the draft at its inaugural meeting and again at its second meeting in March 1996 and suggested a number of amendments including changing the title to 'charter'. The resulting draft Charter is reproduced at page v.

2. Structure of Council

Council Membership

2.1 NADRAC currently has an establishment of 14 members. However, the number of members of Council at any one time and the length of their respective terms of appointment is a matter which lies wholly within the Attorney-General's discretion.

2.2 One member of the Council is appointed by virtue of his or her position as a Deputy Secretary within the Attorney-General's Department. Mr Colin Neave held this position between 31 October 1995 and 5 February 1996 when he resigned as Deputy Secretary of the Attorney-General's Department to take up a new appointment as Banking Industry Ombudsman. The Council would like to take this opportunity publicly to express its gratitude to Mr Neave for the significant part he played in NADRAC's establishment and early development. Since Mr Neave's resignation, Mr Richard Moss, Acting Deputy Secretary, Attorney-General's Department, has been an observer on Council pending his anticipated appointment as an ex officio member of Council.

2.3 All the remaining members of Council have been appointed by the Attorney-General for a term of two years commencing on 31 October 1995 and expiring on 30 October 1997. A list of the present membership and their terms of appointment is set out on page iii.

2.4 NADRAC is not a representative body. The members are appointed in their own right as individuals with recognised expertise in dispute resolution processes. Nevertheless, Council members have links to a broad range of organisations in the dispute resolution field from courts and tribunals to legal professional bodies and community mediation and conciliation organisations.

NADRAC Secretariat

2.5 The NADRAC Secretariat is located in the Courts and Tribunals Branch of the Civil Law Division, Commonwealth Attorney-General's Department.

2.6 The staffing of the Secretariat and the relevant contact details are:

Director	Serena Beresford-Wylie	(06) 250 6897
Legal Project Officer	Margaret Harrison-Smith	(06) 250 5524
Administrative Officer	Vacant	
Fax		(06) 250 5904
Postal Address:	Robert Garran Offices National Circuit BARTON ACT 2600 (DX Canberra 5678)	
Location:	Level 3 Lionel Murphy Building 50 Blackall Street BARTON ACT 2600	

3.6 *Definitions Committee* To enable the Council to provide effective and consistent policy advice and to ensure clarity when considering alternative dispute resolution processes, it is important that Council members have a common understanding of the substance of the dispute resolution processes under consideration. Accordingly, Council established the Definitions Committee and asked it to develop some defining principles for a wide range of alternative dispute resolution processes to inform and guide the Council in its policy deliberations. The Committee produced an initial paper entitled "Definitions of the Dispute Resolution Landscape" which Council decided to develop further and distribute with the first edition of the Council's newsletter. The final paper will establish some definitions for a variety of alternative dispute resolution services. While these definitions will primarily be for NADRAC's use, the Council hopes that they will have a wider application in the longer term.

3.7 The Committee did not hold any formal meetings but worked cooperatively relying upon telephone and facsimile. Members of the Committee were Wendy Faulkes (Coordinator), Jennifer David and Dr Gregory Tillett.

3.8 *Diversity Committee* NADRAC's draft Charter requires the Council to advise the Attorney-General on the elimination of power imbalances and biases in alternative dispute resolution services resulting from gender, cultural, economic and social differences in the resolution of disputes in the community including business and industry. Accordingly, Council established the Diversity Committee to identify and determine appropriate parameters in all dispute resolution processes which will ensure that parties are dealt with fairly, recognising and taking into account their differences. The Committee's terms of reference are appended (Appendix B). The members of the Committee are Oscar Shub (Coordinator), Associate Professor Hilary Astor, Susan Gribben, Kurt Noble, Josephine Tiddy and Margaret Harrison-Smith of the NADRAC Secretariat.

3.9 Given the breadth of this subject area the Council's work program proposes that the Committee should work towards issuing a Discussion Paper in early 1997 and reporting to Council in late 1997. The Council plans to present its Report to the Attorney-General in November 1997.

3.10 *Registration and Accreditation Committee* The Council considers the issue of registration and accreditation of alternative dispute resolution service providers to be a priority given the fast growth of this sector of the justice system and the intense, frequently duplicated effort, already being undertaken by a wide range of public and private organisations on this issue. In Council's view there is a clear need to consolidate and coordinate some of this work and to consider the need for some core standards and criteria. Accordingly the Council established the Registration and Accreditation Committee to undertake this function. Members are Philip Theobald (Coordinator), Quentin Bryce, Associate Professor Gay Clarke, Magdeline Fadjar, the Honourable Justice Mushin and Serena Beresford-Wylie of the NADRAC Secretariat.

3.11 In view of the size of the task Council decided that the Committee should confine itself, initially, to the issue of the registration and accreditation of mediators and mediation organisations. The Committee's terms of reference (Appendix A) require the Committee to consider: the various current registration and accreditation requirements, the need for a formal registration system, the need for a formal accreditation system, the mediators and mediation organisations which should be subject to any registration and accreditation criteria, and the feasibility and cost effectiveness of implementing various options.

3.12 Because of the importance of the issue and the likely effect of any government regulation of mediators, the Council decided that it was necessary to consult widely with people working in the area. In developing options on this subject the Committee met with practitioners, representatives of mediation organisations and others on 19 April 1996 in Brisbane and 29 May 1996 in Melbourne. A list of the participants at each of these forums is appended (Appendix B). Similar fora are planned to be held in Adelaide, Canberra, Darwin, Hobart, Perth and Sydney. The Committee will then produce a Discussion Paper for the purposes of wider consultation. Depending upon the response to the Discussion Paper the Council will provide the Attorney-General with a final report in late 1997.

Ad hoc committees

3.13 In addition to its substantive committees, the Council established two ad hoc committees during the reporting year.

3.14 *Ad Hoc Committee on the Family Law Mediation Regulations* This Committee was established by Council in response to a request from the Attorney-General's Department for comment on draft regulations being developed as a consequence of the passage of the *Family Law Reform Act 1995*. Following consideration of the Committee's work, the Council agreed to a response which was sent to the Department by the Chairperson on 16 April 1996. At the outset, the Council expressed concern about the short time frame available for comments given the importance of the proposed regulations. The Council's letter went on to raise the following issues:

- *Qualifications, training and experience of family and child mediators*
The Council suggested that:
 - the qualifications for family mediators contained in the draft regulations needed more extensive consideration;
 - some provisions were too stringent for many community mediators, mediators from some cultural backgrounds and mediators in remote areas; and
 - the "grandfather clause" should make provision for practising mediators who do not presently meet all the requirements of the regulations and for trainee mediators.

- *Assessment of suitability for mediation* The Council suggested that in this regard, the draft regulations should coincide with Order 25A Rule 5 of the Family Law Rules.
- *Conflicts of interest* The Council suggested that where a mediator personally knows one of the parties to a dispute, the mediator should inform the parties and proceed with the mediation only with the agreement of both parties.
- *Enforcement and disciplinary proceedings* The issue of disciplinary and complaints mechanisms, not dealt with in the draft regulations, was considered by Council to be crucial in the long-term. Council's preliminary view favoured the establishment of a registration board or disciplinary body for this purpose.

3.15 Many of the changes proposed by Council were substantially adopted by the Department in the *Family Law Regulations (Amendment) (No 71 of 1996)*. It is anticipated that at a future date, the Council may be asked to review the operation of the regulations.

3.16 *Ad Hoc Committee on Complaints against the Australian Federal Police and the National Crimes Authority* In response to a request from the Attorney-General's Department, this committee was convened to consider ALRC Issues Paper 16: Under the Spotlight: Complaints against the Australian Federal Police (AFP) and National Crime Authority (NCA). Concerns raised by the Committee and subsequently flagged by the Chairperson in the Council's letter to the Department included:

- the need for a neutral third party in mediation proceedings and a person with adequate training;
- that mediation is not in itself a substitute for good management;
- that certain disputes will not be suitable for mediation and that mediation should never be compulsory for complainants; and
- the use of mediation should be recorded and steps taken to ensure that ADR procedures do not mask problems.

3.17 The Council's comments were subsequently substantially adopted by the Department in its submission to the ALRC.

Committee meetings

3.18 There were 10 Committee meetings during 1995/96. Where possible these Committee meetings were held in conjunction with Council meetings and in venues provided free of charge by Council members or by other Commonwealth and portfolio agencies to minimise the costs incurred by the Council.

3.19 During the year the Council Secretariat investigated the possibility of teleconferences and video conferences as a way of reducing the costs involved in convening Council meetings. It is clear that teleconferencing will have a significant role to play as a means of reducing costs for short meetings where there are specific matters to be decided. However, the characteristics of teleconferences make them unsuitable for longer meetings involving intensive discussion and development of policy positions. As all the Committee meetings held in 1995/96 exceeded 3 hours in length and involved intensive discussion and exchange of information there was little opportunity to use this facility during the year. Unfortunately, the indicative estimates for video conferences provided to the Secretariat suggested that they would be more expensive than face to face meetings if the meeting was likely to last longer than 2 hours.

4. Council Procedure

4.1 The Council has determined that it will operate in accordance with the following procedures.

Mode of Decision Making

4.2 Council proceeds by way of consensus, and votes only where necessary. The expression of diversities of opinion is valued by Council.

Recording of Meetings

4.3 All Council meetings and some Committee meetings are recorded electronically.

Council Records

4.4 A record is kept of each Council meeting and each Committee meeting.

4.5 Minutes of meetings are prepared by the Secretariat and circulated to members within ten working days of each meeting. The minutes contain the decisions of Council; a brief summary of the major issues; and, an action column, specifying the nature of tasks, who is to take action and the date for the completion of the task. Decisions for immediate action are recorded at Council meetings and circulated at the meeting.

4.6 The Council plans to maintain an up to date register of formal recommendations made to the Attorney-General and the outcome of those recommendations.

Confidentiality

4.7 The Council felt that it was appropriate to develop some procedures relating to confidentiality as it expects that, from time to time, the Council will have access to confidential information. In addition, the members of Council felt that, as they were appointed to Council as individuals not as representatives of any organisations, they should be free to contribute to Council decisions as they felt appropriate without fear that any personal views they expressed would be made public without their knowledge and approval. Accordingly the Council decided upon the following procedures:

- No information communicated to people outside the Council will attribute any particular view to any particular Council member without the agreement of the member concerned;

- The Council will decide if any particular matter is sensitive and Council wishes confidentiality to attach to that matter;
- Subject to the above, each member of Council is required to use his or her discretion in discussing the issues considered by Council;
- Except for material in the public domain Council papers will not be circulated outside Council without a prior decision of Council; and
- Before Council publishes any of its decisions it will consult with the Office of the Attorney-General.

4.8 However, Council specifically recognised the need to communicate as openly and broadly as possible about its work. Accordingly, the Council has decided that the Secretariat and members may make the Council Meeting Agenda available to any individuals or organisations as appropriate.

Consultation

4.9 In performing its functions the Council is required to consult broadly with alternative dispute resolution organisations, service providers and practitioners, courts and tribunals, the legal profession, educational institutions, business, industry and consumer groups and community organisations. During 1995/96 the Council sought to fulfil this requirement by incorporating a page about the Council in *'The Australian Dispute Resolution Directory'* published by the Group for Mediation Studies at the University of South Australia. The Council also plans to produce a newsletter entitled "NADRAC Notes" which will be distributed to a broad range of individuals and organisations with interests in alternative dispute resolution. The Council has strongly encouraged the Registration and Accreditation Committee to convene fora in all capital cities to consult local stakeholders in each of those jurisdictions on the issues that the Committee is considering.

Papers for Council

4.10 Papers for Council meetings are prepared by the Secretariat and sent to Members seven working days prior to meetings.

Urgent matters

4.11 NADRAC has adopted the following procedures for responding to urgent matters:

1. The Chairperson is immediately advised of any matter which requires urgent consideration.
2. Upon notification of the matter, the Chairperson will either:

- (i) ask the Secretariat to prepare a draft response for the Chairperson's signature; or
 - (ii) establish an ad hoc committee to consider the request and report back on an appropriate response.
- 3. Prior to dispatch, if time permits, the Chairperson will clear the draft response with all Council members.
- 4. If time does not permit this, the Chairperson will endeavour to clear the draft response with those members with a particular expertise or interest in the subject area of the request.
- 5. A copy of the final response will then be included in the agenda for consideration by the Council at its next meeting.

Amendment of Council Decisions

4.12 Council recognised that from time to time it may be necessary to amend Council decisions to correct inadvertent errors and take account of changing circumstances. Accordingly, the Council adopted the following guidelines relating to the amendment of Council decisions.

4.13 The Chairperson, or where the Chairperson is not available, the Director of the Secretariat may:

- (i) depart from the decisions of Council where necessary to accord with changed circumstances provided that Council is subsequently informed;
- (ii) edit text drafted at Council meetings as needed to progress effectively the business of Council, provided that the substantive meaning is unchanged.

Correspondence

4.14 Council correspondence is prepared by the Secretariat and signed by the Chairperson, relevant Committee Coordinator or, as appropriate, by the Secretariat.

5. Administrative matters

Travel

5.1 Members' air travel is arranged by the Council Secretariat and paid out of the Council's operating funds. In general, members fly economy class when travelling involves a flight time of less than 3 hours. Where flight times exceed 3 hours, Council members are entitled to fly business class. Different conditions may apply in relation to any members of the judiciary who are members of Council.

5.2 As the Attorney-General's Department has a contract with Qantas members are required to travel with Qantas wherever possible. Council members are not entitled to personal use of any frequent flyer points earned when flying on Council business.

Sitting fees

5.3 Although not holders of public office, the members of NADRAC are paid sitting fees in line with Category 2 Sitting Fees determined by the Remuneration Tribunal for Non-specified Part-Time Holders of Public Office. Members are entitled to be paid the daily sitting fee for attendance at any Council or committee meeting which exceeds 3 hours. Lesser amounts are payable in respect of meetings of less than 3 hours.

5.4 The daily fees as at 30 June 1996 were:

<i>Chairperson:</i>	\$271
<i>Member:</i>	\$219

Members Travelling Allowance

5.5 Members are paid travelling allowances in accordance with the rates specified by the Remuneration Tribunal for Part-Time Holders of Public Office.

Financial Resources

5.6 NADRAC's funding allocation for the 1995/96 financial year was \$237,384. This figure comprised \$187,542 for salaries and sitting fees and \$49,842 for other expenditures. In addition, the Council received a further \$5,000 during the year to assist it with expected printing and publishing costs. Accordingly, the total funding available to the Council this financial year was \$242,384.

NADRAC Expenditure for 1995/96

5.7 NADRAC is funded by the Attorney-General's Department. The Council's expenditure is contained within Program 1 (Sub-Program 1.1 - Legal Practice) of the Department's audited financial statements published in the Department's Annual Report.

5.8 The 1995/96 financial year represented the inaugural year of the Council's operation. The Council's expenditure in the 1995/96 financial year was lower than might otherwise have been expected because:

- members were not appointed until 31 October 1995 and no expenditure (other than some staff salaries) was incurred prior to that date; and
- committees were not established until the inaugural meeting on 23 and 24 November 1995 and did not first meet until January 1996 or later.

5.9 NADRAC's total expenditure for the financial year was \$214,195. The largest item of expenditure was clearly the cost of Secretariat staff salaries. If this item is disregarded, however, the Council's expenditure for the eight months from 31 October 1995 to 30 June 1996 was \$65,515. This represents an average of approximately \$8,189 per month. On that basis it would be possible to extrapolate a notional expenditure of approximately \$98,268 for a full financial year in addition to staff salaries. However, this figure would under represent NADRAC's likely expenditure over a financial year as the monthly average on which it is based reflects the very low costs incurred by the Council during its first few months of operation.

5.10 A breakdown of the Council's expenditure for the 1995/96 year is set out in the following table:

Table 1: NADRAC's Total Expenditure 1995/96

ITEM	EXPENDITURE
Secretariat staff salaries	\$148,680
Sitting fees	\$17,944
Travel and accommodation	\$44,808
Incidental meeting costs	\$1,632
Administrative expenses	\$1,130
Printing and publishing	Nil
TOTAL:	\$214,195

Explanatory Note

- Any minor discrepancies in these figures is a result of rounding to the nearest dollar.

5.11 The Council had \$28,189 remaining in operating funds at the end of the financial year. This partially reflected uncertainty about the Council's work program as a consequence of the change in Government at the March Federal election.

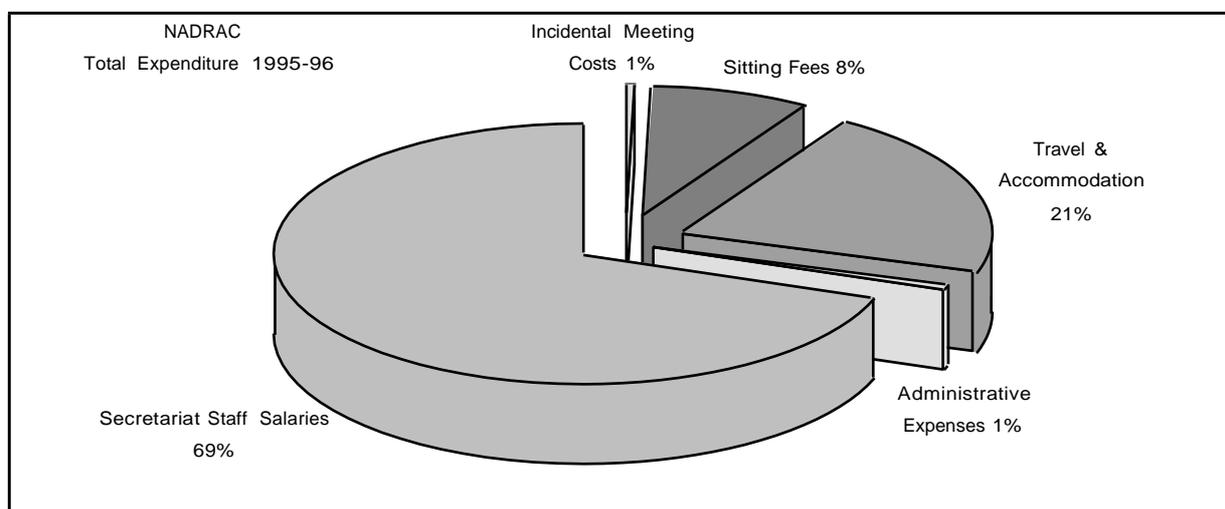
5.12 *Economy measures* There is little room for the Council to further reduce its expenditure. Council members are presently only paid sitting fees for actual

attendance at Council and committee meetings. In addition, the majority of Council members are only entitled to economy air fares unless their flights exceed 3 hours in length. During the year the Council adopted additional measure designed to reduce the Council's costs. Only one night's accommodation was provided for the 2 day Council meetings (except in the case of the Perth member or where committee meetings were held the day before a Council meeting to reduce expenditure on air fares). Wherever possible, meeting rooms were sought free of charge from Council members or from other Commonwealth and portfolio bodies.

5.13 The Council considered reducing the number and length of Council meetings but concluded that doing so would have a significant adverse impact upon the Council's capacity to undertake its work program. The Council also investigated the possibility of using video conferences and teleconferences for its committee meetings. The indicative estimates for video conferences suggested that they would be more expensive than face to face meetings for most committee meetings. The Council noted that teleconferences would be more cost effective than face to face meetings and decided that they should be used wherever appropriate. However, the Council acknowledged that the potential savings from this initiative would be limited because teleconferences are impractical for the majority of NADRAC's committee meetings which last for three hours or more and require in depth discussion of policy rather than simple decision-making.

5.14 The most significant expenses for the Council in 1995/96 were Secretariat staff salaries (69%); travel and accommodation (21%); and sitting fees (8%).

Chart 1: NADRAC's Expenditure 1995-96



Explanatory Notes

- Sitting Fees - 10 Members of the Council are entitled to Sitting Fees. There were 3 Council meetings and 10 Committee meetings during 1995-96.
- Travel and Accommodation - Covers the cost of airfares, travel allowance, cab charges and car parking.
- Incidental Meeting Costs - Covers charges for venues and catering.
- Administrative Expenses - Covers the cost of advertising, book subscriptions, stores and office equipment.

COMMITTEE TERMS OF REFERENCE

REGISTRATION AND ACCREDITATION

COMMITTEE

TERMS OF REFERENCE

1. The National Alternative Dispute Resolution Advisory Council (NADRAC) advises the Commonwealth Attorney-General on issues of effectiveness, efficiency, fairness and standards for alternative dispute resolution services. One of the Council's immediate priorities is to advise the Attorney-General on issues of registration and accreditation for alternative dispute resolution practitioners and service providers. For this purpose, NADRAC has established a Registration and Accreditation Committee.
2. Having regard to the size of the task before it, the Committee shall confine itself, initially, to considering and making recommendations with respect to the registration and accreditation of mediators and mediation organisations.
3. Specifically, the Committee will consider:
 - the various current registration and accreditation requirements ;
 - the need for a formal registration system;
 - the need for a formal accreditation system;
 - the mediators/mediation organisations which should be subject to registration and/or accreditation criteria; and
 - the feasibility and cost effectiveness of implementing various options.
4. In performing its functions, the Registration and Accreditation Committee will consult broadly with alternative dispute resolution organisations, service providers and practitioners, Courts and Tribunals, the legal profession, educational institutions, consumer groups and community organisations.

DIVERSITY COMMITTEE

TERMS OF REFERENCE

1. The National Alternative Dispute Resolution Advisory Council (NADRAC) will advise the Attorney-General on issues of effectiveness, efficiency, fairness and standards for alternative dispute resolution services. In particular, NADRAC is responsible for advising the Attorney-General on the elimination of power imbalances and biases in alternative dispute resolution services resulting from gender, cultural, economic and social differences in the resolution of disputes in the community, including business and industry. In order to progress these functions, NADRAC has established a Diversity Committee.
2. The terms of reference of the Diversity Committee are to identify and determine appropriate parameters in all dispute resolution processes to ensure that parties are dealt with fairly, recognising and taking into account their differences.
3. The Diversity Committee will pursue these terms of reference by:
 - Identifying different theories of fairness and establish some principles for fairness;
 - Identifying important areas of difference which affect the fairness of processes and outcomes;
 - Identifying factors within each of the main dispute resolution processes which can affect the fairness of the outcome and the parties satisfaction with the process and the outcome;
 - Making recommendations with regard to minimum standards and the promotion of best practice.
4. In performing its functions the Diversity Committee will consult broadly with alternative dispute resolution organisations, service providers and practitioners, Courts and Tribunals, the legal profession, educational institutions, consumer groups and community organisations.

PARTICIPANTS AT REGISTRATION AND ACCREDITATION COMMITTEE FORA

BRISBANE FORUM PARTICIPANTS

Committee

Phillip Theobald	Brisbane
Gay Clarke	Brisbane
Quentin Bryce	Sydney
Magdeline Fadjar	Perth
Serena Beresford-Wylie	Secretariat

Others

Ken Hinds	National Dispute Centre (Queensland)
Juliette Pegler	National Dispute Centre (Queensland)
Bernadette Rogers	Queensland Law Society
Marg O'Donnell	Dispute Resolution Division, Qld Government
Professor John Wade	Bond University
Professor Laurence Boulle	Bond University
Associate Professor Pat Cavanagh	Bond University
Mieke Brandon	Relationships Australia (Queensland)
Susan Gardiner	Director, Mediation, Family Court of Australia
Donna Cooper	Legal Aid

MELBOURNE FORUM
PARTICIPANTS

Committee

Gay Clarke	Brisbane
Quentin Bryce	Sydney
Magdeline Fadjar	Perth
Serena Beresford-Wylie	Secretariat

Others

David Bryson	Vic Workcover Conciliation Service
Stephanie Charlesworth	Private mediator
Liz Curran	Federation of Community Legal Centres
Judd Epstein	Law Faculty, Monash University
Marie Garrack	Noble Park Family Mediation Centre
Geoffrey Gronow	Chairman, ADR Committee, Law Institute
Snr Member John Handley	AAT
Michael Hunt	Relationships Australia (Vic)
Henry Jolson QC	Barrister
Bruce McLean	Registrar, Supreme Court of Victoria
Bill Martin QC	Chairman, Victorian Bar ADR Committee
Dianne Pittock	President, Mediation Association of Vic
Kay Robertson	Victoria Legal Aid
Peter Secombe	District Registrar, Federal Court, Melbourne
Robert Vial	Professional Mediator and trainer
Theresa Zerella	A/manager, Dispute Settlement Centre