



National Alternative Dispute Resolution Advisory Council

Annual Report 2006–2007

Canberra

ISBN:

The National Alternative Dispute Resolution Advisory Council (NADRAC) provides independent expert advice to the Attorney-General on the development of high quality, economic and efficient ways of resolving disputes without the need for a judicial decision, and promotes the use and raises the profile of alternative dispute resolution.

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Contents

1. Year in Review	1
2. About NADRAC	2
Establishment	2
Charter	2
3. Council Membership	4
Membership as at 30 June 2007	4
Member Profiles (as at 30 June 2007)	5
Secretariat	9
<i>Functions</i>	9
<i>Staff</i>	9
<i>Contact details</i>	9
4. Meetings and Public Forums	10
Meetings	10
<i>Melbourne – 18 August 2006</i>	10
<i>Sydney – 23-24 November 2006</i>	10
<i>Adelaide – 16 March 2007</i>	10
Public Forum	10
5. NADRAC Work Program	11
Work Plan	11
6. Summary of NADRAC’s submissions and advice	12
7. Financial Report	31

1. Year in Review

During the 2006–2007 financial year, NADRAC continued to pursue its core task of advising the Attorney-General on the development of high quality, economic and efficient ways of resolving or managing disputes without the need for a judicial decision. On 25 October 2006, the Attorney General, the Hon Philip Ruddock MP, announced an expansion of NADRAC's Charter to give NADRAC a specific remit to promote and raise the profile of alternative dispute resolution. It was pleasing that in announcing the new Charter, the Attorney-General said that NADRAC 'has provided the Government with a high standard of advice for more than 10 years' and that it 'has helped make alternative dispute resolution a vital part of Australia's legal system'. The changes to the Charter also specifically enable NADRAC to offer advice on restorative justice and the use of alternative dispute resolution in criminal offences.

NADRAC completed a series of projects during the year. Highlights include:

- making a submission to the Family Pathways Branch of the Commonwealth Attorney-General's Department on a new accreditation System for Family Dispute Resolution Practitioners
- publishing *Legislating for alternative dispute resolution, A guide for government policy-makers and legal drafters*
- fostering the further development of the proposed new National Mediator Accreditation System and providing support for the Western Australian Dispute Resolution Association's successful application for a grant from the Attorney General to develop documentation to underpin the new scheme
- convening public forum in Adelaide to discuss recent developments in alternative dispute resolution, accreditation, research and the new charter
- providing further comments on the competency standards for family dispute resolution practitioners being developed by the Community Services and Health Industry Skills Council on behalf of the Attorney-General's Department

The 2006–2007 financial year saw the departure of the Acting Director of the Secretariat, Mr Michael Piotrowicz. The Council would like to take this opportunity to express its gratitude to Michael for the contribution he made during the time of his directorship. The Council also expresses its welcome to the new Director, Ms Serena Beresford-Wylie.

On a personal note, I was very happy during the year to accept an extension of my term as Chair of NADRAC until December 2009. I sincerely believe that alternative dispute resolution offers a better way to deal with most disputes. I very much look forward to continuing to work alongside the other members of Council to ensure that alternative dispute resolution services provide a high quality alternative to more traditional dispute resolution methods both inside and outside the courts.

Finally, I send my thanks to each one of the NADRAC Members. It is the willing contribution of many hours of voluntary time that they make which ensure NADRAC continues to meet its objectives and advances the alternative dispute resolution cause.

Justice Murray Kellam AO

Chair

2. About NADRAC

Establishment

NADRAC was established in October 1995 to provide independent advice to the Australian Attorney-General on policy issues relating to alternative dispute resolution (ADR). The need for a national body to advise the Commonwealth on issues relating to the regulation and evaluation of alternative dispute resolution was identified in the 1994 report of the Access to Justice Advisory Committee, *Access to Justice - an Action Plan*. The Attorney-General announced an expanded charter for NADRAC in October 2006. The new charter contains a new focus on promoting the use and raising the profile of alternative dispute resolution. It also provides for NADRAC to give advice on restorative justice and the use of alternative dispute resolution in relation to criminal offences. The complete NADRAC charter is set out below. Copies may be obtained from the NADRAC website www.nadrac.gov.au or by contacting the NADRAC Secretariat.

Charter

- 1) The National Alternative Dispute Resolution Advisory Council (NADRAC) is an independent advisory council charged with:
 - a) providing the Attorney-General with coordinated and consistent policy advice on the development of high quality, economic and efficient ways of resolving or managing disputes without the need for a judicial decision, and
 - b) promoting the use and raising the profile of alternative dispute resolution (ADR).
- 2) The issues on which NADRAC will advise on under paragraph 1(a) include the following:
 - a) minimum standards for the provision of ADR services
 - b) minimum training and qualification requirements for ADR practitioners, including the need, if any, for registration and accreditation of practitioners and dispute resolution organisations
 - c) appropriate professional disciplinary mechanisms
 - d) the suitability of ADR processes for particular client groups and for particular types of disputes, including restorative justice and ADR in the context of criminal offences.
 - e) the quality, effectiveness and accountability of Australian Government ADR programs
 - f) ongoing evaluation of the quality, integrity, accountability and accessibility of alternative dispute resolution services and programs
 - g) programs to enhance community and business awareness of the availability, and benefits, of ADR services
 - h) the need for data collection and research concerning ADR and the most cost-effective methods of meeting that need, including by courts and tribunals and
 - i) the desirability and implications of the use of ADR processes to manage case flows within courts and tribunals.

3) In considering the question of minimum standards, the Council will examine the following issues:

- a) the respective responsibilities of the courts and tribunals, government and private and community sector agencies for the provision of high quality ADR services
- b) ethical standards for practitioners
- c) the role of lawyers and other professional advisers in ADR
- d) legal and practical issues arising from the use of ADR services, such as the liability or immunity of practitioners, the enforceability of outcomes and the implications of confidentiality, and
- e) the accessibility of ADR services.

4) In promoting the use and raising the profile of ADR under paragraph 1(b), the Council will, as appropriate:

- a) participate in forums, conferences and meetings of professional associations
- b) facilitate ADR research and be involved in research conferences
- c) develop and improve relationships with educational institutions involved in legal, judicial or dispute resolution training
- d) pursue opportunities to propose improvements to ADR processes
- e) assist Government agencies to use ADR and to encourage them to make ADR a part of their funded programs
- f) support Australia's capacity building efforts in relation to ADR in the region, and
- g) prepare educational materials about ADR.

5) The Council may make recommendations of its own motion to the Attorney-General on any matter relevant to the Council's Charter. In addition, the Attorney-General may, from time to time, refer particular issues to the Council for consideration and report.

6) As the Council's time and resources permit, it may provide comment on matters relevant to its Charter to any Commonwealth, State and Territory or private organisations with an interest in ADR. A copy of any such submission must be provided to the Attorney-General as soon as possible after the submission is dispatched.

7) In performing its functions, the Council will consult broadly with ADR organisations, service providers and practitioners, courts and tribunals, government, the legal profession, educational institutions, business, industry and consumer groups, and community organisations as well as the Family Law Council, when appropriate.

8) The Council will develop a forward work plan, including reporting dates, for each year and provide a copy of that work plan to the Attorney-General.

9) The Council will provide the Attorney-General with a report of its operations as soon as possible after 30 June each year.

3. Council Membership

The Attorney-General appoints members to the Council on the basis of their individual expertise and not on the basis of their membership of any organisation. Members come from around Australia and bring to the Council a broad range of experience in the area of dispute resolution. The membership as at 30 June 2007 was as follows:

Membership as at 30 June 2007

Name	Position	Date of first appointment	Expiry date of current term
Justice Murray Kellam AO	Chair	1 January 2004	31 December 2009
Ms Josephine Akee AM	Member	30 August 2004	29 August 2007
Mr Fabian Dixon SC	Member	30 August 2004	29 August 2007
Mr Ian Govey	ex officio	Not applicable	
Mr Ian Hanger AM QC	Member	30 August 2004	29 August 2007
Mr Greg Hansen	Member	30 August 2004	29 August 2007
Ms Norah Hartnett	Member	30 August 2001	29 August 2008
Dr Gaye Sculthorpe	Member	30 August 2004	29 August 2007
Mr Warwick Soden	Member	11 August 1998	28 April 2008
Professor Tania Sourdin	Member	29 April 2002	28 April 2008
Mr John Spender QC	Member	29 April 2002	28 April 2008
Ms Lynn Stephen	Member	29 April 2002	28 April 2008

Further information about Members is included under Member Profiles below.

Member Profiles (as at 30 June 2007)

The Hon Justice Murray Kellam AO (Chair from January 2004)



The Hon Justice Murray Kellam AO is a Justice of the Court of Appeal, Supreme Court of Victoria. He was formerly a Justice of the Trial Division of the Supreme Court of Victoria, President of the Australian Institute of Judicial Administration and President of the Victorian Civil and Administrative Tribunal (VCAT). Justice Kellam has been a strong supporter of alternative dispute resolution (ADR) within the court and tribunal system and led the development of a broad-ranging and innovative ADR program within VCAT. He has undertaken mediation training at Harvard University and has been involved in the delivery of mediation training to the judiciary in Papua-New Guinea and a number of Pacific Island countries.

Ms Josephine Akee AM



Ms Josephine Akee is a Torres Strait Islander Family Consultant with the Family Court of Australia in Cairns. Ms Akee has been a member of the Family Law Council (2002-05) and has been a member of the Queensland Women's Consultative Group (1995), the Torres Strait Islander Steering Group of National Prevention of Child Abuse and Neglect (1995-96) and the Queensland Taskforce on Women and the Criminal Code (1998-99).

Mr Fabian Dixon SC



Mr Fabian Dixon SC is a prominent family lawyer in Hobart. He was a member of the Family Law Council from 1998-2001, and was a member of a joint NADRAC/Family Law Council Committee which provided advice to the Government on Parenting Plans. He was President of the Law Council of Australia in 1998-99 and President of the Law Society of Tasmania in 1992-93. He was appointed Senior Counsel in 2003.

Mr Ian Govey



Mr Ian Govey is Deputy Secretary, Civil Justice and Legal Services, Commonwealth Attorney-General's Department. His areas of responsibility within the Department include courts and tribunals, alternative dispute resolution, family law, legal assistance, native title, indigenous law and justice and Commonwealth legal services. Mr Govey has been appointed by the Attorney-General as an ex officio member of the Council.

Mr Ian Hanger AM QC



Mr Ian Hanger QC is a leading commercial dispute resolution practitioner in Brisbane. He is an accredited ADR specialist with the Bar Association of Queensland, a Fellow of the Institute of Arbitrators and Mediators Australia and former Director and Queensland Chair of LEADR. He is a member of the Court of Arbitration for Sport and a member of the panel of conciliators for the International Centre for Settlement of Investment Disputes. Appointed Queen's Counsel in 1984, Mr Hanger was chair of the 1988 Committee of Inquiry into the Industrial Conciliation and Arbitration Act and was Senior Counsel assisting the 1988 Parliamentary Judges Commission of Inquiry and of the 1997 Connolly/Ryan Inquiry into the effectiveness of the Criminal Justice Commission.

Mr Greg Hansen



Mr Greg Hansen was a partner of the Newcastle law firm, Torpey and Hansen, for 12 years. Since retiring from active legal practice, Mr Hansen has been involved in business as a retailer, grazier, vigneron, restaurateur and business consultant, and has trained as a commercial and personal mediator. He achieved the rank of 2nd Lieutenant in the Australian Army and has been active in community affairs, including as an Alderman and Councillor with Newcastle City Council.

Ms Norah Hartnett



Ms Norah Hartnett is a Federal Magistrate in Melbourne. She was formerly a barrister specialising in family law and a solicitor working in company, insurance and family law, a member of the Victorian Bar Ethics Committee and a member of the Family Law Section of the Law Council of Australia. She is currently a member of the Family Law Council. Trained in mediation, Ms Hartnett has extensive expertise in the use of ADR within the court system.

Dr Gaye Sculthorpe



Dr Gaye Sculthorpe is a full-time member of the National Native Title Tribunal and has been involved in the mediation of native title applications in Queensland, New South Wales and Victoria and is a member of the Tribunal's Agreement-Making Liaison Group. She is also a member of the Australian Heritage Council and member of the Council of La Trobe University. Gaye is a descendant of the Pyemairrener people of North Eastern Tasmania.

Mr Warwick Soden



Mr Warwick Soden is Registrar of the Federal Court of Australia, Sydney; Mr Soden has extensive experience in relation to ADR in the justice system. He is a member of the Federal Court ADR Committee and the Practice and Procedure Committee in matters concerning ADR. In particular, Mr Soden has played a major role in relation to ADR programs and initiatives in the Federal Court and the Supreme Court of NSW.

Professor Tania Sourdin



Professor Tania Sourdin is Professor of Law and Dispute Resolution and Director, Conflict Resolution Research Centre, La Trobe University. She is also Professor of Conflict Resolution at the Australian Centre for Peace and Conflict Studies, University of Queensland. Professor Sourdin is a member of the Administrative Appeals Tribunal, senior member of the NSW Consumer, Trader & Tenancy Tribunal; mediator with the NSW Retail Leases Dispute Unit and several other organisations. She has extensive experience in alternative dispute resolution processes and is a lead trainer for LEADR. Professor Sourdin has conducted research and independent reviews of a range of ADR and litigation schemes. She has published extensively on ADR and is author of *Alternative Dispute Resolution* (second edition, 2005)

Mr John Spender QC



Mr John Spender QC is a mediator in private practice. He was appointed Queen's Counsel in 1974 and was an Acting Justice of the NSW Supreme Court 1994–1995. Mr Spender has practised extensively in corporate and commercial law and other areas of litigation and served four terms as a member of the Federal Parliament until 1990. He was the Australian Ambassador to France between 1996 and 2000. Mr Spender has undertaken mediation training with LEADR, Bond University and Harvard Law School.

Ms Lynn Stephen



Ms Lynn Stephen has been a qualified mediator since 1993. She has extensive training and experience in family, neighbourhood, workplace and other areas of conflict management and dispute resolution. Ms Stephen was coordinator of the Bunbury Community Legal Centre's Mediation Service for over fifteen years. She has qualifications in nursing, health science and family mediation. She received a Churchill Scholarship to study family mediation in the United States and the United Kingdom and was a member of the Family Law Pathways Advisory Group (2000-2001). Ms Stephen is currently employed as a private consultant providing supervision and training for the WA Legal Aid Alternative Dispute Resolution (ADR) Centre.

Secretariat

Functions

NADRAC is supported by a Secretariat located in the Attorney-General's Department. The functions of the Secretariat are to:

- undertake research on ADR issues being considered by the Council
- provide policy advice to the Council
- respond to public, government and other enquires on behalf of the Council and represent the Council, as required, in a variety of forums
- draft Council and committee reports and discussion papers
- draft all Council and committee correspondence, letters of advice and other material including the Council's annual report and its newsletter
- provide secretarial, administrative and other support services, especially in relation to Council and committee meetings including the preparation of agendas and papers for meetings, minute-taking, the organisation of accommodation and travel, and
- manage NADRAC's expenditure within the relevant budgetary allocations.

Staff

The staff of the Secretariat during 2006–2007 were:

Director (full-time)	Serena Beresford-Wylie (from March 2007)
Acting Director (full-time)	Michael Piotrowicz (July 2005 – February 2007)
Senior Legal Research Officer (part-time)	Michael Piotrowicz (March 2007 – April 2007)
Acting Legal Research Officer (full-time)	Andrew Crocker (from May 2007)
Legal Research Officer (part-time)	Elizabeth Sinodinos (February 2004 – December 2006)
Acting Project Officer (full time)	Ruba Rashid (from May 2007)
Administrative Officer (part-time)	Ruba Rashid (September 2006 - April 2007) and Miranda Cameron (from May 2007)

The Administrative Officer position is shared with the Administrative Review Council.

Contact details

Address	NADRAC Secretariat, Robert Garran Offices, Barton ACT 2600		
Phone	02 6250 6272	(international)	61 2 6250 6272)
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web	www.nadrac.gov.au		
e-mail	nadrac@ag.gov.au		

4. Meetings and Public Forums

Meetings

NADRAC held three council meetings during 2006–2007. In conjunction with these meetings, NADRAC consulted with a range of people with diverse interests in alternative dispute resolution.

Melbourne – 18 August 2006

NADRAC's 39th Meeting was held on 18 August 2006 at the Federal Courts Building in Melbourne. NADRAC met with Chief Magistrate Ian Gray and Louise Glanville, Director of the Victorian Department of Justice's Neighbourhood Justice Centre Project spoke about the Project. NADRAC also met with members of the Steering Committee of the Indigenous Cast Study Research Project, Ms Toni Bauman from AIATSIS and Ms Louise Anderson from the Federal Court, to discuss the report on the scoping study for the project.

Sydney – 23-24 November 2006

NADRAC held its 40th Council Meeting on 23-24 November 2006 at the Commonwealth Law Courts Building in Sydney. NADRAC met with the Attorney-General The Hon Philip Ruddock MP on 23 November 2006 and discussed NADRAC's new charter, its future work and the indigenous case study research project. The Attorney-General also launched NADRAC's latest publication *Legislating for ADR: A guide for policy makers and legal drafters*. NADRAC also met with Louise Anderson from the Federal Court who spoke to NADRAC about the progress of the Indigenous case study research project.

Adelaide – 16 March 2007

Council's 41st meeting on 16 March 2007 was held at the Commonwealth Law Courts Building in Adelaide. Professor Michael Pryles, President of Australian Centre for International Commercial Arbitration (ACICA) was invited to the meeting. Mr Pryles delivered a presentation on the work that ACICA is doing on the development of a set of mediation rules, model mediation agreement and recommended mediation clause. NADRAC also invited The Hon Justice Anthony North from the Federal Court's ADR Committee to give a presentation on the Committee's work and his views on the future development of ADR in Australia's justice system.

Public Forum

NADRAC held a Public Forum on the evening of 15 March 2007 at the Mercure Grosvenor Hotel in Adelaide. Federal Magistrate Stewart Brown gave an opening address on the use of alternative dispute resolution in the Federal Magistrates Court. Ms Franca Petrone, Lecturer from Flinders University chaired the discussion on ADR issues in South Australia. It was well attended by many local ADR practitioners and other members of the legal profession.

5. NADRAC Work Program

Work Plan

Under its Charter the Council is required to develop a forward work plan for each year and provide a copy of that work plan to the Attorney-General.

The key priorities that NADRAC identified for 2007 include: further enhancing quality and consistency in ADR services, facilitating the capacity for ADR research to contribute to quality ADR services, improving the quality, effectiveness and accountability of Australian Government ADR use, ethical standards for mediators and promoting the use and raising the profile of ADR.

During 2007 NADRAC determined that it would:

- continue to foster the development of a system for the national accreditation of mediators
- commence a new project aimed at developing national ethical guidelines for mediators with a range of professional backgrounds
- provide advice on the proposed registration of family dispute resolution practitioners
- prepare a guide to the ADR requirements of the Model Litigant Provisions in the Commonwealth Legal Services Directions
- commence a new project to develop advice on ADR clauses in government contracts
- hold the Third National ADR Research Forum over two days in Melbourne
- work with the Federal Court to develop a DVD for the public to promote ADR as an adjunct to court and tribunal proceedings
- redevelop and enhance NADRAC's website
- revise, update and significantly expand the Council's mailing list; and
- provide advice as appropriate on other ADR matters relevant to NADRAC's Charter that arise during the year.

NADRAC has established the following Committees to progress work: the Indigenous Dispute Resolution Committee, the Mediator Accreditation Committee, the Government ADR Committee, the Family Law Committee, the ADR Research Committee and the Ethical Guidelines Committee. NADRAC may set up additional ad hoc committees to progress other work as required.

6. Summary of NADRAC's submissions and advice

This table summarises the major points, recommendations or findings which NADRAC has advanced in its past submissions, report and discussion papers. Documents marked* are available on NADRAC's website (www.nadrac.gov.au).

Date	Description	Key points
March 2007*	Advice on a new accreditation system For Family Dispute Resolution Practitioners	<p>The submission addressed the following issues raised in the discussion paper:</p> <ul style="list-style-type: none"> • standards • accreditation • registration • complaints procedure <p>NADRAC also proposed some additional options that may be worthwhile to consider. The additional options encompass how the framework might be implemented and means of ensuring that the pool of family dispute resolution practitioners who will practice in this are not reduced.</p>
November 2006*	Legislating for alternative dispute resolution – A guide for government policy-makers and legal drafters	<p>NADRAC identified the following issues policy makers need to consider when incorporating ADR processes into new or existing legislation:</p> <ul style="list-style-type: none"> • Is there a need for legislation? • What type of ADR is most appropriate? • How should disputes be referred to ADR? • Should participation in ADR be compulsory for the parties? • Should participation in ADR be voluntary? • What are the duties and standards expected for ADR practitioners? • How is the ADR practitioner selected? • Should legislation provide immunity from suit for ADR practitioners? • What issues are relevant to confidentiality and disclosure of communications made during ADR processes? • Should ADR communications be admissible as evidence in later proceedings? • How should agreements reached at ADR become enforceable? <p>The key issues identified in this guide concern the legal rights, obligations and protection of the parties who participate in ADR processes and the powers and obligations of both the bodies who refer parties to ADR and ADR practitioners.</p>
November	Comments on the	NADRAC raised the following issues in its further

2006	Community Services and Health Industry Skills Council (CSHISC) development of a national competency framework for Family Dispute Resolution Practitioners	submission to the CSHISC: <ul style="list-style-type: none"> • training organisations and institutions • supervision • existing family dispute resolution services and family dispute resolution practitioners • Vocational Graduate Diploma in Dispute Resolution and the Vocational Graduate Diploma in Family Counselling
September 2006	Comments on Family Law Council's draft Collaborative Law Report	NADRAC raised issues relating to: <ul style="list-style-type: none"> • training and education of practitioners • relationship with legal aid arrangements • the relationship with other practice such as counselling • enforcement of collaborative law contracts • limitations on collaborative law, and • when collaborative law should be offered as an option

Previous Years

Date	Description	Key points
June 2006	Comments on proposed revisions to UNICTRAL Model Law on International Commercial Arbitration (1985)	NADRAC provided input into the Attorney-General's Department and expressed support for provisions empowering arbitrators to issue preliminary orders on an ex parte basis in arbitration arising from commercial contracts.
January 2006*	Indigenous Dispute Resolution and Conflict Management Report	NADRAC identified 10 statements of principle and six recommendations for action to promote effective Indigenous dispute resolution and conflict management. Effective dispute resolution and conflict management services assist Indigenous people to achieve a range of social, cultural and economic goals and improved access to justice.
November 2005*	Joint letter of advice by the National Alternative Dispute Resolution Advisory Council and the Family Law Council on immunity for family counsellors and family dispute resolution practitioners under the <i>Family Law Act 1975</i>	It is not appropriate to confer the same immunity that applies to a judge, when performing the functions of a judge, on family dispute resolution practitioners performing facilitative dispute resolution, advisory dispute resolution or on family counsellors when conducting family counselling.
July 2005	Submission to the	The submission addressed the following aspects of the

	House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into the provisions of the Exposure Draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005	<p>exposure draft of the Bill:</p> <ul style="list-style-type: none"> • terminology • practical consideration in implementing compulsory dispute resolution • confidentiality, and • mediator training in circumstances where they have an advisory role.
January 2005	Submission in response to the Attorney-General's Department's discussion paper <i>A New Approach to the Family Law System: Implementation of Reforms</i>	<p>Implementation of the reforms should address the following issues:</p> <ul style="list-style-type: none"> • The required skills, roles and accreditation level of the parenting adviser need to be clarified, particularly to avoid compromises to neutrality. Currently, there are too many responsibilities for one person and some of them are not compatible with the provision of ADR services. • Objectives of mediation need to be defined: operational and evaluation criteria should be clearly articulated, especially as these goals will determine the character of the mediation process and the mediator's role. • Successful implementation of the reforms is resource intensive. Different models, criteria and resources will be required in rural and remote areas – funding must be adequate and on-going. • While compulsory mediation is generally supported, it is important that focus on agreement does not supersede the best interests of the child. In this respect, concentration on parental decision-making is preferable. Compulsory mediation must also be properly resourced. • Parents should decide for themselves if they wish lawyers to be present at joint parenting sessions. Having lawyers present at some stage of the process may be helpful in providing parties with support and advice. • Parenting plans may not be effective in the long term, as they can become convoluted and inflexible to changing circumstances. Appropriate content for plans needs to be clearly defined to address this. Yet plans can be useful in defusing conflict in the early post-separation stage and for identifying agreed issues between parties. • There should be no presumption of equal parenting time: such a presumption suggests parents' interests are ahead of the best interests of the child. The

		<p>presumption also neglects the unique circumstances of each family which may require different arrangements. Where the presumption is viewed as the norm, parents will feel their alternative, mediated arrangement is a failure.</p> <ul style="list-style-type: none"> • There need to be appropriate mechanisms to ascertain the views of children in the decision-making process.
November 2004	Comments on Attorney-General's Department's outline of possible national defamation law	<ul style="list-style-type: none"> • Explicit reference should be made to ADR processes. • Mediation is especially useful for defamation matters. There is no reason why court processes, including costs, should be different for defamation matters.
August 2004	Pre-action PDR and <i>Family Law Rules 2004</i> Letters to Family Courts of Australia and Western Australia	<p>The requirement for pre-action PDR in the Family Law Rules 2004 are desirable, but there is a need to monitor its impact, including:</p> <ul style="list-style-type: none"> • increased demand for PDR services, and • a possible increase in inappropriate referrals.
August 2004	Letter to CEO of National Judicial College of Australia	Advice about the content of judicial education sessions
April 2004	Legal Services Directions Submission to Attorney-General's Department on the Review of the Legal Services Directions	<p>Changes to the Legal Services Directions should be an element of a broader strategy involving:</p> <ul style="list-style-type: none"> • a focus on the prevention of disputes in the first place • a commitment to use ADR where disputes occur, both before and during litigation • improved dispute resolution practices by those involved in Commonwealth litigation and legal services • the development of high standards of ADR practice, and • broader whole-of-organisational changes to the prevention, management and resolution of disputes involving Commonwealth agencies.
March 2004	Who says you're a mediator? Towards a national system for accrediting mediators Options paper	The paper aims to stimulate discussion and obtain information prior to the July 2004 National Mediation Conference. It sets out principles underpinning mediator accreditation, outlines options for a national mediation accreditation system, and puts forward a proposal for an organisation that would accredit accrediting organisations. Written responses were invited.
March 2004	National Competition Council Assessment 2003 Letter to chair of NCC	Raises issues about references to mediation and arbitration in NCC 2003 assessment on the SA Poultry Meat Industry.
March 2004*	ADR Research: A	The paper is intended to promote discussion and assist

	resource paper Resource paper for ADR researchers	those who are researching dispute resolution processes, programs, systems and practices. It provides resources and guidelines for different aspects of ADR research, namely: <ul style="list-style-type: none"> • context and system • objectives • accessibility • effectiveness • clinical research • integrating research, policy and practice • future strategies
March 2004*	Court referral to ADR: Criteria and research Joint paper by NADRAC and AIJA, authored by Kathy Mack	Provides a thorough analysis of existing research examining criteria or factors on which courts and tribunals could base decisions to refer a dispute to ADR. It concludes that: <ul style="list-style-type: none"> • there are very few general referral criteria which reliably indicate whether or not ADR will be effective in any particular dispute • there are a number of practical steps a court or tribunal can take to develop a valid program of referral to ADR • this task is best undertaken by each court or tribunal in light of its own context, program goals, jurisdiction and case mix, potential ADR users, local legal profession and culture, internal resources and external service providers.
March 2004	Amendments to Administrative Appeals Tribunal Act 1975 Comments to Attorney-General's Department	Legislation-in-confidence
March 2004*	Child Custody Inquiry Letter to Attorney-General at Council's own motion, in response to the Report of Standing Committee on Family and Community Affairs into child custody arrangements in the event of family separation	<ul style="list-style-type: none"> • supports the call for greater emphasis on ADR • if there is to be a clear statutory requirement to promote certain outcomes, then the process be called 'conciliation' rather than 'mediation' • mandatory mediation can be an effective process, subject to appropriate assessment and professional standards. Issues to be addresses include: <ul style="list-style-type: none"> • meaningful involvement • scope of dispute resolution processes • establishing compliance • assessment • supports the concept of an entry point in principle, but that there be a degree of flexibility and discretion in the means by which people access the proposed new family law system

		<ul style="list-style-type: none"> • a new Families Tribunal could lead to another formal layer in the family law system. Need to clarify • the relationship between Tribunal conciliation and earlier dispute resolution steps • the role of the Tribunal conciliator • training and qualifications of Tribunal members • agrees with the principle of child focussed and child inclusive practices • the appropriate timing for a referral to ADR varies widely from case to case • in implementing the recommendation for legal training courses in dispute resolution, the amount of study be defined or quantified • supports the development of a wider family conferencing model, subject to flexibility and cultural appropriateness.
January 2004	Standards Australia Comments on Standard on Dispute Management (Revision of AS 4608- 1999)	<ul style="list-style-type: none"> • standards could be re-titled dispute management systems • objectives should focus more on eventual outcomes of the system • emphasis should be on skill development in dispute management • organisation culture is critical and should receive prominence • coverage of suggested standard may be too broad • relationship to risk management standard requires clarification • proposed standard may not be relevant to some types of organisations • give consideration to retaining the existing as well as the proposed new standard • evaluation should include qualitative and quantitative elements
December 2003	Community Justice Centres Comments on NSW Law Reform Commission issues paper 23	Notes that the paper already makes extensive reference to NADRAC material and draws attention to issues of mutual interest.
September 2003*	Dispute resolution terms Introduction and glossary of dispute resolution terms	<ul style="list-style-type: none"> • consistency in terms is important but needs to be balanced with diversity and innovation • terms exist in context and do not of themselves resolve standards, legal and policy issues • preference for term dispute resolution practitioner rather than third party neutral • preference for term `conciliation` rather than `mediation` to be used where practitioner as an advisory as well as facilitative role

		<ul style="list-style-type: none"> • terms other than `mediation` may better reflect dispute resolution process offered by courts <p>A glossary is provided which outlines common usage of dispute resolution terms in Australia</p>
May 2003*	ADR statistics – Published statistics on ADR in Australia	Intended as a resource document to guide consideration of ADR data collection
August 2003	Shared parenting Submission to Inquiry by the Standing Committee on Family and Community Affairs into child custody arrangements in the event of family separation	<ul style="list-style-type: none"> • clarify terms and concepts concerning child arrangements after separation • consider the desirability of equal time arrangements • assess the risks associated with any rebuttable presumption that children spend equal time with both parents • support alternative (or `primary`) dispute resolution services to deal with issues arising from such a rebuttable presumption, and • consult with children themselves about such a presumption
August 2003	Family Law reforms Letter to the Attorney-General	<p>Draws attention to NADRAC's consideration of various issues in family law work, including:</p> <ul style="list-style-type: none"> • terminology, and recommendation for discontinuing the terms `PDR` and `Primary Dispute Resolution` • Family Law Rules • quality framework • funding for community organisations • Indigenous ADR • Parliamentary Child Custody Inquiry • contacts under compliance regime
April 2003	Report of submissions to terminology paper	Consolidates and summarises the submissions received in response to NADRAC's ADR Terminology discussion paper
April 2003	Family Law Rules revisions Submission to the Family Court of Australia	<ul style="list-style-type: none"> • the rules should be user friendly • the proposed practice manual should take into account the needs of agencies apart from the Family Court • the rules should specify `pre-action` procedures • consistent terminology is required • supports criteria for ordering family reports • supports costs consequences flowing from genuine efforts to settle property matters
April 2003	Family Law Council PDR paper Comments on draft paper	<ul style="list-style-type: none"> • distinctions between mediators and counselling, and between models of mediation • need to clarify PDR in legal aid context

April 2003	Australian Standard on the prevention, handling and resolution of disputes Comments on proposed revision to AS 4608-1999	Interim response: <ul style="list-style-type: none"> no objection to revision NADRAC report on standards emphasises consultation, review and evaluation of standards, link to other standards.
February 2003*	ADR research, evaluation and data collection Background paper	Document produced to assist NADRAC round table on ADR research held on 21 February 2003
December 2002	UNCITRAL Conciliation Rules Letter to Attorney-General	Expresses concern about UNCITRAL's International Commercial Conciliation Rules Article 8, which, contrary to Australian practice, provides that information divulged in private session may be provided to the other party unless specified otherwise.
November 2002	Judicial education Letter to Director of Judicial College of Australia	Need for judicial education on ADR
October 2002	Amendments to 19N of Family Law Act Brief comments to Family Law and Legal Assistance Division	<ul style="list-style-type: none"> support in principle the proposal to exempt child abuse issues from inadmissibility provisions proposes that exemption could be extended in order to be consistent with practitioners' duty of care obligations suggests technical changes
September 2002	Family Court Violence Policy Submission to Court's Family Violence Committee	Matters to be taken into account in a policy are: <ul style="list-style-type: none"> the nature of family violence the risks and impacts of family violence the appropriateness of PDR processes in cases involving violence, and the need for a systematic approach
September 2002	Review of Federal Magistrates Service Letter to working group	Stresses importance of data collection
August 2002	National research priorities Submission to the Department of Education, Science and Technology	Nominates ADR as a thematic priority for national research.
June 2002*	ADR terminology: a discussion paper	Poses a series of questions about how terms are used, and should be used, in ADR.
April 2002	Government use of ADR	<ul style="list-style-type: none"> need for reference to ADR and to ADR standards in the Legal Services Directions

	Letter to Attorney-General	<ul style="list-style-type: none"> • need for ADR clauses in contracts for provision of goods and services to Commonwealth agencies
March 2002	What is ADR? Brochure on ADR terms	Simplifies earlier definitions paper
March 2002	Dispute Resolution and Information Technology Draft guidelines	<ul style="list-style-type: none"> • take into account impact and potential of technology • consider accessibility, fairness, effectiveness, cost and legal issues • manage risks associated with delivery of ADR service on-line • need to match technology to needs of disputes and parties • develop service and practitioner standards to take account of use of technology • consider use of technology in other areas, including marketing of ADR, information management, research, education and professional development • apply change management strategies when introducing new technology
February 2002	Mediation competencies Letter to Community Services and Health Training Australia	<p>General comment on draft qualifications and competencies in community mediation:</p> <ul style="list-style-type: none"> • consultation • diversity • use NADRAC's standards within evidence guides
February 2002	Recommendations of the Family Law Pathways Advisory Group Letter to Attorney-General	<ul style="list-style-type: none"> • supports the direction of the ELPAG's report • need for well researched and targeted promotion of non-adversarial approaches • reference to Quality Framework Submission (2002-01) • support for case assessment, but noting complexity of the task • need for consistent terminology (refers to 2001-11) • need for evaluation of innovative models of service delivery
January 2002	PDR Quality Framework Submission to Attorney-General's Department in relation to consultation paper proposing a quality framework for PDR service under the Family Law Act	<ul style="list-style-type: none"> • support for overall goals of proposal • avoid too much emphasis on organisational performance at expense of practitioner competence • need to link with other professional/ service groupings • take into account elements in an appropriate code of practice as outlined in NADRAC's standards report • some additional standards required vis a vis family services, especially family violence/ child abuse • give greater prominence to complaint handling • keep 'essential' obligations and responsibilities within the regulations themselves

		<ul style="list-style-type: none"> • need to clarify implementation issues – costs, compliance, infrastructure
December 2001	ADR in E-Commerce Submission to Expert Group on e-commerce regarding discussion paper on Dispute Resolution in e-commerce	<ul style="list-style-type: none"> • need for consultation and coordination in e-commerce ADR • consistency in terminology required • independent research and evaluation of on-line ADR is vital • intake, assessment and preparation processes are essential in light of role of third parties (eg credit providers), dispute dynamics, power balance, representation; nominal fees may not be appropriate • important to match the communication medium to the parties and to the dispute
November 2001	Family Law Act terminology Letter and background paper on the need to review the PDR provisions of the Family Law Act and Federal Magistrates Service Act	<ul style="list-style-type: none"> • need for consistency in PDR terminology • need for a review of the FLA • current provisions need to reflect current PDR practices • statutory protections also require review
August 2001	Definitions Brief discussion paper on need for common language in ADR	Presents arguments for and against consistent terminology in ADR and asks for comment
August 2001	Franchising Code of Conduct	<ul style="list-style-type: none"> • Need to address termination issues, and resolve ambiguity surrounding ‘imminence of resolution’ • Address issue of site of mediation, especially in context of on-line ADR
May 2001	ADR/PDR terminology Background paper for meeting convened by NADRAC between Family Court, Federal Magistrates Service and Attorney-General’s Department	Identifies issues surrounding use of terminology for PDR/ADR in the family law systems
May 2001	Federal Magistrates Service Draft Rules Submission to Registrar of Federal Magistrates Service	Reiterates previous advice on Federal Magistrates Service of December 1999

April 2001*	Standards for ADR	<ul style="list-style-type: none"> • recommends framework (=guidelines for developing standards, a code ad enforcement of code by appropriate means); recognise diversity • service providers to adopt and comply with code of practice • service providers to have a complaints mechanism • examine feasibility of ADR Ombudsman • monitor complaints • compliance based predominantly on self-regulation • compliance with code of practice as part of Commonwealth contracts • other governments also to require compliance with a code • consumer education activities to encourage code • mandating bodies give special attention to quality • review of statutory provision • determine need for accreditation on a sector by sector basis • principles suggested for accreditation of practitioners • accrediting bodies develop mutual recognition • selection process to be fair, transparent, effective • engagement of practitioner based on knowledge, skills and ethics, not necessarily tertiary qualifications • training providers inform participants of expected outcomes • training take account of (framework); be performance based, and use best practice learning strategies • explore peak body • resources commensurate with risks and benefits • improved data collection
January 2001	On-line ADR Background paper	This is a background paper only and is not intended to state NADRAC's position. It was placed on the web-site, with an invitation for comment from interested parties.
December 2000	Criteria for referral to ADR Letter of advice to Federal Magistrates Service	<p>Assessment of suitability is complex. There is a lack of empirical research on suitability criteria. Some factors identified are:</p> <ul style="list-style-type: none"> • current fear or high risk of violence by or to a party • allegations of child abuse • an unmanaged mental illness or intellectual disability without appropriate advocacy • a clear statement by one party that they will not participate in ADR or that they 'want their day in court' • a statement by the parties that they want to resolve their conflict in non-adversarial forum • bad faith bargaining, or clear likelihood of this • the intention of one party to use the process to harass

		<p>the other</p> <ul style="list-style-type: none"> • over riding public interest • a matter which is primarily a dispute of fact • parties who have major, non-negotiable value differences • the ability of the parties to make an informed choice to attend • the capacity of the parties to negotiate safely on their own behalf • the extent to which any power imbalance can be redressed • lack of commitment by one or more of the parties to resolve the dispute • any relevant court orders which make ADR difficult (eg a restraining order) • cultural factors and considerations • legal representation of the parties • the likelihood that the costs of ADR outweigh its benefits
May 2000	Administrative Review Tribunal Letters of advice to Attorney-General's Department	Need for specific reference to ADR processes
June 2000	ADR data collection in courts Letter to Attorney-General	Need for improved data collection on Court ADR, starting with federal courts and tribunals
June 2000*	Parenting Plans Joint Letter of Advice to Attorney-General (with Family Law Council)	<ul style="list-style-type: none"> • encourage use of parenting plans, and use consent orders where enforceability is ought • repeal registration provisions • encourage an integrated parenting plans/consent order package
March 2000	Use of term mediation Letter to Family Court of Australia	Need for consistent terminology
March 2000	Franchising Code of Conduct Submission to Franchising Policy Council	<ul style="list-style-type: none"> • Recommend research and data collection to establish benchmarks against which information can be measured. • The code provisions should be kept under review • There is value in making parties participate fully but do not favour the term 'in good faith' • Oppose requirement for mediator to certify that parties made a genuine attempt to mediate • Code to refer to mediation as the principal method of DR • Add a 'case stated' option for a quick, relatively inexpensive and final decision • Commonwealth could require parties to mediate

		<p>before enforcing the provision of a franchising agreement</p> <ul style="list-style-type: none"> • Recommend use of standards
March 2000*	Standards for ADR Discussion paper	<ul style="list-style-type: none"> • Proposed framework for ADR standards • Asked 70 questions for comments <p>See 2001 – 04</p>
December 1999*	Federal Magistrates Service Rules and Regulations Part 2 Report to Attorney-General	<ul style="list-style-type: none"> • provide information/education about ADR through information sessions, brochures, initiating documents • develop and publish guidelines (indicators/contraindicators) for referral to ADR • ADR practitioners has an obligation to assess for suitability • approval of ADR service providers by Attorney-General's Department (quality approval process) as opposed to Family Law Regulations for family and child mediators – link to immunity and complaints process • encourage parties to go to Court to obtain a referral order to ADR • Court personnel should not automatically be qualified as ADR practitioners • need for standards referral orders (providing certain powers and obligations of ADR practitioner) • incorporate definitions into rules of court • immunity/confidentiality should not prevent consumer redress • regulations should specify that ADR service providers have a complaints mechanisms • ADR practitioner should report back to court on termination (defined headings, but not willingness to cooperate) • evaluate ADR services • cost to take account of ADR costs, and refusal to attend ADR • court should scrutinise ADR agreements
August 1999*	Diversity: 'A Fair Say' Public guide to managing differences in mediation and conciliation	Provides practical guidelines for managing diversity
March 1999*	Federal Magistrates Service – Act (March 1999) Part 1 Report to Attorney-General	<ul style="list-style-type: none"> • ADR should be an integral part of the Court. • legislation should refer to DR, not ADR processes. • focus on procedural flexibility • ADR not a replacement for judicial adjudication • emphasis proper assessment, referral and quality • set out objectives in a legislative provision

		<ul style="list-style-type: none"> • legislation should name each DR process • use the NADRAC definitions and consistent terminology • Court to have power to make rules about procedure • access to legal representation/advice/other support • support a diversity of providers of DR services • legislation should address the issue of standards • court to use list of appropriate DR providers • Judge not to adjudicate disputes where s/he has done ADR • Court to make regulations which set Court ADR fees • duty to advise clients of the availability of DR processes • require provision of written information about DR • all/any part of a dispute to be referable to DR process • range of DR processes to be available at any stage • mandatory referral by qualified assessor is acceptable • Court evaluation of all its DR processes is vital. • DR providers to have similar immunity to judges • implement a complaints procedure (against DR providers). • Court to review agreement in limited circumstances. • Court to be able to terminate a non-judicial DR process • Court to determine a question of fact/law to assist ADR • dispute resolver to provide limited report to Court • non-compliance/refusal to provide essential information • DR providers-appropriate powers to facilitate outcomes • Magistrates should have substantial experience in ADR • legislative protection should not extend to pre-filing • Court to make rules on a simple, inexpensive process for initiating action within the court without pleadings
February 1999	<p>Law Reform Commission of Western Australia Review of the Civil and Criminal Justice System (February 1999)</p> <p>Response to Consultation Paper on the Use of Court-based or Community</p>	<ul style="list-style-type: none"> • importance of a range of DR processes • importance of data collection on DR • confidentiality of court files and details of DR attendance • importance of criteria for appraisal/ screening of each case • support court with multiple dispute resolution 'doors' • the ADR process should be adaptable to the particular case • timing of when ADR might be used • more information about the court and ADR

	Alternative Dispute Resolution Schemes and Alternative Forums for Adjudication	<ul style="list-style-type: none"> • incentives for disputants to use ADR • need to create a change of legal practitioner culture • the state should bear the costs of ADR in the court system • parties should use external ADR at their own cost • payment for court-annexed ADR is a complex issue • appropriate training and qualification standards • a judicial officer who has acted as an ADR practitioner should be disqualified from subsequently adjudicating the same dispute • ADR to proceed on a 'without prejudice' basis • limited statutory duty of confidentiality
February 1999	Small Business Access to the Legal System Advice to Attorney-General's Department in response to the Suggestions Paper of the Review of Small Business Access to the Legal System	Support the thrust of the recommendations, but concerned that some recommendations impractical and raise resource implications; need to give attention to processes of implementation
January 1999	Workplace Mediation (29 January 1999) Submission to Department of Workplace Relations and Small Business in response to Ministerial Discussion Paper: Approaches to Dispute Resolution A Role for Mediation?	<ul style="list-style-type: none"> • distinguish mediation from conciliation in industrial relations • need for assessment and screening of matters for suitability • proceed to arbitration or adjudication after unsuccessful mediation (i.e. not proceed to conciliation) • mandatory mediation acceptable in certain circumstances (a gatekeeper required) • public and private providers should be able to deliver mediation services; mediators should have working knowledge of the legislation
September 1998	Federal Dispute Resolution Australian Law Reform Commission Review of the Adversarial System of Litigation – Response to Issues Paper No 25 ADR – its role in federal dispute resolution	<ul style="list-style-type: none"> • benefit of ADR = timeliness, cost effectiveness, flexible outcomes and client satisfaction • need for a variety of DR processes • flexibility importance • gate keeping and assessment is critical (criteria offered) • need to properly design the ADR system • need to establish evaluation criteria for ADR • timing of ADR important (and early intervention may be appropriate) • avoid blurring adjudication and facilitative and advisory processes • supports ADR training for judges • ADR should not be used to reduce funding for courts • drew attention to diversity paper in relation to NNTT

		<ul style="list-style-type: none"> • safeguards re compulsions in ADR (assessment, etc) • standards should include both neutrality and impartiality • limit immunity • conditions suggested for confidentiality • standards – await NADRAC report • lawyers should advise clients of ADR
April 1998	Small Business Department of Workplace Relations and Small Business – Response to ADR Information Kit for Small Business	Editorial suggestions
April 1998	Standards Australia - Comment on the proposed Standard on Dispute Resolution	<ul style="list-style-type: none"> • suggests amendments to proposed criteria for ADR processes • makes a series of editorial suggestion
March 1998	Benchmarks Australian Competition and Consumer Commission Round Table on Small and Large Business Disputes – Comment on Implementation of the Benchmarks for dispute avoidance and resolution – a guide	<ul style="list-style-type: none"> • Need to provide information on small business via informal networks • Specific recommendation on additions to proposed kit
December 1997	Primary Dispute Resolution Attorney-General's Department – Response to Discussion Paper on Delivery of PDR Services in Family Law	<ul style="list-style-type: none"> • confine term `Primary Dispute Resolution' to mediation and conciliation • support choice of DR service, accessibility, efficiency, accountability, quality, integrated service planning and policy development, diversion from litigation • raises issues of accountability in context of outsourcing • raises issues about the functions of a proposed Office of Family Relationship Services
November 1997*	Diversity Discussion Paper on Issues of Fairness and Justice in Alternative Dispute Resolution	<p>Identifies challenges for ADR services in responding to diversity and suggests the following be addressed:</p> <ul style="list-style-type: none"> • dispute resolution system design • training • access to ADR services • cost • social trends of public concern and interest • links with associated services • recruitment of members of minority groups

		<ul style="list-style-type: none"> • use of advocates, legal representatives, interpreters, etc, and • proposes practical guidelines concerning assessment, and modifications and accommodations.
November 1997	Australian Law Reform Commission Review of the Adversarial System of Litigation – Response to Issues Paper No 20 Alternative or Assisted Dispute Resolution	<ul style="list-style-type: none"> • persuasion of parties to use ADR – unlikely to be appropriate by judicial officers, appropriate for non-judicial officers – early in litigation process • mandatory mediation requires certain conditions and safeguards (including ‘gatekeeper’) • supports diversity of ADR providers • generally court staff should not move from one DR process to another • examine immunity – ensure consumer redress possible • respect party self determination, but also identify criteria for referral to ADR • need for better ADR data collection
March 1997*	Family Law Regulations (March 1997) Report to the Attorney-General Primary Dispute Resolution in Family Law – on Part 5 of the Family Law Regulations	<ul style="list-style-type: none"> • compliance with regulation only for those seeking protection of the Act • amend immunity to enable consumer recourse • retain tertiary qualification requirements for the present, but consider recognition of specific family law experience in the future • recognise accountants (under reg 60) • include ‘admitted’ legal practitioner (eg Clerkships, not university educated) • limited authorisation scheme for ATSI mediators • provide means to assist ATSI people gain appropriate tertiary qualifications • limited authorisation scheme for NESB mediators • improve access to tertiary courses • amend subregulation 60(3) – mediation of that kind to general reference to mediation of family disputes • provide authorisation scheme for ‘true grandparents’ of mediation • remove subregulation 60(4) • amendment to wording – sub para 60(3)(b)(ii) • require at least 3 days specific training in family mediation issues • independent supervisors should be experienced in family mediation • include as supervisors people who are eligible for membership of relevant bodies (ie not necessarily current members) • provide that (a) mediator conducts an assessment or is satisfied that it has been appropriately conducted; and (b) decision to proceed or not could be taken by mediator or intake officer

		<ul style="list-style-type: none"> remove requirement for written statement and provide that information is provided as appropriate to the case; and specific changes recommended to the nature of information provided
February 1997	ADR Definitions Report on Alternative Dispute Resolution Definitions	A report defining term for ADR facilitative, advisory and determinative processes
February 1997	Authorisation of Family and Child Counsellors Letter to Attorney- General's Department in response to request for advice on interim arrangements for the authorisation of Family and Child Counsellors	High level of training and expertise required for family and child counsellors, due to incidence of violence and abuse
February 1997	AFP/NCA complaints Attorney-General's Department – Response to request for advice on Australian Law Reform Commission Report no 82 – Integrity: but not by trust alone: AFP and NCA complaints and disciplinary systems	<ul style="list-style-type: none"> define mediation and conciliation examine public interest carefully consider whether officers from within the police force be used as mediators need for adequate training relate ADR to good management practices consider Standards Australia AS 4269 1995 provide time limits for processes, with flexibility ADR should not be considered in some cases – this to be determined on an individual – not 'type' basis ADR should not be compulsory for complainants, but possibly for members of police force
January 1997	Benchmarks for Consumer Dispute Resolution Schemes	Include specific reference to situations where ADR may be inappropriate, such as power imbalance
January 1997	Non-consensual mediation in the Federal Court of Australia Letter of advice to Attorney-General's Department	<ul style="list-style-type: none"> mandatory mediation maybe appropriate in some circumstances; a properly trained 'gatekeeper' is required, and criteria applied for referral mediators should have the time appropriate to meet the needs of the parties
November 1996	Government Service Charter Initiative	In staff training section, address issues of power imbalance and potential biases between consumers and providers
October 1996	Youth Homelessness Submission to Youth Homelessness	Address issue of family violence, family dysfunction and power imbalance in considering youth reconciliation services

	Taskforce	
October 1996	Family Services - Submission to Parliamentary Committee into Aspects of Family Services	<ul style="list-style-type: none"> • not appropriate for preventive family services to be provided by the courts • provide easy access to a range of DR services • monitor impact of any new fees for service (for family court counselling) • attend to issue of family violence • support provision of quality mediation services provided by State Government agencies
June 1996	Uniform succession laws Submission of Queensland Law Reform Commission	Reforms to succession laws should make reference to ADR processes in relation to disputes over estates

7. Financial Report

NADRAC's expenditure is contained within Outcome 1 (an equitable and accessible system of federal law and justice), Output 1.1 (legal services and policy advice on courts and tribunals, alternative dispute resolution, administrative law, human rights, evidence and procedure) of the Attorney-General's Department's audited financial statements published in the Department's Annual Report. The Secretariat Staff is located in the Department's Civil Justice Division.

Expenditure on NADRAC in 2006-2007 (including secretariat travel costs but not other secretariat costs) is as follows:

<u>Item</u>	<u>Expenditure 2006/2007</u>
Sitting fees	\$6,700
Training and conferences	\$195.45
Venue Hire & Incidentals	\$175.23
Domestic Airfares	\$18,835.00
Travelling Allowance	\$7,152.50
Car/Taxi hire	\$2,533.54
Car Parking	\$285.90
Printing	\$5,586.95
Communication Charges	\$12.28
<u>Total</u>	<u>\$41,476.85</u>