



NADRAC
NATIONAL ALTERNATIVE DISPUTE
RESOLUTION ADVISORY COUNCIL

NADRAC Annual Report 2011-2012

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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YEAR IN REVIEW

The current reference confirmed by the Attorney-General, the Honourable Nicola Roxon MP, asked NADRAC to assist in the further development and promotion of a dispute resolution culture in Australia:

A dispute resolution culture recognises that non-adversarial means may be the most appropriate way to resolve a dispute, and that using the most appropriate means to resolve a dispute can have many benefits, including preventing the escalation of a dispute, preserving relationships and achieving an outcome that all parties can accept.

NADRAC understood the task to be one of finding and advising on ways that Alternative Dispute Resolution (ADR) techniques can be more widely understood and embraced by federal government agencies, the legal profession and the community, thereby enabling resolution of disputes in an economically and socially efficient and effective way.

NADRAC undertook a range of initiatives with the aim of supporting cultural change in dispute management. One such activity was the release of “Your Guide to Dispute Resolution”, a very readable and accessible explanation of what ADR techniques are and how they work. The Guide is available in hard copy from the Attorney-General’s Department and electronically on the NADRAC website.

There is evidence that the Guide is being widely noted and used in a way that will promote ADR techniques throughout the community. Its readership is expected to encompass community centres, bank customers, insurers, police stations, court offices, state and commonwealth government offices and the clients of ADR practitioners and lawyers.

NADRAC also researched and considered whether ADR techniques were being adequately and appropriately promoted in law schools throughout Australia. The law schools were surveyed to determine the extent to which ADR techniques were included in a graduating lawyer’s education. The results of the survey, which will be presented to the Attorney-General in late 2012, demonstrate a real increase in ADR education but also that it is possible for a large proportion of Australian law school students to complete legal studies with little exposure to ADR. It was interesting to see law schools report that student demand for ADR courses exceeded supply.

Consistent with its interest in achieving cultural change by promoting ADR through education systems, an opportunity arose with the Australian Curriculum Assessment and Reporting Authority (ACARA) to contribute to the development of a Civics and Citizenship component of the National Curriculum. NADRAC presented a submission on the inclusion of dispute resolution as part of the obligations of citizenship. The submission outlined the role of dispute resolution as a civic obligation and the ways in which it could be incorporated into the education stream outlined by ACARA.

NADRAC has also been involved in the promotion of the benefits of the Civil Dispute Resolution Act 2011. That Act emerged from NADRAC’s report “Resolve to Resolve” (2009) and is currently being evaluated by the Attorney-General’s Department. In addition, members of NADRAC have spoken, lectured and taught widely on ADR generally and on the Civil Dispute Resolution Act in particular.

Finally, NADRAC is examining two additional matters. The first concerns Collaborative Practice - a dispute technique currently principally used among family law experts. The second is the emergence of the term "Mediation Style Conferencing" which is a term that appears to imply the use of the known process of mediation when it may in fact involve other processes as well, or instead of, mediation. NADRAC has considered the impact of that practice on the positive achievements gained in mediation accreditation.

NADRAC experienced a change to its membership during the past year - Dr Gaye Sculthorpe was unable to accept a renewed term. Her membership will be missed from the Council. NADRAC's longest serving and valued member Professor Tania Sourdin was extended for a further two years.

The Council members of NADRAC are grateful for the research and administrative support provided by Ms Kate Wandmaker and Ms Lucy Stockwell and for the considerable assistance it has received from Ms Allison Wood, Dr Karl Alderson and the Deputy Secretary Mr David Fredericks. NADRAC has been very grateful for the work of Ms Lucy Stockwell and whilst sorry to see her leave her role supporting the Council, extend its best wishes to her.

Mr Jeremy Gormly SC
Chair

A handwritten signature in black ink, appearing to read 'Jeremy Gormly', written in a cursive style.

29 October 2012

ABOUT NADRAC

The National Alternative Dispute Resolution Advisory Council (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 Australian Government on ADR issues was identified in *Access to Justice – an Action Plan*, released in 1994 by the Access to Justice Advisory Committee, chaired by the Hon Ronald Sackville. The Action Plan recognised the need for a national body to advise the Government and federal courts and tribunals on ADR issues with a view to achieving and maintaining a high quality, accessible, integrated Commonwealth ADR system. NADRAC's functions are detailed in its Charter.

Extract from NADRAC's Charter

1. The National Alternative Dispute Resolution Advisory Council (NADRAC) is an independent advisory council charged with:
 - 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
 - promoting the use and raising the profile of alternative dispute resolution.
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.

NADRAC's full Charter can be accessed on its website www.nadrac.gov.au.

NADRAC MEMBERSHIP

NADRAC members are appointed by the Attorney-General on the basis of their individual expertise, not their membership of any organisation. There is no requirement for NADRAC to have a particular number of members, the number of members can fluctuate. There is no obligation on the Attorney-General to make appointments for a set length of time, or to offer reappointments. Members come from around Australia and bring to a broad range of experience in the area of dispute resolution. A list of past members is available on the NADRAC website www.nadrac.gov.au.

At a Glance – Current Membership

Name	Position	Date of first appointment	Expiry date of current term
Mr Jeremy Gormly SC	Chair	18 July 2011	17 July 2014 (nominal)
Professor Nadja Alexander	Member	19 September 2007	28 February 2013
Dr Andrew Bickerdike	Member	1 January 2010	31 December 2012
The Hon Justice Andrew Greenwood	Member	1 January 2010	31 December 2012
Ms Dianne Gibson	Member	1 March 2011	28 February 2014
Ms Margaret Halsmith	Member	4 September 2008	27 May 2013
Mr Tom Howe QC	Member	28 May 2008	27 May 2013
Mr David Fredericks	Ex Officio	17 October 2012	-
Mr Peter Kell	Member	1 March 2011	28 February 2014
Mr Stephen Lancken	Member	28 May 2008	27 May 2013
Ms Helen Marks	Member	1 March 2011	28 February 2014
Ms Lindsay Smith	Member	28 May 2008	27 May 2013
Professor Tania Sourdin	Member	29 April 2002	2 September 2014

Current Member Profiles



Mr Jeremy Gormly SC – Chair

Mr Jeremy Gormly SC currently practices at the NSW Bar. He was admitted to the Bar in 1985 and became Senior Counsel in 2001. He has appeared in numerous commissions of inquiry as counsel assisting including the CAA-Seaview Aviation Royal Commission, the Thredbo Landslide Inquiry and the Andrew Mallard Murder Conviction inquiry in Western Australia. Mr Gormly is also a practising mediator, and has mediated numerous commercial, equity and negligence actions. Under a joint Commission from the Australian Attorney-General and the Minister for Science and Personnel he was appointed to and completed the task of concluding outstanding claims arising from the 1964 collision of HMAS Melbourne with HMAS Voyager. Mr Gormly is a member of the Legal Profession Admission Board, the Chairman of the NSW Bar Council's Common Law Committee and former Chairman and member of numerous other committees and boards.



Professor Nadja Alexander

Professor Nadja Alexander is Foundation Director of the International Institute of Conflict Engagement and Resolution at Hong Kong Shue Yan University. A practising mediator, scholar and speaker she is engaged in a variety of dispute resolution settings in Asia, the Pacific, Australia and Europe. Policy appointments include the Hong Kong Mediation Taskforce, the Standards Commission of the International Mediation Institute and previously the German Advisory Council on Mediation. She is a multi-award winning writer (1998, 2007, 2011) and trainer (1995, 1996, 1997, 2001). She edits the Kluwer Mediation Blog and the book series *Global Trends in Dispute Resolution*. Her work on negotiation and mediation is published globally and appears in several languages including Chinese, Russian, French and German. Professor Alexander is listed on the international Who's Who of commercial mediators. During 2011-2014 she is leading a commercial mediation initiative in the Pacific.



Dr Andrew Bickerdike

Dr Andrew Bickerdike is CEO of Relationships Australia Victoria. He is a psychologist with experience and specialist training in individual, marital and family therapy, and family dispute resolution. Andrew has practiced as a mediator and family dispute resolution practitioner for over 15 years and is experienced in the provision of FDR services in both parenting and property matters. He also holds tertiary qualifications in economics and has a strong finance and business background. Andrew is an experienced researcher – having initiated many research projects examining the efficacy of family services programs in the naturalistic setting. Currently he is the industry partner in three large Australian Research Council linkage projects. Collectively, these research activities have attracted

national and international interest and have influenced the design of models of practice. Andrew has been a member of the Family Court of Australia Expert Reference Panel since 2007, and is a member of the National Advisory Board of the Family Law Section of the Law Council of Australia.



Mr David Fredericks

Mr David Fredericks is Deputy Secretary, Civil Justice and Legal Services Group in the Australian Attorney-General's Department. Mr Fredericks is responsible for matters including legal services provided to the Australian Government, federal court administration, family law, administrative law, international law, human rights, legal assistance, Indigenous policy, native title, classification and legislative drafting. He previously held senior Ministerial Adviser roles, including for the Prime Minister and the Minister for Climate Change and also served as the Director of the Economic Reform Unit in the Solomon Islands Ministry of Finance on secondment from the Australian Treasury. Mr Fredericks was

previously Executive Director of the Policy Division in the Victorian Department of Premier and Cabinet. He practised as a barrister in Sydney for five years. He holds degrees in Law (with First Class Honours) and Economics from Sydney University.

Ms Dianne Gibson

Ms Dianne Gibson is a psychologist with extensive experience in family dispute resolution policy and law. She recently retired from the position of Director Child Dispute Services in the Family Court of Australia where she was responsible for child dispute services nationally. She has worked in the community sector as Executive Director of Family Services Australia and as the CEO of Relationships Australia (National). Ms Gibson is a past member of the Family Law Council and past Chair of the Board of Management, and later the Advisory Council, of the Australian Institute of Family Studies. Ms Gibson has lectured in family



dispute resolution at University of Technology, Sydney for the past 15 years.



The Hon Justice Andrew Greenwood

Justice Andrew Greenwood is a Judge of the Federal Court of Australia. Prior to being appointed to the Federal Court in 2005 Justice Greenwood practised extensively in the fields of intellectual property, competition law and commercial litigation as a partner at Minter Ellison. Justice Greenwood was the Queensland Chair of the Law Council of Australia's Trade Practices and Intellectual Property Committees. Justice Greenwood holds the position of Adjunct Professor in intellectual property and competition law, at the University of Queensland's T C Beirne School of Law and sits on the Advisory Board of the Key Centre for Ethics, Law, Justice and Governance at Griffith University.



Ms Margaret Halsmith

Ms Margaret Halsmith is Director and Principal Mediator of Halsmith Consulting Pty Limited, through which she mediates full time in a wide variety of settings for business, government, families and individuals. She holds Bachelor degrees in Psychology and Arts, is a registered Family Dispute Resolution Practitioner and is accredited by the International Mediation Institute, at the advanced level by LEADR and also under the National Mediator Accreditation System. She teaches Dispute Resolution at Edith Cowan University and has taught at the University of Notre Dame Australia, Curtin University and the University of Western Australia. Ms Halsmith is the Chair of LEADR Australasia. She is also the Deputy Convenor of the Western Australian Dispute Resolution Association under the auspices of which she convened the sub-committee responsible for the National Mediator Accreditation System. She was Co-convenor of the National Mediation Conference held in Perth in 2008 and has continued as a member of that Board since 2006.



Mr Tom Howe QC

Mr Tom Howe QC is the Chief Counsel, Dispute Resolution at the Australian Government Solicitor (AGS), where he has worked for the last 25 years. Prior to joining AGS, he worked in private practice and as a solicitor with ACT Legal Aid. He is a member of the Federal Litigation Section of the Law Council of Australia.



Mr Peter Kell

Peter Kell was appointed as a Commissioner with the Australian Securities and Investments Commission (ASIC) in November 2011. Prior to that Mr Kell was Deputy Chair of the Australian Competition and Consumer Commission. He was President of the International Consumer Protection Enforcement Network in 2009-2010, and also served on the Consumer Policy Committee of the Organisation for Economic Cooperation and Development. Mr Kell has been on the Australian Government Financial Literacy Board since its establishment, and is a member of the Commonwealth Consumer Affairs Advisory Committee. Before joining the ACCC, Mr Kell was Chief Executive of CHOICE (the Australian Consumers' Association) and a board member of the global consumer organisation Consumers International. Between 1998 and 2004 Mr Kell was ASIC's Executive Director of Consumer Protection and its New South Wales Regional Commissioner.



Mr Stephen Lancken

Mr Stephen Lancken practises as a mediator and teacher. He is the managing director of Negocio Resolutions a Sydney based mediation, ADR and consultancy firm. He facilitates ADR and negotiation programs for a number of organisations including Sydney University, The Trillium Group and AGSM Executive Programs. Mr Lancken is a member of the New South Wales Law Society's Dispute Resolution Committee, an accredited mediator under the National Mediator Accreditation System and an accredited specialist in mediation, dispute resolution and commercial litigation. Mr Lancken served on the inaugural board of the Mediator Standards Board. He also serves on Not for Profit boards and has facilitated 'roundtables' and working groups for government and non-government organisations. He practised law for 18 years prior to embracing ADR full time in 1999 and has a Masters Degree in Peace and Conflict Studies. Mr Lancken has written for many publications about the application of ADR, particularly mediation.



Ms Helen Marks

Ms Helen Marks is the Director of Alternative Resolutions and Equity at the Department of Defence. Before this appointment, she was the Director of the Alternative Dispute Resolution and Conflict Management program for Defence. Ms Marks worked for many years as a legal officer with the Royal Australian Navy before retiring in January 2005. She has qualifications in Law and Psychology and holds a Post Graduate Diploma in Criminology, Graduate Certificate in Family Mediation and a Masters Degree in Military Law. She has extensive experience in mediation, conflict resolution, group facilitation and negotiation skills.



Ms Lindsay Smith

Ms Lindsay Smith is the Executive Manager for the Dispute Resolution Branch of the Queensland Department of Justice and Attorney-General. She was formerly the Coordinator of the Dispute Resolution Branch's Mackay Dispute Resolution Centre. She is a former Deputy Principal of Mackay State High School and consulted on conflict resolution at FH Collins Secondary School in Canada. She is an accredited mediator under the National Mediator Accreditation System and an appointed mediator under the *Dispute Resolution Centres Act 1990 (Qld)*.



Professor Tania Sourdin

Professor Tania Sourdin is the Foundation Chair and Director of the Australian Centre for Court and Justice System Innovation (ACCJSI) at Monash University. She is a member of several boards and advisory bodies including the Board of the Mediator Standards and the Law Council of Australia Collaborative Law Committee. Professor Sourdin is also a member of the Administrative Appeals Tribunal, as well as a number of panels as an advanced mediator. Professor Sourdin wrote the National Mediator Accreditation Standards and has led national research projects and produced important recommendations for court and non adversarial justice reform. She has conducted research into conflict resolution and disputant perceptions in eight courts and four independent conflict schemes and currently has two major evaluation projects in this area and an ARC project in online dispute resolution. Professor Sourdin has also written and published widely in several areas of ADR, including online dispute resolution, mediation, collaborative lawyering and organisational change

At a Glance – Former Members

The following members' terms with NADRAC ended during the 2011-2012 year.

Name	Position	Date of first appointment	Expiry date of last term/Retirement date
Dr Gaye Sculthorpe	Member	30 August 2004	31 December 2011

ADMINISTRATIVE AND RESEARCH SUPPORT

NADRAC receives administrative and research support from officers within the Dispute Resolution Section, Access to Justice Division of the Australian Attorney-General's Department.

In addition to providing support to NADRAC, the Dispute Resolution Section plays a role in the development and progression of ADR policy at the Australian Government level. In its support role, the Dispute Resolution Section:

- undertakes research on ADR issues being considered by NADRAC
- provides policy advice to NADRAC
- responds to public, government and other enquires on behalf of NADRAC
- assists NADRAC to draft reports, discussion papers, correspondence, letters of advice and annual reports
- manages NADRAC's expenditure within the relevant budgetary allocations.

Members of the Dispute Resolution Section who worked with NADRAC during the 2011-12 year are listed below.

Name	Position	Period of Support
Ms Allison Wood	Principal Legal Officer	Feb 2010 - Nov 2011
Ms Kate Wandmaker	Senior Legal Officer	Nov 2011 - ongoing
Ms Ruba Rashid	Policy/Project Officer	Sep 2006 - Apr 2012
Ms Lucy Stockwell	Legal Officer	Feb 2010 - Sep 2012

REFERENCES AND REPORTS

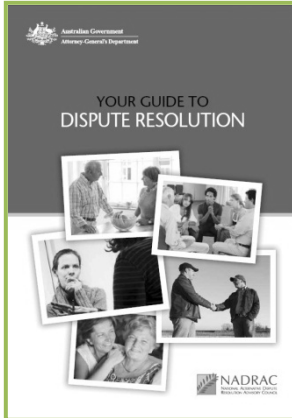
Terms of Reference – Dispute Resolution Culture

In November 2011 Terms of Reference were issued to NADRAC by the former Attorney-General the Hon Robert McClelland MP. The current Attorney-General the Hon Nicola Roxon MP confirmed these in February 2012. Consistent with the Australian Government's *Strategic Framework for Access to Justice*, NADRAC has been asked to assist with the further development and promotion of a dispute resolution in Australia – specifically in federal government agencies, the legal profession and the Australian community.

The focus for NADRAC in 2011-2012 was activities that contributed to strengthening the development of such a culture. This included:

- NADRAC's survey of ADR teaching in Australian law schools
- the submissions to discussion papers NADRAC has made, and
- the promotion by NADRAC members, at various events, of the *Civil Dispute Resolution Act 2011* (Cth).

Your Guide to Dispute Resolution



National Principles Reference

The former Attorney-General, the Hon Robert McClelland MP, requested on 1 December 2009 that NADRAC assist in promoting ADR by preparing a supporting guide.

NADRAC completed this task in April 2011. However, the Council indicated its intention to continue working on this guide until it was ready for publication.

NADRAC worked collaboratively with the Attorney-General's Department, and was able to utilise the expertise of many areas of the Department in developing the guide. NADRAC would specifically like to thank the Department's Strategic Communication Branch for their assistance in developing the cover and design concepts.

Consultation

Consultation was conducted on a draft version of the guide from 2 March to 31 March 2012. Key industry stakeholders were approached to provide feedback, including ADR providers and

practitioners, community legal centres, Legal Aid Commissions, courts, tribunals, Ombudsmen and law societies.

The primary means of consultation was through an online survey that received 74 responses. Some stakeholders also chose to provide more detailed feedback. Overall, NADRAC found that stakeholders were positive about the guide and its potential usefulness in educating Australians about ADR.

NADRAC extends its thanks to all stakeholders who provided feedback on the draft guide. In particular, NADRAC appreciates the time and effort that several ombudsman offices invested in the section of the guide about the role of an ombudsman.

Launch

The launch of *Your Guide to dispute resolution* took place on 23 July 2012. A report on the launch will be included in the 2012-2013 NADRAC Annual Report.

Survey of Australian Law Schools

Consistent with its current Terms of Reference, during 2011-2012 NADRAC decided to explore the extent to which ADR is taught in Australian law schools.

In November 2011 NADRAC contacted the Deans of Australian law schools, seeking their participation in a short survey designed to identify where, how and why ADR is taught in the undergraduate, juris doctor and postgraduate law degrees. Out of the 32 Australian law schools NADRAC received a total of 27 responses, with the last few responses received in March 2012.

NADRAC presented some of its preliminary findings from the survey at the RMIT University *ADR in Legal Education and Student Wellbeing Forum* held in February 2012.

The survey results, together with feedback received during the NADRAC panel session at the RMIT University forum, will form the basis of a report that NADRAC plans to release before the end of the 2012 academic year.

Submissions and Papers

Department of Innovation, Industry, Science and Research – Resolution of Small Business Disputes Options Paper

On 20 May 2011, Small Business Minister Nick Sherry released an options paper seeking comments on ways small business could be assisted to resolve disputes. The paper identified four options:

- a National Information and Referral Service
- a National Dispute Resolution Service
- a National Small Business Tribunal, and
- a Small Business Advocate.

NADRAC provided a submission on the options paper, which indicated support for exploring affordable and accessible dispute resolution options for small business - provided overlap or duplication of existing dispute resolution services for small business is avoided. Other key points NADRAC emphasised included:

- using ADR terminology consistently to assist small business in understanding and recognising ADR terms and processes
- ensuring that ADR services provided to small business are accessible and of high-quality
- educating small business about ADR and dispute resolution services, and
- encouraging data collection and evaluation to ensure the ongoing success of any small business dispute resolution option.

NADRAC notes that on 14 March 2012 the Australian Government committed to the appointment of a national Small Business Commissioner as a result of feedback received on the options paper.

Draft Federal Court of Australia Rules

During 2011 the Federal Court of Australia updated its Rules to assist parties to comply with the requirements under the *Civil Dispute Resolution Act 2011* (Cth). A draft version of the Rules was made available for consultation.

NADRAC provided its views to the Hon Justice Bruce Thomas Lander, Convenor of the Rules Revision Project, on the new Rules and Forms drafted to implement the requirements of the Civil Dispute Resolution Act. NADRAC indicated that in its view the Federal Court Rules should allow for a wide interpretation of the Act's requirement, to support self-determination by disputants.

The Federal Court agreed with, and adopted, NADRAC's view in the final version of the Rules. The Rules commenced on 1 August 2011, to coincide with the commencement of the Civil Dispute Resolution Act. A copy of the Federal Court Rules is available at www.comlaw.gov.au.

National Pro Bono Resource Centre – Alternative Dispute Resolution and the possible role of pro bono lawyers

The National Pro Bono Centre is an independent, non-profit organisation that aims to encourage pro bono legal services, support lawyers and law firms to make it easier for them to provide high quality pro bono legal services, and work with the legal profession and the community sector to match services with the clients and groups most in need of assistance.

In October 2011 the Centre released a discussion paper, *Alternative Dispute Resolution and the possible role of pro bono lawyers*, exploring the role that pro bono lawyers might play to assist in the ADR process.

NADRAC welcomes the Centre’s exploration of this topic. In the Council’s submission, NADRAC noted that there would be benefits in pro bono being available for all types of ADR processes, as well as valuable roles that both pro bono lawyers and ADR practitioners could play. NADRAC also noted several key considerations in encouraging the use of pro bono in ADR, including utilising accredited ADR practitioners to ensure a high-quality process, consistent use of ADR terminology, ensuring confidentiality and incorporating data collection.

In June 2012 the Centre released its final paper on this topic, *Alternative Dispute Resolution - Assisting People Experiencing Disadvantage*, which draws heavily on the submissions to the discussion paper, including the NADRAC submission. The final paper is available at www.nationalprobono.org.au.

Australian Institute of Judicial Administration – Australian Courts: Serving Democracy and its Publics

In 2010 NADRAC received an invitation to contribute a chapter to the Australian Institute of Judicial Administration’s publication *Australian Courts: Serving Democracy and its Publics*. NADRAC would like to extend its thanks to members Professor Nadja Alexander and Professor Tania Sourdin for their work in preparing this chapter on behalf of NADRAC.

NADRAC’s chapter focussed on developments in ADR, discussing processes that occur within litigation, for example as part of case management or a referral to court-based mediation, ADR developments within the court system and what future trends may encourage the use of ADR.

Australian Centre for Court and Justice System Innovation – Resolving Disputes without Courts: Measuring the Impact of Civil Pre-action Obligations

The Australian Centre for Court and Justice System Innovation (ACCJSI) is a joint initiative between Monash University’s Faculty of Law and the Australasian Institute for Judicial Administration (AIJA). The ACCJSI has a strong focus on non-adversarial justice research and practice, including facilitative,

advisory and adjudicative forms of dispute resolution. The Director of the Centre is Professor Tania Sourdin, a NADRAC member.

One of the ACCJSI's projects is the *Pre-Action Obligations Research Project*, which aims to assess the use and effectiveness of pre-action schemes and obligations that encourage people to resolve their disputes before filing proceedings with a court or tribunal. The ACCJSI released a background paper on this project, *Resolving Disputes without Courts: Measuring the Impact of Civil Pre-action Obligations*, in March 2012, seeking comments on the direction of the project.

NADRAC provided comments on the background paper indicating the Council's support for pre-action obligations, where appropriate. NADRAC looks forward to the final research report on this project.

MEETINGS AND EVENTS

NADRAC Meetings

NADRAC held three face-to-face meetings during 2011-2012 and one teleconference.

NADRAC would like to extend its thanks to the Federal Court of Australia and Monash University's Australian Centre for Court and Justice System Innovation for their assistance in providing venues for NADRAC meetings throughout 2011-2012.

Canberra – 24 August 2011

NADRAC held its 55th meeting on 24 August 2011 at the Robert Garran Offices in Canberra. This was the first meeting under the new NADRAC Chair Mr Jeremy Gormly SC.

A large portion of the meeting was devoted to discussion on areas where NADRAC could support the uptake of ADR or raise its profile. One area identified was Australian law schools and the inclusion of ADR teaching in the law curriculum. NADRAC's discussion underpinned the development of its current Terms of Reference, *Development of a Dispute Resolution Culture in Australia*.

Sydney – 5 December 2011

The 56th meeting of NADRAC was held in the Level 18 Litigation Room at the Law Courts Building in Sydney on 5 December 2011.

Discussion at the meeting focussed on the dispute resolution guide, as well as the early responses received in the survey of Australian law schools.

John Mathieson, Registrar of the Federal Court of Australia, attended a portion of the meeting to discuss the Federal Court's experiences in relation to the *Civil Dispute Resolution Act 2011* (Cth). Mr Mathieson noted that the Federal Court firmly held the view that some form of evaluation of the Act should be carried out and was considering what statistics it needs to capture and how to collate these.

Melbourne – 21 February 2012

The final face-to-face NADRAC meeting for 2011-2012 was held on 21 February 2011 at the Australian Centre for Court and Justice System Innovation (ACCJSI), within the Monash University Law Chambers in Melbourne.

Dr Gaye Sculthorpe attended the meeting as a guest.

Several NADRAC members had participated in RMIT University's *ADR in Legal Education and Student Wellbeing Forum* on the previous day, which led to discussion at the meeting focussing on ADR education in Australian law schools and more broadly within universities. NADRAC also discussed issues surrounding dealing with ADR and Family Dispute Resolution practitioner complaints.

Teleconference – 29 May 2012

The meeting held on 29 May 2012 was the first time NADRAC had held a full Council meeting by teleconference.

Ms Serena Beresford-Wylie attended the meeting to discuss the Attorney-General's Department's project to build an evidence base for the civil justice system. In addition to the evidence base project, the Council finalised the text of *Your Guide to Dispute Resolution* and formed a committee to finalise the report of NADRAC's survey on ADR education in Australian law schools.

RMIT University ADR in Legal Education & Student Wellbeing Forum

RMIT University hosted the *ADR in Legal Education and Student Wellbeing Forum* on 20-21 February 2012. The forum was attended by academics, practising barristers and ADR practitioners.

Day one of the forum focussed on ADR and whether it should be included as a core component of legal education. A small panel of NADRAC members attended the forum to discuss the results received to date of the NADRAC survey of ADR teaching in Australian law schools. NADRAC intends to incorporate the feedback it received through this panel session into its report on ADR teaching in Australian law schools.

Other Events and Activities

Throughout 2011-2012 NADRAC members received several invitations to speak to various ADR, legal and other bodies, as well as at seminars and conferences.

FINANCIAL REPORT

NADRAC's expenditure is contained within Outcome 1 (an equitable and accessible system of federal civil justice), Output 1.1 (legal services and policy advice on family law, federal courts and tribunals, civil procedure, alternative dispute resolution, administrative law and administration of related government programs) of the Attorney-General's Department's audited financial statements published in the Department's Annual Report.

Expenditure on NADRAC in 2011-2012 (including travel costs of Departmental officers but not other Departmental costs) is outlined in the table below.

Item	Expenditure 2011-2012 (Excluding GST)
Meeting costs	\$906.18
Domestic Airfares	\$11,708.69
Travelling Allowance and Accommodation	\$5,347.92
Car/Taxi hire	\$1,563.40
Car Parking	\$85.46
Printing	\$3,553.00
TOTAL	\$23,164.65