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May 2003

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- HREOC Letter of correction concerning the *National Inquiry into Children in Immigration Detention* Report.
- AFP Letter of correction concerning:
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**\*Note:** Due to size restrictions, not all tabled documents appear in this volume. For copies of papers listed but not contained in this volume, please contact the Secretariat on (02) 6277 3560.

## NATIONAL ACTION PLAN ON HUMAN RIGHTS – WORKING GROUP

The working group is chaired jointly by the Attorney-General's Department and the Department of Foreign Affairs and Trade.

It comprised representatives from –

- Department of the Prime Minister and Cabinet;
- Department of Communications, Information Technology and the Arts;
- Department of Employment and Workplace Relations;
- Department of Family and Community Services;
- Department of Defence;
- Department of Health and Ageing;
- Department of Education, Science and Training;
- Department of Immigration and Multicultural and Indigenous Affairs;
- Human Rights and Equal Opportunity Commission; and
- the Aboriginal and Torres Strait Islander Commission.

Senate Legal & Constitutional Affairs  
Legislation Committee  
Consideration of Budget Estimates 2003-04

Tabled Document

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Date: *2:14 26/05/03*

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## Work being undertaken by NADRAC in 2003

NADRAC has established a number of committees to focus upon selected issues. The committees and their work are as follows:

### ADR Research

NADRAC held a round table conference on 21 February 2003 in Melbourne, which 51 people attended, including academics, ADR practitioners and court officials. NADRAC facilitated discussions with the objectives of:

- identifying strategies for improving the quality and consistency of ADR research, evaluation and data collection
- maximising the impact of current research efforts through sharing information about current projects and approaches and through developing links among those engaged in ADR research
- making suggestions on good practice in ADR research evaluation and data collection, which could form the basis for a NADRAC guide or paper on this issue.

Notes from the round table have been distributed to participants.

### Indigenous dispute resolution

NADRAC is holding its next Council meeting in Alice Springs on 18 – 20 June 2003. A meeting is planned with local Indigenous groups on 19 June 2003 through which NADRAC will seek to obtain information that will assist it to understand, support and encourage the effective provision of ADR services to Indigenous people and to inform itself of the particular needs of Indigenous people who use ADR processes and services.

Specifically, NADRAC aims to talk with Indigenous groups and with those involved in providing ADR services to Indigenous people in order to:

- learn about ADR practices in Indigenous communities, including what has and hasn't worked
- gain the ideas of Indigenous people on ADR issues examined by NADRAC
- work with people on developing future strategies for improving the delivery of ADR services to Indigenous people.

It is proposed that this meeting will be the first of a series of such meetings with Indigenous groups.

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## **Referral to ADR**

The Australian Institute of Judicial Administration (AIJA) and NADRAC have commissioned Assoc. Prof. Kathy Mack to prepare a background paper on court referral to ADR. Kathy Mack provided a draft of her paper on 11 February. The joint AIJA/NADRAC advisory group discussed the paper on 14 February. A second draft is now being prepared.

## **Terminology**

NADRAC produced a discussion paper on ADR terminology on 12 June 2002.

Submissions were requested from industry groups. Responses have been collated and are being posted on the NADRAC website. NADRAC is considering whether, in light of the submissions received, it would be desirable to revise its 1997 paper Alternative Dispute Resolution Definitions.

## **Statutory Provisions**

NADRAC is establishing a database that is to include Commonwealth, and possibly State and Territory legislative provisions, dealing with ADR. Upon its completion the database will be made available on the NADRAC website and allow users to search for provisions on key issues, such as immunity of ADR practitioners, confidentiality and the admissibility of evidence.

This database will assist NADRAC in preparing a guide, identifying relevant legal and policy issues impacting upon the legislative regulation of ADR processes.

## **Family Law PDR**

On 30 April 2003 NADRAC provided the Family Court of Australia with comments on its proposed changes to the Family Law Rules to be introduced in 2004.

## **NADRAC Conference**

NADRAC is holding a 2 day conference entitled "ADR – a better way to do business" on 4 and 5 September 2003 aimed at encouraging Australian businesses to incorporate ADR initiatives in their business practices. The conference will showcase successful strategies used in the business community to prevent, manage and resolve business disputes.

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## 5. Summary of NADRAC's submissions and publications

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 web-site ([www.nadrac.gov.au](http://www.nadrac.gov.au))

Date	Matter	Summary
<b>2001-2002</b>		
June 2002	ADR terminology (Discussion paper)*	Poses a series of questions about how terms are used, and should be used, in ADR. Submissions invited by 31 December 2002
May 2002	ADR statistics (Compilation of published statistics on ADR in Australia)*	Intended as a resource document to guide consideration of ADR data collection
April 2002	Government use of ADR (Letter to Attorney-General)	Need for reference to ADR and to ADR standards in the Legal Service Direction Need for ADR clauses in contracts for provision of good 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"> <li>• Take into account impact and potential of technology</li> <li>• Consider accessibility, fairness, effectiveness, cost and legal issues</li> <li>• Manage risks associated with delivery of ADR service on-line</li> <li>• Need to match technology to needs of disputes and parties</li> <li>• Develop service and practitioner standards to take account of use of technology</li> <li>• Consider use of technology in other areas, including marketing of ADR, information management, research, education and professional development</li> <li>• Apply change management strategies when introducing new technology</li> </ul>
Feb. 2002	Mediation competencies (Letter to Community Services and Health Training Australia)	General comment on draft qualification and competencies in community mediation: <ul style="list-style-type: none"> <li>• Consultation</li> <li>• Diversity</li> <li>• Use NADRAC's standards within evidence guides</li> </ul>

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2002-02	Recommendations of the Family Law Pathways Advisory Group (Letter to Attorney-General)	<ul style="list-style-type: none"> <li>• Supports the direction of the FLPAG's report</li> <li>• Need for well researched and targeted promotion of non-adversarial approaches</li> <li>• Reference to Quality Framework Submission (2002-01)</li> <li>• Support for case assessment, but noting complexity of the task</li> <li>• Need for consistent terminology (refers to 2001-11)</li> <li>• Need for evaluation of innovative models of service delivery</li> </ul>
Jan. 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"> <li>• Support for overall goals of proposal</li> <li>• Avoid too much emphasis on organisational performance at expense of practitioner competence</li> <li>• Need to link with other professional/service groupings</li> <li>• Take into account elements in an appropriate code of practice as outlined in NADRAC's standards report</li> <li>• Some additional standards required vis a vis family services, especially family violence/child abuse)</li> <li>• Give greater prominence to complaint handling</li> <li>• Keep 'essential' obligations and responsibilities within the regulations themselves</li> <li>• Need to clarify implementation issues - costs, compliance, infrastructure.</li> </ul>
Dec. 2001	ADR In E-Commerce (Submission to Expert Group on e-commerce re discussion paper on Dispute Resolution in e-commerce)*	<ul style="list-style-type: none"> <li>• Need for consultation and coordination in e-commerce ADR</li> <li>• Consistency in terminology required</li> <li>• Independent research and evaluation of on-line ADR is vital</li> <li>• 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</li> <li>• Important to match the communication medium to the parties and to the dispute</li> </ul>
Nov. 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"> <li>• Need for consistency in PDR terminology</li> <li>• Need for a review of the FLA</li> <li>• Current provisions need to reflect current PDR practices</li> <li>• Statutory protections also require review</li> </ul>
August 2001	Definitions (Brief discussion paper on web-site 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 (Letter to Office of Small Business)	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

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Previous years		
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 See below
April 2001	Standards for ADR (Report to Attorney-General A Framework for ADR Standards)*	<ol style="list-style-type: none"> <li>1. Recommends framework (= guidelines for developing standards, a code and enforcement of code by appropriate means); recognise diversity</li> <li>2. Service providers to adopt and comply with code of practice</li> <li>3. Service providers to have a complaints mechanism</li> <li>4. Examine feasibility of ADR Ombudsman</li> <li>5. Monitor complaints</li> <li>6. Compliance based predominantly on self-regulation</li> <li>7. Compliance with code of practice as part of Commonwealth contracts</li> <li>8. Other governments also to require compliance with a code</li> <li>9. Consumer education activities to encourage code</li> <li>10. Mandating bodies give special attention to quality</li> <li>11. Review of statutory provision</li> <li>12. Determine need for accreditation on a sector by sector basis</li> <li>13. Principles suggested for accreditation of practitioners</li> <li>14. Accrediting bodies develop mutual recognition</li> <li>15. Selection process to be fair, transparent, effective</li> <li>16. Engagement of practitioner based on knowledge, skills and ethics, not necessarily tertiary qualifications</li> <li>17. Training providers inform participants of expected outcomes</li> <li>18. Training take account of (framework); be performance based, and use best practice learning strategies</li> <li>19. Explore peak body</li> <li>20. Resources commensurate with risks and benefits</li> <li>21. Improved data collection</li> </ol>
Jan. 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.



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Dec. 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"> <li>• Current fear or high risk of violence by or to a party</li> <li>• Allegations of child abuse</li> <li>• An unmanaged mental illness or intellectual disability without appropriate advocacy</li> <li>• A clear statement by one party that they will not participate in ADR or that they 'want their day in court'</li> <li>• A statement by the parties that they want to resolve their conflict in a non-adversarial forum</li> <li>• Bad faith bargaining, or clear likelihood of this</li> <li>• The intention of one party to use the process to harass the other</li> <li>• Over riding public interest</li> <li>• A matter which is primarily a dispute of fact</li> <li>• Parties who have major, non-negotiable value differences</li> <li>• The ability of the parties to make an informed choice to attend</li> <li>• The capacity of the parties to negotiate safely on their own behalf</li> <li>• The extent to which any power imbalance can be redressed</li> <li>• Lack of commitment by one or more of the parties to resolve the dispute</li> <li>• Any relevant court orders which make ADR difficult (eg a restraining order)</li> <li>• Cultural factors and considerations</li> <li>• Legal representation of the parties</li> <li>• The likelihood that the costs of ADR outweigh its benefits.</li> </ul>
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
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*	<ol style="list-style-type: none"> <li>1. Recommend research and data collection to establish benchmarks against which information can be measured</li> <li>2. The code provisions should be kept under review</li> <li>3. There is value in making parties participate fully but do not favour the term 'in good faith'</li> <li>4. Oppose requirement for mediator to certify that parties made a genuine attempt to mediate</li> <li>5. Code to refer to mediation as the principal method of DR</li> <li>6. Add a 'case stated' option for a quick, relatively inexpensive and final decision</li> <li>7. Commonwealth could require parties to mediate before enforcing the provision of a franchising agreement</li> <li>8. Recommend use of standards</li> </ol>
March 2000	Standards for ADR Discussion paper The Development of Standards for ADR*	<ol style="list-style-type: none"> <li>1. Proposed framework for ADR standards</li> <li>2. Asked 70 questions for comments</li> </ol> <p>See April 2001 – final report</p>
June 2000	Parenting Plans Joint Letter of Advice to Attorney- General (with Family Law Council)*	<ol style="list-style-type: none"> <li>1. Encourage use of parenting plans, and use consent orders where enforceability is sought</li> <li>2. Repeal registration provisions</li> <li>3. Encourage an integrated parenting plans/consent order package</li> </ol>
Dec. 1999	Federal Magistrates Service Rules and Regulations Part 2 Report to Attorney-General*	<ol style="list-style-type: none"> <li>1. Provide information/education about ADR through information sessions, brochures, initiating documents</li> <li>2. Develop and publish guidelines (indicators/contraindicators) for referral to ADR</li> <li>3. ADR practitioner has an obligation to assess for suitability</li> <li>4. Approval of ADR service providers by Attorney-General's Department (quality approval process) as apposed to Family Law Regulations for family and child mediators- link to immunity and complaints process</li> <li>5. Encourage parties to go to Court to obtain and referral order to ADR</li> <li>6. Court personnel should not automatically be qualified as ADR practitioners</li> <li>7. Need for standards referral orders (providing certain powers and obligations of ADR practitioner)</li> <li>8. Incorporate definitions into rules of court</li> <li>9. Immunity/confidentiality should not prevent consumer redress</li> <li>10. Regulations should specify that ADR service providers have a complaints mechanisms</li> <li>11. ADR practitioner should report back to court on termination (defined headings, but not willingness to cooperate)</li> <li>12. Evaluate ADR services</li> <li>13. Cost to take account of ADR costs, and refusal to attend ADR</li> <li>14. Court should scrutinise ADR agreements</li> </ol>

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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 Part 1 Report to Attorney-General*	<ol style="list-style-type: none"> <li>1. ADR should be an integral part of the Court</li> <li>2. Legislation should refer to DR, not ADR processes</li> <li>3. Focus on procedural flexibility</li> <li>4. ADR not a replacement for judicial adjudication</li> <li>5. Emphasise proper assessment, referral and quality</li> <li>6. Set out objectives in a legislative provision</li> <li>7. Legislation should name each DR process</li> <li>8. Use the NADRAC definitions and consistent terminology</li> <li>9. Court to have power to make rules about procedure</li> <li>10. Access to legal representation/advice/other support</li> <li>11. Support a diversity of providers of DR services</li> <li>12. Legislation should address the issue of standards</li> <li>13. Court to use list of appropriate DR providers</li> <li>14. Judge not to adjudicate disputes where s/he has done ADR</li> <li>15. Court to make regulations which set Court ADR fees</li> <li>16. Duty to advise clients of the availability of DR processes</li> <li>17. Require provision of written information about DR</li> <li>18. All/any part of a dispute to be referable to DR process</li> <li>19. Range of DR processes to be available at any stage</li> <li>20. Mandatory referral by qualified assessor is acceptable</li> <li>21. Court evaluation of all its DR processes is vital</li> <li>22. DR providers to have similar immunity to judges</li> <li>23. Implement a complaints procedure (against DR providers)</li> <li>24. Court to review agreement in limited circumstances</li> <li>25. Court to be able to terminate a non-judicial DR process</li> <li>26. Court to determine a question of fact/law to assist ADR</li> <li>27. Dispute resolver to provide limited reports to Court</li> <li>28. Non-compliance/refusal to provide essential information</li> <li>29. DR providers-appropriate powers to facilitate outcomes</li> <li>30. Magistrates should have substantial experience in ADR</li> <li>31. Legislative protection should not extend to pre-filing</li> <li>32. Court to make rules on a simple, inexpensive process for initiating action within the court without pleadings</li> </ol>

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Feb. 1999	Law Reform Commission of Western Australia Review of the Civil and Criminal Justice System Response to Consultation Paper on The Use of Court-based or Community Alternative Dispute Resolution Schemes and Alternative Forums for Adjudication	<ol style="list-style-type: none"> <li>1. Importance of a range of DR processes</li> <li>2. Importance of data collection on DR</li> <li>3. Confidentiality of court files and details of DR attendance</li> <li>4. Importance of criteria for appraisal/screening of each case</li> <li>5. Support court with multiple dispute resolution 'doors'</li> <li>6. The ADR process should be adaptable to the particular case</li> <li>7. Timing of when ADR might be used</li> <li>8. More information about the court and ADR</li> <li>9. Incentives for disputants to use ADR</li> <li>10. Need to create a change of legal practitioner culture</li> <li>11. The state should bear the costs of ADR in the court system</li> <li>12. Parties should use external ADR at their own cost</li> <li>13. Payment for court-annexed ADR is a complex issue</li> <li>14. Appropriate training and qualification standards</li> <li>15. A judicial officer who has acted as an ADR practitioner should be disqualified from subsequently adjudicating the same dispute</li> <li>16. ADR to proceed on a 'without prejudice' basis</li> <li>17. Limited statutory duty of confidentiality</li> </ol>
Feb. 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	Supported the thrust of the recommendations, but concerned that some recommendations impractical and raise resource implications; need to give attention to processes of implementation
Jan. 1999	Workplace mediation Submission to Department of Workplace Relations and Small Business in response to Ministerial Discussion Paper: Approaches to Dispute Resolution: A Role for Mediation?	<ol style="list-style-type: none"> <li>1. Distinguish mediation from conciliation in industrial relations</li> <li>2. Need for assessment and screening of matters for suitability</li> <li>3. Proceed to arbitration or adjudication after unsuccessful mediation (ie not proceed to conciliation)</li> <li>4. Mandatory mediation acceptable in certain circumstances (a gatekeeper required)</li> <li>5. Public and private providers should be able to deliver mediation services; mediators should have working knowledge of the legislation</li> </ol>

Sept. 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	<ol style="list-style-type: none"> <li>1. Benefit of ADR = timeliness, cost effectiveness, flexible outcomes and client satisfaction</li> <li>2. Need for a variety of DR processes</li> <li>3. Flexibility importance</li> <li>4. Gatekeeping and assessment is critical (criteria offered)</li> <li>5. Need to properly design the ADR system</li> <li>6. Need to establish evaluation criteria for ADR</li> <li>7. Timing of ADR important (and early intervention may be appropriate)</li> <li>8. Avoid blurring adjudication with facilitative and advisory processes</li> <li>9. Supports ADR training for judges</li> <li>10. ADR should not be used to reduce funding for courts</li> <li>11. Drew attention to diversity paper in relation to NNTI</li> <li>12. Safeguards re compulsions in ADR (assessment, etc.)</li> <li>13. Standards should include both neutrality and impartiality</li> <li>14. Limit immunity</li> <li>15. Conditions suggested for confidentiality</li> <li>16. Standards - await NADRAC report</li> <li>17. Lawyers should advise clients of ADR</li> </ol>
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	<ol style="list-style-type: none"> <li>1. Suggests amendments to proposed criteria for ADR processes</li> <li>2. Makes a series of editorial suggestion</li> </ol>
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	<p>Need to provide information to small business via informal networks</p> <p>Specific recommendation on additions to proposed kit</p>
Dec. 1997	Primary Dispute Resolution Attorney-General's Department - Response to Discussion Paper on Delivery of PDR Services in Family Law	<ol style="list-style-type: none"> <li>1. Confine term 'Primary Dispute Resolution' to mediation and conciliation</li> <li>2. Support choice of DR service, accessibility, efficiency, accountability, quality, integrated service panning and policy development , diversion from litigation</li> <li>3. Raises issues of accountability in context of outsourcing</li> <li>4. Raises issues about the functions of a proposed Office of Family Relationship Services</li> </ol>

Nov. 1997	Diversity Discussion Paper on Issues of Fairness and Justice in Alternative Dispute Resolution*	Identifies challenges for ADR services in responding to diversity and suggests the following be addressed: 1. Dispute resolution system design 2. Training 3. Access to ADR services 4. Cost 5. Social trends of public concern and interest 6. Links with associated services 7. Recruitment of members of minority groups 8. Use of advocates, legal representatives, interpreters, etc. and proposes practical guidelines concerning assessment, and modifications and accommodations.
Nov. 1997	Australian Law Reform Commission Review of the Adversarial System of Litigation - Response to Issues Paper No 20 Alternative or Assisted Dispute Resolution	1. Persuasion of parties to use ADR - unlikely to be appropriate by judicial officers, appropriate for non- judicial officers - early in litigation process 2. Mandatory mediation requires certain conditions and safeguards (including 'gatekeeper') 3. Supports diversity of ADR providers 4. Generally court staff should not move from one DR process to another 5. Examine immunity - ensure consumer redress possible 6. Respect party self determination, but also identify criteria for referral to ADR 7. Need for better ADR data collection
March 1997	Family Law Regulations Report to the Attorney-General Primary Dispute Resolution in Family Law - on Part 5 of the Family Law Regulations*	1. Compliance with regulation only for those seeking protection of the Act 2. Amend immunity to enable consumer recourse 3. Retain tertiary qualification requirements for the present, but consider recognition of specific family law experience in the future 4. Recognise accountants (under reg 60) 5. Include 'admitted' legal practitioner (eg Clerkships, not university educated) 6. Limited authorisation scheme for ATSI mediators 7. Provide means to assist ATSI people gain appropriate tertiary qualifications 8. Limited authorisation scheme for NESB mediators 9. Improve access to tertiary courses 10. Amend subregulation 60(3) - mediation of that kind to general reference to mediation of family disputes 11. Provide authorisation scheme for 'true grandparents' of mediation 12. Remove subregulation 60(4) 13. Amendment to wording - sub para 60(3)(b)(ii) 14. Require at least 3 days specific training in family mediation issues 15. Independent supervisors should be experienced in family mediation 16. Include as supervisors people who are eligible for membership of relevant bodies (ie not necessarily current members 17. Provide that (a) mediator conducts an assessment or is satisfied that an has been appropriately conducted; and (b) decision to proceed or no could be taken by mediator or intake officer

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		18. Remove requirement for written statement and provide that information is provide as appropriate to the case; and specific changes recommended to the nature of information provided
March 1997	ADR Definitions Paper on Alternative Dispute Resolution Definitions*	A paper defining term for ADR facilitative, advisory and determinative processes
Feb. 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
Feb. 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	<ol style="list-style-type: none"> <li>1. Define mediation and conciliation</li> <li>2. Examine public interest</li> <li>3. Carefully consider whether officers from within the police force be used as mediators</li> <li>4. Need for adequate training</li> <li>5. Relate ADR to good management practices</li> <li>6. Consider Standards Australia AS 4269 1995</li> <li>7. Provide time limits for processes, with flexibility</li> <li>8. ADR should not be considered in some cases - this to be determined on an individual - not 'type' basis</li> <li>9. ADR should not be compulsory for complainants, but possibly for members of police force</li> </ol>
Jan. 1997	Benchmarks for Consumer Dispute Resolution Schemes	include specific reference to situations where ADR may be inappropriate, such as power imbalance
Jan. 1997	Non-consensual mediation in the Federal Court of Australia Letter of advice to Attorney-General's Department -	<ol style="list-style-type: none"> <li>1. Mandatory mediation may be appropriate in some circumstances; a properly trained 'gatekeeper' is required, and criteria applied for referral.</li> <li>2. Mediators should have the time appropriate to meet the needs of the parties.</li> </ol>
Nov. 1996	Government Service Charter Initiative	In staff training section, address issues of power imbalance and potential biases between consumers and providers
Oct. 1996	Youth Homelessness Submission to Youth Homelessness Taskforce	Address issue of family violence, family dysfunction and power imbalance in considering youth reconciliation services
October 1996	Family Services Submission to Parliamentary Committee into Aspects of Family Services	<ol style="list-style-type: none"> <li>1. Not appropriate for preventive family services to be provided by the courts</li> <li>2. Provide easy access to a range of DR services</li> <li>3. Monitor impact of any new fees for service (for family court counselling)</li> <li>4. Attend to issue of family violence</li> <li>5. Support provision of quality mediation services provided by State Governments agencies</li> </ol>
June 1996	Uniform succession laws Submission to Queensland Law Reform Commission	Reforms to succession laws should make reference to ADR processes in relation to disputes over estates.