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Recent developments in ADR

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ADR round-up

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ICC publishes ADR Rules

The International Chamber of Commerce in Paris has recently published its ADR Rules for the settlement of commercial disputes with the assistance of a neutral. They were launched in 2001 to replace the 1988 Rules of Conciliation. Under the ICC ADR Rules, parties may choose from a range of settlement techniques those which they consider most appropriate to their situation. Third party intervenors may be designated directly by the parties or appointed by ICC. Besides the ADR Rules for governing various ADR proceedings there is also a Guide to ICC ADR which provides an explanation of the Rules and of various settlement techniques which can be used pursuant to the Rules. The ICC also has a range of dispute resolution clauses for use in international commercial contracts.

The rules and other information on the ICC's dispute resolution services may be accessed at <www.iccwbo.org/index_court.asp>. ●

Pathways to the future — new report

The Family Law Pathways Advisory Group has published its report *Out of the Maze — Pathways to the Future for Families Experiencing Separation*. In Part 2 of the report on key functions of an integrated family law system it strongly encourages the use of non-adversarial services throughout the family law system. It encourages government to explore ways of encouraging the use of ADR services and recommends a review by all service providers and professionals of their practices with a view to creating new opportunities for such options. The report wants to see lawyers making more referrals to community based counselling and mediation. Other parts of the report reinforce these recommendations.

Copies of the report may be obtained

from flp@ag.gov.au or from the Family Law Pathways at Attorney General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600. ●

ADR in Japan

The Justice System Reform Council in Japan has just released a major report *For a Justice System to Support Japan in the 21st Century — 2001*. Chapter II, Part 1.8 relates to ADR. The report suggests that ADR mechanisms are not operating as effectively as they could be — they need reinforcing and revitalising through improved co-ordination and liaison across agencies, an improved institutional and financial base, improved information about ADR services, information sharing, and the provision of data about quality and use of ADR, and a common legal framework for ADR. The report (II 1.5) also calls for a wider diversity in the backgrounds of conciliators and others in the Family Court.

The report may be accessed at <www.kantei.go.jp/foreign/judiciary/2001/0612report.html>. ●

Quality framework for ADR

The Commonwealth Attorney General's Department has issued a consultation paper entitled *Raising the Standard: A Quality Framework for Primary Dispute Resolution under the Family Law Act 1975*. This is part of government plans for a quality framework in PDR designed to bring consistency to the treatment of family and child counsellors and family and child mediators and provide a transparent mechanism for all practitioners interested in obtaining authorisation under the Act. It is proposed that the Act and the *Family Law Regulations* be amended to define the legal relationships, rights, responsibilities and obligations of those entering PDR processes, including issues relating to admissibility of evidence. The framework would comprise the ➤

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➤ standards of practice and service delivery for minimum requirements and processes for continual improvements. It would cover practice standards, qualifications, training supervision and other standards of practice and service delivery. The consultation paper seeks feedback on all aspects of the proposal.

For access to the consultation paper and information on making submissions contact the Family Law and Legal Assistance Division on 1800 250 056 or pdr@ag.gov.au. ●

Dispute resolution in e-commerce

The Consumer Affairs Division of the Department of Treasury has produced a discussion paper on *Dispute Resolution in Electronic Commerce* (October 2001). The paper has been designed to encourage comments and ideas from consumers, businesses and all other relevant parties on consumer satisfaction with online commerce and ways in which e-commerce complaints are dealt with. These contributions will be used to enable an expert group to formulate advice to the Minister for Financial Services on options for ensuring quick and inexpensive dispute resolution in e-commerce.

The paper appears on the Treasury

website at www.treasury.gov.au and the contact officer for the project is Karen Longmuir, Consumer Affairs Division, Department of the Treasury, email adr@treasury.gov.au. ●

Court connected mediation

The Australian Institute of Judicial Administration (AIJA) has produced a report called *Quality in Court Connected Mediation Programs — An Issues Paper* (2001). The report was developed by Professor Hilary Astor, Professor of Law at the University of Sydney. It deals with a wide range of topical matters relating to quality and standards in modern court based ADR, including the credentials of ADR practitioners, issues of accountability and liability, and statutory regulation of aspects of ADR processes. It adds to the topical discussion of standards and quality in ADR from the particular perspective of court connected programs.

The issues paper is available from the AIJA for \$20 including postage (Aust only), \$18.20 plus postage (overseas), through k.jarrett@unimelb.edu.au. For further information consult the AIJA's website at www.aija.org.au/list.htm. ●

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