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The year ahead for NADRAC

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Developing policy in ADR

The year ahead for NADRAC

David Syme

The National Alternative Dispute Resolution Advisory Council (NADRAC) advises the Commonwealth Attorney General on issues affecting alternative dispute resolution (ADR). NADRAC members are drawn from diverse backgrounds, including courts and tribunals, community services, government agencies, private, business and academia.

NADRAC's work plan for 2002 is

summarised below. The work plan identifies key issues affecting ADR and outlines specific projects to address those issues.

Issues

Effective use of ADR by courts and tribunals

Diverse approaches to court related ADR have been developed in a range of ►



► jurisdictions. Of particular importance is judicial referral to ADR: what matters should be referred (criteria), when to refer (timeliness) and to whom to refer (for example, the relationship with community and private ADR agencies).

Promoting the appropriate use of ADR

ADR practitioners and organisations have long recognised the need to enhance community and business awareness of ADR through improved referral practices and effective marketing strategies.

Enhancing quality and consistency in ADR

Standards for ADR services, including accreditation of practitioners or organisations, are continuing issues. Appropriate referral criteria and consistent terminology are also central to service quality. The effectiveness of ADR also depends on a coherent legal basis covering matters such as immunities for ADR practitioners and the confidentiality of ADR processes.

Supporting diversity and innovation in ADR

ADR's key strengths include diversity, innovation and accessibility. These strengths are reflected in a wide range of emerging approaches to ADR, such as online ADR, conferencing, diversionary programs, cross cultural practices and indigenous ADR programs.

Improving ADR research, evaluation and data collection

Finally, the development of effective ADR policies and practices requires useful and valid information. A key priority is improved data collection in ADR, including statistics on ADR conducted in courts, tribunals and other agencies.

Projects

To address these issues, NADRAC has initiated a number of projects. Each project is managed by a committee comprising several council members and secretariat staff. The project plans and time lines below are not immutably fixed. They will be reviewed regularly in the light of developments.

Statutory provisions for ADR

In collaboration with the Law Council's ADR Committee, NADRAC will audit Commonwealth, State and Territory legislation, and recommend means for achieving greater clarity and consistency in statutory provisions for ADR. NADRAC will also work with the Attorney General's Department on issues relating to Primary Dispute Resolution (PDR) provisions in the *Family Law Act 1975* (Cth).

Terminology for ADR

A brochure, based on NADRAC's original definitions paper, will be released in the near future. Later in the year a discussion paper on ADR terminology will be circulated for comment.

Referral to ADR

NADRAC will continue to review research and case law relating to criteria for referral to ADR, and will identify effective referral processes. A draft guide to ADR referral will be released early in 2003.

Community and business awareness of ADR

NADRAC will examine options for promoting community and business awareness, and consider the feasibility of a conference or other forums.

Indigenous ADR

NADRAC will identify policy and practice issues in relation to the use of ADR by indigenous people. The first step will be a preliminary audit to identify relevant studies and practices.

Technology and ADR

A draft paper on technology and ADR will be placed on NADRAC's website by April 2002. NADRAC will also continue its examination of ADR in e-commerce (a submission on this matter is already available on NADRAC's website).

ADR research, evaluation and data collection

A summary of ADR statistics in courts and other agencies will be placed on

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NADRAC's website in April 2002. A paper
on the means for improving quality and
consistency in statistical information will be
released early in 2003.

A complete version of NADRAC's work

plan, as well as other information about
NADRAC, can be obtained from <www.nadrac.gov.au> or by contacting the
NADRAC secretariat on 02 6250 6272. ●

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