Dear Professor Kellam,

Proposed Statement of Key National Principles for Resolution of Disputes

Thank you for inviting comments on NADRAC’s proposed Statement of Key National Principles for Resolution of Disputes.

The Law Institute of Victoria (LIV) takes this opportunity to make the following comments:

The LIV submits that the Statement should be entitled Key National Principles for Assisted Resolution of Disputes. This would emphasise the important distinction of Alternative Dispute Resolution as a process which is assisted by a neutral third party.

The LIV submits further that the word “affordable” should be inserted after the word “effective” in proposed principle numbered 6, so that the phrase reads “….to provide an effective, affordable and valued service….”.

The LIV notes that a Supporting Guide for the proposed Statement is also being prepared. The aim of the Key National Principles and Supporting Guide is specified in paragraph numbered 1.3 of the Explanatory Document. The LIV suggests that an additional aim should be added, namely,

- identifying and clarifying different types of Alternative Dispute Resolution and clearly defining each type.

The costs of access to and participation in Alternative Dispute Resolution processes should not be a barrier to the use of Alternative Dispute Resolution services. The LIV submits that Government funding should be provided to subsidise participation in Alternative Dispute Resolution processes. This should include disseminating information to the community about ADR and supporting the ADR profession by facilitating training and education. This would also be consistent with the proposition of access to justice for all persons.
If you have any queries please contact me by phone on (03) 9607 9367 or Irene Chrisafis (Litigation Lawyers Section Lawyer) by email on ichrisafis@liv.asn.au or by phone on (03) 9607 9386.

Yours faithfully,

[Signature]

Steven Stevens  
President  
Law Institute of Victoria