



Hon. Robert McClelland MP
Attorney-General

MEDIA RELEASE

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LEGISLATION PASSES TO ENCOURAGE EARLY RESOLUTION OF DISPUTES

Attorney-General Robert McClelland today welcomed the passage of the Civil Dispute Resolution Bill 2010 through Parliament, which will encourage people to take genuine steps to resolve disputes before going to court.

“While most parties already attempt to resolve their disputes before litigating, it’s clear there are still some very costly and time consuming cases where this basic step has not occurred,” Mr McClelland said.

“The Civil Dispute Resolution Bill will require prospective litigants and their lawyers to focus on what they can do to try and resolve their disputes themselves before commencing litigation.

“Early resolution of disputes is likely to be faster, less costly and less stressful than going to court.

“Even in instances where disputes can’t be fully resolved, the attempt to do so may help to clarify and narrow the issues, resulting in shorter and more efficient court proceedings.”

“It also allows people involved to have better ownership of the negotiation process.”

The Bill requires prospective litigants to lodge a statement with the court detailing what steps they have taken to resolve their dispute or, if they haven’t, the reasons why.

Importantly, the Bill does not prescribe or mandate any particular steps that people must take. Instead, it allows the parties involved to decide what commonsense steps are most appropriate in their circumstances.

Some examples of the sorts of ‘genuine steps’ parties could decide to take include:

- notifying the other party of the issues in dispute and offering to discuss them;
- providing relevant information and documents to the other party; and
- considering possible resolution through ADR processes, such as mediation or conciliation.

“This is an important part of the Government’s agenda under its *Strategic Framework for Access to Justice* to encourage early dispute resolution,” Mr McClelland said.

The Bill implements key recommendations of the National Alternative Dispute Resolution Advisory Council (NADRAC) in its 2009 Report *‘The Resolve to Resolve – Embracing ADR to improve access to justice in the federal jurisdiction’*.

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