

8 February 2010

Dear NADRAC Stakeholder

## **MODEL DISPUTE MANAGEMENT PLAN FOR FEDERAL AGENCIES**

I am writing to invite your views and comments on the possible form and substance of a Commonwealth model dispute management plan, and on the place for alternative dispute resolution in Commonwealth government agencies more generally.

### ***The Attorney-General's reference to NADRAC***

On 1 December 2009, the Attorney-General asked NADRAC to prepare a model dispute management plan for adaption and use by Commonwealth government agencies.

The reference is part of the Attorney's proposal to amend the Legal Services Directions to require agencies, unless an exemption is obtained, to develop and regularly review dispute management plans requiring appropriate use of alternative dispute resolution (ADR).

The proposal for a Model Dispute Management Plan stems from recommendations in the NADRAC Report, *'The Resolve to Resolve - Embracing ADR to Improve Access to Justice in the Federal Jurisdiction,'* which was provided to the Attorney-General in September 2009. A copy of the report is available at <http://www.nadrac.gov.au>.

NADRAC's advice to the Attorney is due by 30 September 2010. A copy of the reference is attached.

### ***Your views and comments***

It is envisaged that the Model Dispute Management Plan would be available as a resource to assist agencies develop their own specific plans for managing all internal and external disputes. A dispute management plan is not merely a litigation management plan. A dispute management plan deals with a wide range of conflicts with which agencies may become involved, not all of which may be appropriate for litigation for legal or practical reasons. A dispute management plan considers conflict from the point at which it first emerges.

In accordance with its Charter, NADRAC seeks the views and comments of a range of stakeholders. NADRAC is seeking input from a diverse range of external stakeholders beyond those who work in or directly with government agencies. Relevant stakeholders include federal

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Professor The Hon Murray Kellam AO, Chair | Professor Nadja Alexander | Dr Andrew Bickerdike |  
The Hon Justice Andrew Greenwood | Mr Ian Govey | Ms Margaret Halsmith | Mr Ian Hanger AM QC |  
Ms Norah Hartnett | Mr John Hodgins | Mr Tom Howe QC | Mr Stephen Lancken |  
Dr Gaye Sculthorpe | Ms Lindsay Smith | Mr Warwick Soden | Professor Tania Sourdin

government agencies, government legal service providers, law firms, and a wide variety of others.

NADRAC would be grateful for any input that you may have on matters that you consider to be relevant to the Attorney-General's reference.

Please provide your views and comments by **5pm Friday 19 March 2010** to the NADRAC Secretariat, either by email to **nadrac@ag.gov.au** or by mail to:

NADRAC Secretariat  
3-5 National Circuit  
BARTON ACT 2600.

If you have any questions regarding this enquiry, Mr Thomas John, Assistant Director, NADRAC Secretariat, can be contacted on 02 6141 3090.

NADRAC looks forward to receiving your comments and views. If you have any questions, please do not hesitate to contact me at NADRAC's email or postal addresses.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Murray Kellam', with a long horizontal flourish extending from the end of the signature.

Professor The Hon Murray Kellam AO  
Chair