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From: [.....]

Sent: Saturday, 28 March 2009 4:49 pm

To: NADRAC

Subject: ADR and Civil Proceedings Reference

Ms Serena Beresford-Wylie, Director

Dear Madam

I am a litigant whose life has been damaged beyond repair by mediation used by the Supreme Court of WA. Therefore, I am in better position than many to show how it works in practice. Based on my experience I hope courts in Australia will be banned from the use of any form ADR.

I do not mind if engagement in ADR is required by legislation before a matter is filed, but once it is, there should be no use of any ADR possible.

There was large backlog of appeal cases in 2005. Once the Court of Appeal was created, its President resolved the problem with use of ADR. He was ordering compulsory court mediations, at which the registrar was telling one party that no matter how ridiculous the other party's proposal was it had to be accepted, because that was the President's position.

I refused and suffered a series of trials where judgments were made before the hearing. All of these proceedings were prima facie fraud.

Eventually the President had to resign.

What happened to me should never be repeated.

I also believe that court's use of ADR is unconstitutional, because it involves non-judicial powers.

[.....]