

Terms of Reference

Integrity of ADR Processes

Federal legislation varies considerably on whether different ADR processes are subject to confidentiality and non-admissibility and as to the conduct obligations for participants in different ADR processes. Furthermore, different legislative provisions apply to ADR practitioners' immunity.

NADRAC and the Family Law Council previously provided joint advice, which was adopted, in relation to the removal of immunity for family dispute resolution practitioners. NADRAC has not provided advice in relation to other ADR processes.

NADRAC is requested to advise on legislative changes required to protect the integrity of different ADR processes including issues of confidentiality, non-admissibility, conduct obligations for participants and ADR practitioners and the need, if any, for ADR practitioners to have the benefit of statutory immunity.

In undertaking this reference NADRAC should consult with interested parties as required by its Charter.

Timeframe: NADRAC is to report by 30 November 2010.

Robert McClelland
Attorney-General
1 December 2009