

National Alternative Dispute Resolution Advisory Council

ADR Statistics

Published Statistics on Alternative Dispute Resolution in Australia

2003

Notes

- 1 This document has been prepared by the secretariat of the National Alternative Dispute Resolution Advisory Council (NADRAC) to assist Council in its consideration of issues concerning ADR research and data collection.
- 2 The document collates statistics on ADR that are routinely collected and contained in publicly available web-based or printed documents, especially published annual reports. Organisations may collect statistics that are not published and some may have conducted one off research studies or surveys. Such statistics are not included in this document.
- 3 In cases where very detailed statistics are reported, summary data only has been included. Aggregated data is used where such data is available.
- 4 Some annual reports include statistics from previous years. In such cases, the consolidated statistics from the most recent reports are used.
- 5 The document provides an overview of statistical information concerning ADR. Caution should be exercised in interpreting this information:
 - Where no ADR, or ADR statistics, are reported, this does not mean that ADR services are not provided or that statistics are not recorded.
 - Comparisons between the statistics of organisations are difficult due to different case management and data collection processes.
 - Statistics need to be considered in context. Readers are encouraged to view the annual reports and other literature provided by particular organisations.
- 6 While the data has been checked with relevant organisations, it does not claim to be exhaustive. The tables will be updated as further information becomes available. Corrections or additions may be sent to nadrac@ag.gov.au, or to NADRAC secretariat, Robert Garran Offices, BARTON, ACT, 2600.

Terms searched for:

ADR

Adjudication (non-judicial)

Alternative dispute resolution

PDR

Primary Dispute Resolution

Assisted dispute resolution

Dispute resolution

Conferences

Conciliation

Counselling (Family Court)

Determination (non-judicial)

Decision making (non-judicial)

Mediation

Negotiation

Case appraisal

Early neutral evaluation

Arbitration

Settlement

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Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Courts

Commonwealth							
Family Court of Australia	Counselling	Families assisted (Files opened)		26,768	25,998		
		Occasions of service		58,633	55,285		
			Agreement on ≥ 1 issue	60-80%	71%/54% ¹		
			Agreement on all issues		39%/26%		
	Mediation	Information sessions		130	83		
		People attending info		982	403		
		Cases opened		417 ²	279		
		Sessions		834	451		
			Full settlement	70%	61%		
			Partial settlement	11%	16%		
	Conciliation	Conferences held			6733		
			Settlement		47%		
	Mediation ³	Numbers referred					
		Files opened					20,890
		Occasions of service					41,027
		No. of conciliation conferences held					7,007
			Settlement rate (conciliation conferences)				

Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			Number of agreements				
			Proportion of cases resolved			79%	
			Mediated agreement resolved within 6 months of filing				
			Client satisfaction				
Federal Court	Assisted Dispute Resolution	Matters referred to mediation		347	312	278	288
			Settlement rates ⁴	55%			
Federal Magistrates Service ⁵	Conciliation counselling/ family law mediation	numbers				1200 ⁶	
	Conciliation conferences (Family Court Registrars0	numbers					170
	Pre first court date interviews	numbers					830
	Post first court date interviews	Numbers					1,193
	PDR services by community based organisations	Numbers referred					611
		Numbers completed					485
			Fully settled				29%
			Partially settled				22%
			Not settled				49%

Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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	General Federal Law mediation (by Federal Court Registrars)	Mediation	Matters referred			45	85
			% settled			32%	21%
			% partially settled				0%
			% not settled			26%	41%
			% discontinued			4%	6%
			% finalised before mediation			4%	2%
			% trial				2%
			% not held				0%
			% transferred			4%	0%
% still ongoing			30%	28%			

Australian Capital Territory

Supreme Court	ADR not reported					
Magistrates Court	Conferences	Domestic violence conferences		1,432	1,490	1,625
		Small Claim conferences		950	937	822
		Pre trial conferences		8	0	1
		Restraining order conferences		1,874	1,824	1,562

Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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New South Wales								
Supreme Court	Civil arbitration	No. of referrals		39	49	29	32	
			Settled at arbitration	17	23	17	15	
			Heard	17	21	8	13	
			Other orders (including adjournments)	5	5	3	4	
			Applications for re-hearing	11	10	7	4	
			Re-hearings	7	4	1	1	
			Settlements before or during re-hearing	13	9	4	3	
	Equity Division	Mediation, neutral evaluation	No. of mediations (excluding probate, protective, commercial, construction and admiralty lists)			131		
				Settled at mediation	60%	91		
				Not settled at mediation but settled prior to hearing	12%	19		

Court	ADR services provided	Activity Measures	Outcome measures	1998–99	99–2000	2000–01	2001-2002
		No. of probate mediations				43	75
			% settled at mediation			67%	65%
			% settled subsequent to mediation or on second mediation date			16%	
		No. of non-probate mediations				143	165
			% settled at mediation			79%	59%
			% settled subsequent to mediation or on second mediation date			12%	
Common Law Division	Mediations	Number					3
			Number settled				0
District Court	ADR not reported						
Land and Environment Court		Means of Disposal	Mediation conducted	52	28	30	10
			Disposed through mediation	30	18	21	8
			% Settlement rate	58	64	70	80
Local courts	Referrals to CJC	Statistics not published					
Northern Territory							
Supreme Court	ADR not reported						
Magistrates Court	Conciliation	Statistics not published					
	Mediation	Statistics not published					

Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Queensland							
Supreme Court	Consent orders to ADR	Consent orders after notice of intention to refer		54	16	16	22
		Consent order without referral notice by court		170	211	243	262
	Notice of intention to refer to appraisal or mediation	Notice		79	43	37	112
		Objections		12	5	7	18
		Matters reviewed after objection		2	2	2	2
	Case appraisal	Appraisal orders: consent		23	13	5	12
		Not consent		21	16	6	3
			Case appraisal certificates	46	24	9	16
			Case appraisal election to proceed to trial	9	3	1	5
			Outcome of election worse/better	1/0	2/0	0/0	0/0
			Settled after election but before judgement	2	2	1	2
			Remitted to District Court	1	0	0	0
	Mediation	Orders referring to mediation: consent		198	214	253	270

Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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		Not consent		106	81	74	64
			Certificate as settled	142	184	207	255
			Certificate as not settled	137	96	93	122
	Settlement conferences	Statistics not published					
District Court	Mediation or case appraisal	Matters referred (approximate cumulative figures)			579	903	
			Settled, or did not proceed to trial after mediation or appraisal (approximate cumulative figures)		286	519	
	Settlement conferences	Statistics not published					
Children's Court	No ADR reported						
Magistrates Court	Pre-trial conferences	Number		2,474	1,941	1,616	

South Australia

Supreme Court	No ADR reported						
District Court	Mediation	Mediations per week			2	1-2	
			Successful conclusion		67%	58%	
	Settlement conferences	No statistics reported					

Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
Magistrates Court	Mediation conferences	No. of mediations			91	97	144
			% resolved		38%	44%	52%
	Mediations from pre-lodgement notices (conducted on pro bono basis)	No. of mediations			82	88	127
			% resolved		63%	51%	64%
	Conciliation conferences	No. of conciliation conferences		2140	1791	1576	1153
Environment Resources and Development Court	Conferences	Numbers finalised		?	313	326	286
			Number resolved	170			
			Withdrawn before conference		21	8	19
			Withdrawn at conference		15	30	28
			Withdrawn after conference		13	15	14
			Settled prior to hearing		128	140	104
			Struck out at conference		3	1	
			% set within 3 weeks of lodgement		44%	61%	40%
	Native Title negotiations	Notices initiating negotiations		12	12	10	
Youth Court	Family conferences	Number of matters		1554	1655	1781	

Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			Matters disposed within 8 weeks			71%	
			Compliance rate overall			86%	
			Compliance rate Aboriginal			82%	
			Compliance rate Non-Aboriginal			88%	
Tasmania							
Supreme Court	Assisted Dispute Resolution/ Settlement Conferences/ Mediation		Total number of matters settled at conference	112	131	152	183
			No of conferences: Personal injury, motor vehicle	49	76	82	80
			Number settled	40	56	55	58
			No of conferences: Personal injury, industrial	89	96	114	114
			Number settled	46	47	64	62
			No of conferences: Other	38	56	56	108
			Number settled	26	28	33	48
Magistrates Court ⁷	ADR conferences (Civil and Small Claims Divisions, and Anti-Discrimination Tribunal)		No of ADR conferences conducted	4 month sample period: 2002 245			
			Cases settled by ADR	159 (64%)			
			Cases proceeding to trial after ADR	67 (27%)			

Court	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Victoria							
Supreme Court	Directing parties to mediation (commercial list)	No statistics published					
County Court ⁸	Mediation	Mediations conducted in Damages list		4656 ⁹		196	
			Settled at mediation (Damages List)	2538		112	
		Mediations conducted in Business list		3686 ¹⁰		437	
			Settled at mediation (Business List)	2008		221	
Magistrates Court	Pre-hearing conferences	Part of court process, therefore separate statistics are not provided.					
Western Australia							
Supreme Court	Mediation	Number of mediation conferences ¹¹		349	380	365	347
		Number of preliminary conferences		3	7	8	6
			Success rate	>70% ¹²			70%
Family Court of Western Australia	Counselling	Families assisted (Files opened)		3784	3207	2787	
		Occasions of service		3885	3223	3035	
	Conciliation	Conferences held		2390	2497	2598	
			Settlement		26%	24%	27%

Tribunals/commissions/authorities

<i>Commonwealth</i>							
Australian Industrial Relations Commission ¹³	Conciliation		Conciliation settlement rate	74%	72%	73%	75%
National Native Title Tribunal ¹⁴	Mediation and	Claimant, non-claimant and compensation applications	Agreements fully or partially mediated by NNTT	3			
			Agreements fully mediated by NNTT		33	47	62
			Agreements partially mediated by NNTT		18	46	33

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
	Future act determination applications		Agreements fully or partially mediated by NNTT	Not available	5		
			Agreements fully mediated by NNTT			15	5
			Agreements partially mediated by NNTT			11	13
	Mediation reports	Mediation reports to Federal Court		38	174	304	410
	Indigenous land use agreements		Agreements negotiated with NNTT assistance (ie facilitated by NNTT)	0	1	20	18

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Administrative Appeals Tribunal	Conferences	Number held		10401	10927	10587	10 531	
	Conciliations	Number held		502	793	737	838	
	Mediations	Number held		101	130	116	80	
			% cases finalised without a hearing:					
			General and Vets		76%	77%	74%	74%
			Tax division		85%	87%	88%	81%
			Small tax division		78%	66%	68%	78%
Migration Review Tribunal	No ADR reported							
Social Security Appeals Tribunal	No ADR reported							
Human Rights and Equal Opportunity Commission	Conciliation ¹⁵		Number of complaints finalised	1728	1752	1488	1298	
			% finalised through conciliation:	27%	35%	35%	30%	
Superannuation	Conciliation ¹⁶	No. of complaints conciliated		69	104	200		

Agency	ADR services provided	Activity Measures	Outcome measures	1998–99	99–2000	2000–01	2001-2002
			No. (%) of cases finalised	59 (85%)	86 (83%)	183 (92%)	
			No. (%) of finalised cases resolved	38 (65%)	57 (67%)	117 (64%)	
		No of tele-conferences		58	92	168	
			No (%) of tele-conferences resolved	31 (53%)	53 (58%)	98 (63%)	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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		Number of person to person meetings		7	9	27	
			Person to person meetings resolved	5	3	18	
		No. of conferences by correspondence			3	3	
			No. conferences by correspondence resolved		2	0	
		No. of conferences by videoconference				2	
			No. of videoconferences resolved			1	

Australian Capital Territory							
Tenancy Tribunal	Formal and informal Mediation (commercial and retail tenancy matters)	Informal mediations conducted		44	38	51	
			Cases resolved by mediation	12	18	19	
			Cases resolved by parties	14	10	14	
Residential Tenancies Tribunal	Conciliation, mediation Preliminary conferences	Number of preliminary conferences				313	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Credit Tribunal	Pre-hearing conference, Mediation, compulsory conference	No ADR statistics published					
Mental Health Tribunal	Conferences	Number of Pre-hearing conferences				12	
ACT Human Rights Office	Conciliation of discrimination complaints	Conciliations attempted		23	46	47	44
		Conciliation successful (written agreement)		11	31	30	34

New South Wales

Administrative Decisions Tribunal

General Division	Case conferences						
Community Services Division	Mediation		Settled at mediation		0	0	N/A
			Settled after mediation		0	0	N/A
			Proceeded to hearing		0	0	N/A
			Pending		3	0	N/A
Equal Opportunity Division	Mediation	Number of mediations			52	40	33
			Settled at mediation		27	21	10
			Settled after mediation		4	6	12
			Proceeded to hearing		3	3	11
			Pending		18	10	N/A

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Retail Leases Division	No ADR reported						
Legal Services Division	No ADR reported						
Department of Juvenile Justice	Youth Justice conferencing ¹⁷	Number of young offenders referred by police		856	1,185	898	
		Number of young offenders referred by courts		753	1,110	1,123	
		Number of conferences		928	1,452	1,345	
		Number of young people participating in conferences		1,155	1,697	1,567	
			Number of outcome plans completed ¹⁸		735	1,547	1,283
Queensland							
Retail Shop Leases Registry	Mediation	Client enquiries				5,595	3505
		Potential disputes identified and addressed				1,712	1214
		No. of formal mediations conducted				143	111
			No. of mediation agreements				31

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
Residential Tenancies Authority	Conciliation		Cases received	12,510	14,991	14,896	15,000
			Cases finalised	11,475		14,784	14,850
			% of cases received resolved	48.9%			
			Disputes received finalised within 28 days		60.7%	60.7%	60%
			% of cases resolved where parties willing to participate		65%	62.8%	60%
Victoria							
Victorian Civil and Administrative Tribunal							
Anti-discrimination	Mediation		% of cases referred which were settled	50%	65%	65%	71%
Civil Claims	Compulsory Conferences		% resolution of cases referred		90%	70%	69%
Credit	Compulsory Conferences Directions hearings		% resolution of cases referred	50%			56%
Domestic Building	Mediation Compulsory Conferences		Settlement rate: Mediation	66%		65%	65%
			Compulsory conference	53%			
Real Property and Retail Tenancies	Mediation Directions Hearings		% settled at mediation	65%+			

Agency	ADR services provided	Activity Measures	Outcome measures	1998–99	99–2000	2000–01	2001-2002
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General and taxation	Compulsory Conferences Mediation	No statistics published					
Land Valuation	Mediation Compulsory Conferences Directions hearings	No statistics published					
Occupational and Business Regulation	Directions hearings	No statistics published					
Planning	Compulsory Conferences Mediation	No statistics published					

Workers compensation conciliation schemes

New South Wales Workers Compensation Resolution Service	Conciliation	Case statistics not published in Departmental (DIR) annual report					
Northern Territory Rehabilitation and Compensation Unit	Mediation	Requests for mediation			280	259	
		Conferences			131	151	
		No change to original decision			138	164	
		Applications withdrawn			25	17	
		Mediations not finalised				31	
		Applications to Work Health Court			57	97	
South Australia South Australian Workers Compensation Tribunal	Conciliation	Unable to locate reports					
Victoria Workcover	Conciliation • Weekly	New requests			10,583	11,339	13,167
		Re-opened matters			680	616	747

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
Conciliation Service ¹⁹	payments and medical and like expenses	Disposals			10,777	11,735	13,688
		Cases in progress			1,921	2,141	2,367

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			Resolved (% of completed cases)		6,505 (65.4%)	7,754 (70.8%)	8,981 (70.3%)
			Unresolved (% of completed cases)		3,437 (34.6%)	3,201 (29.2%)	3,790 (29.7%)
			Resolved 28 days or less		3,162 (29.4%)	1,845 (15.7%)	
			Between 29 and 40 days		3,293 (30.7%)	3,318 (28.3%)	
			Between 41 and 60 days		1,709 (15.9%)	3,227 (27.5%)	
			61 days or more		2,577 (24%)	3,345 (28.5%)	
	Conciliation	New requests			1,680	1,795	1,143
	• Lump sum compensation	Re-opened matters			105	104	109
		Disposals			1,513	1,674	1,800
		Cases in progress			545	770	542
			Resolved (% of completed cases)		594 (42.2%)	744 (48.2%)	694 (42.6%)
			Unresolved (% of completed cases)		814 (57.8%)	798 (51.8%)	935 (57.4%)
			Resolved 28 days or less		233 (15.4%)	125 (7.5%)	

Agency	ADR services provided	Activity Measures	Outcome measures	1998–99	99–2000	2000–01	2001-2002
			Between 29 and 40 days		311 (20.6%)	109 (6.5%)	234 (14%)
			Between 41 and 60 days		251 (16.6%)	161 (9.6%)	161 (9.6%)
			61 days or more		718 (47.4%)	1,277 (7.63%)	1277 (76.3%)
Western Australia Conciliation and Review Directorate (Workcover)	Conciliation		No (%) resolved at conciliation	3548 (83%)	3834 (84%)	3900 (82%)	3125 (77%)
			<i>Timeframes</i>				
			% resolved at conciliation < 4 weeks	42%	33%	29%	43%
			Between 4 and 8 weeks	26%	30%	32%	21%
			Between 8 and 12 weeks	9%	10%	10%	11%
			> 12 weeks	23%	27%	28%	25%
			Referrals for conciliation filed	4247	4744	4284	3654
			Number finalised at conciliation	3543	3834	3900	3125
			Number of conciliation conferences	5440	5915	6220	5240
			Agreements registered (section 76)	1704	2344	2208	2430

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Industry/Customer ADR schemes

Tele-communications Industry Ombudsman	Negotiation Conciliation Mediation Determination Referral	No. of complaints received		54,136	54,400	72,264	62,275	
			Timeframes for call handling and complaint resolution	Varies according to level of complaint				
Private Health Insurance Ombudsman	Conciliation Mediation	Complaints received		1812	1875	3357	3182	
Insurance Brokers Dispute Facility ²⁰	Conciliation, referral	Total Complaints received		135	161	195	4186	
	Resolved by broker		Number of matters resolved by broker	15	23	30	5	
	Referral to Consumer Relations Manager (CRM)			Number of matters: resolved without further involvement	13	6	17	16
				Conciliated in favour of consumer	4	18	27	33

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			Conciliated in favour of broker	31	44	30	27
			Conciliated as a compromise	0	2	0	1
			Rejected	17	12	32	12

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
	Referred to Referee		Number of matters: resolved without further involvement	0	7	1	
			Conciliated in favour of consumer	7	2	12	
			Conciliated in favour of broker	6	0	17	
			Conciliated as a compromise	1	13	1	
			Rejected	4	13	2	
	Referral to other complaints facilities		Number of matters referred to other complaints facilities	2	6	20	
	Matters withdrawn		Number of matters withdrawn by complainant	35	15	5	
Financial Industry Complaints Service ²¹	Complaints	No of complaints		799	812	988	973
	Stage 1 Finalised by case manager/ conciliation		% resolved	651	652	628	688
	Stage 2 adjudication		% resolved	94	140	130	177
			Cases resolved in favour of complainant	37%	42%	41%	38%

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			In favour of member	63%	58%	59%	62%
			In favour of both	30			
			Against both	1			
		Mediations held		47			
			No resolved at mediation	34			
Australian Banking Industry Ombudsman	Negotiation, conciliation, findings, recommendations, determinations	Number of new cases		5,076	6,199	7,199	7 992
		Number of closed cases ²²		4,733	5,978	6,872	8 130
			% resolved after referral to bank	71.7%	83.6%	80.7%	88.8%
			% initial consideration	20.4%	12.6%		
			% ABIO view	5.1%	1.8%		
			% investigation	2.8%	2.0%		
			% negotiated			3.1%	2.5%
			% findings			12.7%	6.6%
			% conciliation conferences			0.6%	0.3%
			% recommendations			2.9%	1.8%
		Outcomes after ABIO investigation: % resolved in favour of disputant			23.9%	22.4%	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			% resolved in favour of member			44.7%	43.9%
			% compromise benefiting both			31.4%	33.7%
Credit Union Dispute Resolution Centre	Conciliation, mediation	No of complaints and enquiries				999	
		No of disputes				65	
		Resolved by:				20 (31%)	
		Negotiated settlement					
		Initial view				25 (38%)	
		Determination				10 (15%)	
		Disputes withdrawn				9 (14%)	
General Insurance Enquiries and Complaints Scheme ²³	Conciliation, determination, decision-making, (referee, panel and adjudicator)	Number of enquiries		56,909	56,855	68,252	
		Number of referrals		2,102	2,325	2,543	
		Determined:		438	512	616	
		Consumer favour					
		Determined Insurer favour		1,194	1,164	1,249	
		Unsuitable for resolution		211	224	207	
		Settled		259	276	417	
		Withdrawn		16	20	27	
	Total completed		2,118	2,196	2,516		

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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	Referee outcomes:	[Redacted]	In favour of consumer	50	99	98	
			In favour of insurer	0	7	22	
			Unsuitable for resolution	143	190	172	
			Referred to panel after Ref Determination	22	9	0	
			Settled	2	2	1	
			Withdrawn	3	1	1	
			Completed	220	308	294	
	Panel determination		Consumer favour		285	383	
			Insurer favour		708	718	
			Unsuitable for resolution		29	30	
			Settled		164	238	
			Withdrawn		12	15	
			Completed		1,198	1,384	
	Adjudicator determination		Consumer favour		128	135	
			Insurer favour		449	509	
			Unsuitable for resolution		5	5	
			Settled		110	178	
			Withdrawn		7	11	
			Completed		699	838	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002	
	Complaint resolution times		Within 30 days		6%	6%		
			60 days		22%	25%		
			90 days		61%	69%		
			120 days		81%	85%		
	Complaint resolution times (excluding fraud)		Within 30 days		6%	7%		
			60 days		24%	27%		
			90 days		68%	77%		
			120 days		87%	92%		
Mortgage Industry Association	Ombudsman: Report not publicly available							
National Furnishing Industry Association of Australia	Expert mediation	No statistics published						
Energy & Water Ombudsman (NSW) ²⁴	Investigation, negotiation and decision (binding on industry)	Customer contacts (opened in the period)		2,844	3,718	4,316	4,971	
		Matter categorisation	Enquiry		32.3%	36.7%		35.5%
			Investigation Level 1 ²⁵		67.6%	62.4%		64.5%
			Investigation Level 2 ²⁶		0.03%	0.8%		
			Investigation Level 3 ²⁷		0.03%	0.1%		

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
		Matter Outcomes	Negotiated resolution			48.6%	43.9%
			Referred to provider or other organisation			33.2%	41%
			Further investigation not warranted			13.2%	7.5%
			Out of jurisdiction			2.3%	2.9%
			No further contact			2.7%	4.7%
		Time frames for matter finalisation	Within 2 days	61%	60%	50%	53%
			Within 7 days	66%	68%	63%	65%
			Within 14 days	70%	73%	72%	72%
			Within 30 days	75%	79%	81%	81%
			Within 90 days	87%	91%	91%	94%
			More than 90 days	13%	9%	9%	6%
Electricity Ombudsman (Tas) ²⁸	Complaint handling	Matters opened			423	367	504
			Time frame for matter finalisation		varies according to seriousness of complaint		
Legal Ombudsman (Tas) ²⁹	Mediation and Compulsory Conferences	Conferences conducted				2	
			Number resolved			1	
Legal Ombudsman (Vic)	Dispute handling ³⁰	Referrals to settlement					403
			Number settled				75

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002	
Electricity Industry Ombudsman (SA) ³¹	Investigation Conciliation Decision (binding on industry member)	Matters opened				1270	1369	
		Enquiries level 1				1,176	1323	
		Consultations level 2				84	42	
		Complaints level 3				10	4	
		Disputes Level 4				0	0	
		Binding decisions				0	0	
		Average days to close enquiries					12	10
		Average days to close consultations					54	74
		Average days to close complaints					136	277
		Average days to close disputes					N/A	N/A
		Referred to member at base or higher level					52%	59.94%
		Referred to regulator					3%	3.3%
		Provided general/technical information					36%	26.63%
		Case more appropriately dealt with by another body					1%	5.06%
		No further investigation					1%	1.25%
	Conciliation/negotiated settlement					7%	3.82%	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Energy and Water Ombudsman (Victoria) ³²									
Electricity	Investigation Conciliation Decision (binding on industry member)	Enquiries received		2,918	3,766	4,152			
		Consultations received		270	451	797			
		Complaints received		250	246	398			
		Disputes received		80	64	120			
			Av days to close consultations		37.7	34.96	64.97		
			Av days to close complaints		69.8	68.49	74.68		
			Av days to close disputes		147.8	153.20	120.89		
		Case outcomes in favour of complainants (consultations, complaints and disputes):							
			Partially		11.02%	10.45%	14.05%		
			Substantially		62.42%	65.85%	64%		
			Not at all		26.56%	23.69%	21.95%		
			% consultations resolved by conciliation		77.41%	79.56%			
			% complaints resolved by conciliation		62.93%	66.82%			
			% disputes resolved by conciliation		85.22%	78.26%			

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002	
Gas	Investigation Conciliation Decision (binding on industry member)	Enquiries received		226	571	812		
		Consultations received		65	174	208		
		Complaints received		15	25	39		
		Disputes received		1	5	8		
			Av days to close consultations		30.8	33.13	57.72	
			Av days to close complaints		33.3	66.97	88.45	
			Av days to close disputes		–	137.00	239.50	
		Case outcomes in favour of complainants (consultation, complaints and disputes):						
			Partially		3.64%	14.94%	19.75%	
			Substantially		70.91%	73.57%	68.31%	
			Not at all		25.45%	11.49%	11.94%	
			% consultations resolved by conciliation		75.51%	88.96%		
			% complaints resolved by conciliation		66.66%	79.31%		
			% disputes resolved by conciliation		–	66.66%		

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002	
Water	Investigation Conciliation Decision (binding on industry member)	Enquiries received				50		
		Consultations received				14		
		Complaints received				8		
		Disputes received				0		
		Case outcomes in favour of complainants (consultations, complaints):						
			Partially				1 (20%)	
	Substantially				4 (80%)			
NSW Rural Assistance Authority	Administration of the <i>Farm Debt Mediation Act</i> (NSW) 1994	Section 8 notices (to farmer advising of creditor's intention to commence enforcement action and of the availability of mediation) Cumulative figures since Feb 1995			1,433	1,574		
		Responses by farmers (Section 9)–cumulative			1,405	1,364		
		No. of mediations–cumulative			779	864		
		Agreement reached–cumulative			88%	88%		

Agency	ADR services provided	Activity Measures	Outcome measures	1998–99	99–2000	2000–01	2001-2002
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Government ombudsman

Commonwealth Commonwealth Ombudsman	Investigation ³³	Number of complaint issues investigated		15,344	6,156	7,492	
ACT Ombudsman	Investigation ³⁴	Number of complaint issues investigated		399	328	260	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
Tasmania TAS Ombudsman	Investigation	Number of complaint issues received		1026	1020	698	739
New South Wales NSW Ombudsman	Mediation, conciliation, alternative dispute resolution	% of police complaints subject to attempt at conciliation, mediation or other informal resolution		29%	29%	25%	
			% successful			80%	
		Number of formal investigations mediated/conciliated			2	4	
Northern Territory NT Ombudsman	Conciliation (minor complaints resolution scheme – police)	Approaches resolved by informal conciliation directly by police			74	119	74
South Australia SA Ombudsman	Mediation and conciliation	No statistics published on ADR					
Victoria Ombudsman Victoria	Mediation and conciliation	No statistics published on ADR					
Western Australia Ombudsman WA	No ADR reported						

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Health care complaints schemes

Australian Capital Territory ACT Community and Health Services Complaints commissioner	Conciliation	No and % of open cases at conciliation stage		5%	5%	18 (8%)	
			Outcomes of confidential conciliation not recorded				
New South Wales Health Care Complaints Commission	Conciliation (referred to Health Care Conciliation Registry)	Complaints assessed as suitable for conciliation		208	240	330	
			Number and % of complaints in which:				
			Agreement reached	41(28%)	63(76.8%)	67(82.7%)	
			Terminated: no agreement reached	2 (1.4%)	15(18.3%)	13(16%)	
			Referred back: conciliation cancelled	3 (2%)	3(3.7%)	1 (1.2%)	
	Referred back: conciliator recommended investigation	0	1(1.2%)	0			

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
Health Conciliation Registry ³⁵	Conciliation	Numbers of referrals received		77	89	107	
			Agreed	57	61	74	
			Not agreed	9	11	11	
			Withdrawn	11	17	22	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
Northern Territory Health and Community Services Complaints Commission	Counselling/ mediation/ case conference	Number (and %) of total complaints resolved through counselling, mediation or case conference		23 (7%)	31 (6%)	17 (18%)	25 (15%)
QUEENSLAND Health Rights Commission	Conciliation	Complaints closed following conciliation		167	139	163	173
			Agreement not reached	11	11	13	11
			Agreement reached	25	9	10	27
			Disagreement fully explored	67	49	70	51
			Disagreement fully explored/ partial agreement	1	20	15	29
			Settlement negotiated	36	29	21	30
			Withdrawn during/ from conciliation	15	18	22	15
			Withdrawn from conciliation to take legal action	12	3	12	10
Tasmania Health Complaints Commissioner	Conciliation	Number of complaints received			411	392	284
		Number of complaints referred to conciliation				4	3
			Agreement reached (%)			67%	33%

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002	
Victoria Health Services Commissioner	Conciliation	Number of complaints referred to conciliation			67	97	457	
		Number of complaints managed by conciliators		217				
		Number of complaints closed by conciliators		62				
		Agreement reached (%)		66%	87%	89%		
		No agreement reached		3%	0%			
		Withdrawn by user		23%	9%	8%		
		Withdrawn to go to law		8%	4%	3%		
		Resolved:						92%
		Apology given						6%
		Change in procedure/policy						1%
		Compensation						20%
		Explanation/informatn. Provided						65%
		Referred to registration boards						1%
Non-conciliable						7%		
Western Australia Office of Health Review	Formal conciliation and negotiated settlement (informal conciliation)	No. of formal conciliations		3	0	1	1	
		No. of negotiated settlements		79	110	90	89	

Commonwealth funded family mediation services

Family Relationships Services Program 36	Adolescent Mediation and Family Therapy	Number of sessions		Previous statistics In FaCS annual report include all family support and relationship programs, and do not distinguish categories	9845	
		Number of clients			4965	
			Average cost per session		\$262	
			Average cost per client		\$464	
	Family Relationship Mediation	Number of sessions			10,079	
		Number of clients			5927	
			Average cost per session		\$460	
			Average cost per client		\$749	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Community mediation services

Australian Capital Territory							
Conflict Resolution Service ³⁷	Mediation	Number of inquiries			506	733	926
			% resulting in files opened		30%	34.5%	30%
		Number of files opened		279	153	253	272
			% accept offer of mediation	36%	43%	41%	38%
		Number of mediations		100	90	125	104
			% written agreement	36%	46%	44%	41%
			% verbal agreement	36%	25%	33%	17%
			% no agreement	16%	22%	23%	27%
			% conciliated		6%	0	0
			No show	1%			
			% late withdrawal	9%	1%	0	5%
New South Wales							
Community Justice Centres ³⁸	Mediation	Number of files opened		5,641	5,887	7,035	7,161
		Additional inquiries		7,000	6500	2,580	5,000+

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			% of files in which mediation arranged			43%	44%

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
		Number of matters proceeding to mediation		2,035	2,122	2,607	2,729
			% agreement		84%	84%	83%
			Number of disputes resolved to satisfaction of parties, without proceeding to mediation	2,074 (37%)	2164 (37%)	403	37%
			% resolution through CJC assisted settlement or shuttle mediation			6%	6%
			% finalised within 21 days	62%	61%	54%	
			% finalised within 30 days	84%	82%	75%	
Queensland							
Dispute Resolution Centres	Mediation	Mediations conducted			1278	2303	2286
			Client satisfaction		90%	95%	93%
			File turnaround		21 days	17 days	15 days
			Civil Mediation agreement rate				84%
	Justice (victim-offender)	Mediations					55
		Agreement rate					100%

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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South Australia ³⁹							
Southern Community Justice Centre ⁴⁰	Mediation	Number of enquiries		789	753	1107	
		Number of casework files		209	162	278	
Norwood Community Legal Service ⁴¹	Mediation	Number of query phone calls		792			
		Number of case work files		229			
Bowden Brompton Community Legal Service - Western Mediation Service ⁴²	Mediation	Number of enquiries		959	903		
		Number of case work files		237	224		
Tasmania							
Positive Solutions ⁴³ Hobart	Pre-Mediation	Sessions(hours) Neighbourhood			26 (27.41)	40 (42.25)	
		Workplace			30 (32.25)	22 (24.25)	
		Community			3 (3)	11 (13.75)	
	Mediation	Sessions (hours) Neighbourhood			10 (20)	11 (25.25)	
		Workplace			23 (47.7)	19 (36.5)	
		Community			6 (6)	6 (15.25)	
		Victim Offender			0 (0)	1 (2)	
Launceston	Pre-Mediation	Number: Neighbourhood			11	11	
		Workplace			1	2	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
		Community group			0	14	
	Mediation	Number:			6	7	
		Neighbourhood					
		Workplace			1	3	
		Community group			1	0	
		Victim-offender			1	0	
Victoria							
Department of Justice, Victoria, Alternative Dispute Resolution Services (Dispute Settlement Centres Victoria)	Mediation	Number of general and dispute resolution service enquiries responded to			11,994	12,761	12,491
			Variation actual v Target		41%	16.01%	
		Disputes received for resolution			1,504	1,756	1,569
			Variation actual v Target		-4%	21.1%	
			Resolution of mediation options that are activated/conducted		31%	32%	30%
			Variation actual v Target		-6%	21.1%	
			Client user satisfaction		91%	91%	95%
			Variation actual v Target		11%	9.1%	

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			% Matters finalised within 30 days		85%		
			% Matters finalised within elapsed time benchmarks			88%	80%
			Variation actual v Target		5%	6%	
Western Australia							
Bunbury Community Mediation Service ⁴⁴	Mediation/pre mediation	Enquiries		117	95	96	74
		Pre-mediation sessions		68	65	96	70
		Mediation sessions		98	79	88	72
		Files opened		65	66	55	78
		Files closed		41	52	87	59
			Outcomes cases where parties attended pre-mediation only: Only one attended	8 (47%)	6 (28%)	15 (58%)	13 (68.5%)
			Both parties attended pre-mediation only		9 (43%)	7 (27%)	4 (21%)
			Mediation not appropriate	4 (23.5%)	4 (9%)	4 (15%)	2 (10.5%)
			Referred to counselling	1 (6%)	1 (5%)		
			Matters resolved by parties, or entered legal system	4 (23.5%)	1 (5%)		

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
			Outcomes for mediation cases:	12 (50%)	18 (58%)	29 (48%)	21 (52.8%)
			Agreement all issues (3 sessions)				
			Agreement: some issues	10 (42%)	8 (26%)	16 (26%)	11 (27.5%)
			Parties reconciled		1 (3%)	1 (2%)	
			No agreement/mediation terminated	2 (8%)	4 (13%)	15 (24%)	8 (20%)
Albany Community Legal Centre	Mediation (new service)	Number of mediations			11	20	20
Aboriginal ADR Service	Mediation and related ADR services:	No annual reports published as yet, but may be in near future					

Agency	ADR services provided	Activity Measures	Outcome measures	1998-99	99-2000	2000-01	2001-2002
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Legal aid commissions

Legal Aid New South Wales	Family Law conferencing	No. of conferences/mediations		204	482	905	1,402
			Agreements reached	143	423	807	1,259
			Agreement rate	70%	88%	89.2%	89.8%
	Civil law mediation	No. of conferences/mediations		9	10	5	2
			Agreements reached	8	4	3	2
			Agreement rate	89%	40%	60%	100%
					2000-01	2001-02	2002-2003
Legal Aid Western Australia ⁴⁵	Family Law Conferencing	No. of conferences			75	141	735
			Agreements reached		55	113	
			Agreement rate		73.3%	80.14%	

Commercial

New South Wales Australian Commercial Disputes Centre (ACDC) Last published stats are 1997/98	Mediation	Breakdown of new cases		Commercial mediation: 44%	
	Conciliation			Other mediation: 32%	
	Expert determination/appraisal			Expert determination: 12%	
	Facilitation			Arbitration: 9%	
	Arbitration		Outcome of completed mediation:		
			Settlement	66%	
			Partial settlement	15%	
			No settlement	19%	

Footnotes

¹ Voluntary/court

² estimate from 'mediation sessions averaging two sessions for each matter'

³ In 2000, the Family Court commenced using the term to 'mediation' to cover all of these services

⁴ average since 1987

⁵ Service became operational during 2000

⁶ Estimated from graph provided

⁷ Statistics to be published in 2001-2002 Annual Report. Statistics provided by Administrator are drawn from a 4-month sample period in 2002.

⁸ Melbourne registry only

⁹ For period 1.2.96 to 30.6.02

¹⁰ For period 30.7.95 to 30.6.02

¹¹ Statistics are from November to October

¹² Average over 6 years

¹³ This settlement rate only has reference to applications for relief in respect of termination of employment

¹⁴ Figures for agreements refer to agreements **finalised**, not numbers in progress

¹⁵ Additional figures provided on breakdown of case types

¹⁶ Additional figures provided on breakdown of case types

¹⁷ Referral numbers are under-reported because rejected referral are not always recorded on the data system

¹⁸ outcome plans may relate to conferences from previous reporting period

¹⁹ additional statistics provided on nature of disputes, nature of outcomes, regional conferences, and attendance

²⁰ Reporting period is calendar year (2000-2001= calendar year 2001)

²¹ Reporting period is calendar year (2000-2001 = calendar year 2001)

²² includes cases discontinued or closed after classified as outside ABIO's jurisdiction

²³ additional statistics published on origin of referral by state, reasons for denied liability, values of disputes, ,outcomes by policy types, and code of practice issues

²⁴ Additional figures provided on status of customer, gender, method of contact and categories of issues raised.

²⁵ This category has replaced 'Consultation'

²⁶ This category has replaced 'Complaint'

²⁷ This category has replaced 'Dispute'

²⁸ The resolution processes adopted have not been identified.

²⁹ Figures given for calendar years (ie. 2000 – 2001 = 2001)

ADR: published statistics

³⁰ The ADR process used is not identified.

³¹ Scheme commenced in August 2000.

Additional statistics provided on types of issues and on each company, on outcomes of electricity enquiries and on timing of cases.

³² Additional statistics provided on types of issues and on each company, on outcomes of electricity enquiries and on timing of cases

³³ Complaints may have more than one issue. Not all complaints are investigated. Investigation may include recommendations for resolution. Figures exclude complaints about the Australian Federal Police.

³⁴ Not all complaints are investigated. Investigation may include recommendations for resolution.

³⁵ Separate figure provided by Health Conciliation Registry (HCR), which differ from those of the Health Care Complaints Commission (HCCC). Not all complaints assessed by the HCCC as suitable for conciliation are actually referred to the HCR, ie party(s) do not consent to conciliation, or party(s) may not respond to the HCCC in the specified timeframe. HCR counts the total amount of conciliations completed in the financial year, including cases received the previous financial year that had not been finalised.

³⁶ Note - Aggregated data only: Individual agencies may also produce and publish their own annual reports containing caseload statistics

³⁷ Additional case/client statistics also published

³⁸ as above

³⁹ Community mediation services in SA were recently amalgamated

⁴⁰ Additional figures also published on presenting problems and sources of referral

⁴¹ as above

⁴² as above

⁴³ (formerly Community Mediation Service). Statistics are from Community program only: Positive Solutions also has a federally funded family mediation program - statistics for this are included in Family Relationships Service Program.

⁴⁴ Also additional statistics on source of referral and type of mediation

⁴⁵ ADR program was not funded for the large part of 2000-2001 financial year. Expanded program was launched on 3 April 2002. Figures include actual figures up to 6 May 2002 together with total projected target for 2001-2002.