

# NATIONAL ALTERNATIVE DISPUTE RESOLUTION ADVISORY COUNCIL

## National Principles for Resolving Disputes

Greater understanding of difference and communication about those differences at an early stage will help to prevent or minimise many disputes. Where disputes cannot be prevented, there are many ways to resolve them.

Methods of resolution range from informal discussion and negotiation to formal determination by a court and include dispute resolution processes like mediation, conciliation and arbitration.

These principles set out a fundamental approach to dispute resolution that is consistent with better access to justice.

The principles address people involved in dispute and government and service providers. For specific information on the principles, please consult the *Interim Report to the Attorney-General on the Key National Principles for the Resolution of Disputes* available at [www.nadrac.gov.au](http://www.nadrac.gov.au).

1. People have a responsibility to take genuine steps to resolve or clarify disputes and should be supported to meet that responsibility.
2. Disputes should be resolved in the simplest and most cost effective way. Steps to resolve disputes including using ADR processes, wherever appropriate, should be made as early as possible and both before and throughout any court or tribunal proceedings.
3. People who attend a dispute resolution process should show their commitment to that process by listening to other views and by putting forward and considering options for resolution.
4. People in dispute should have access to, and seek out, information that enables them to choose suitable dispute resolution processes and informs them about what to expect from different processes and service providers.
5. People in dispute should aim to reach an agreement through dispute resolution processes. They should not be required or pressured to do so if they believe it would be unfair or unjust. If unable to resolve the dispute people should have access to courts and tribunals.
6. Effective, affordable and professional ADR services which meet acceptable standards should be readily available to people as a means of resolving their disputes.
7. Terms describing dispute resolution processes should be used consistently to enhance community understanding of, and confidence in, them.