

Australian Dispute Resolution Advisory Council Inc

Annual Report

Year end 30 June 2021

ADRAC Council Membership

As at 30 June 2021 the Council consisted of:

1. Dr Lola Akin-Ojelabi
2. Dr Andrew Bickerdike (Hon Treasurer)
3. Alysoun Boyle
4. Dr Kate Chetty
5. Margaret Halsmith
6. Susan Hamilton-Green
7. Tom Howe PSM QC (Hon Sec/Public Officer)
8. Ruth McColl AO SC (Chair)
9. Jovanka Naumoska
10. Jamie Orchard
11. Helen Shurven
12. Steven White.

The CV and photograph of each member and past members is displayed on the Member page of the ADRAC website: www.ADRAC.org.au.

Secretariat

Joseph Petry and Fiona Smith of the Australian Government Solicitor provided invaluable secretariat and pro bono support to ADRAC throughout the year.

ADRAC acknowledges, and is grateful for, the support of the Australian Government Solicitor in enabling ADRAC to be well served with a lawyer from AGS acting in the role of Executive Secretary and also in providing administrative support for its activities.

Council Meetings

The Council of ADRAC met, either face to face or by teleconference, on the following dates:

1. 23 July 2020
2. 14 September 2020
3. 12 October 2020
4. 11 November 2020
5. 6 November 2019
6. 15 December 2020
7. 21 January 2021
8. 24 February 2021 (AGM -partially face-to-face; partially by teleconference)
9. 14 April 2021
10. 25 May 2021

Finances

ADRAC received no revenue for the financial year ending 30 June 2021.

Its expenses for the financial year were \$752.

ADRAC made a deficit of \$752 due to no revenue being received.

Its cash balance at the end of June 2021 was \$7,171 demonstrating a stable financial position despite the deficit.

Projects and Submissions

Conciliation Report

A major work for the year was the finalisation of the Conciliation Report, following upon the publication of the Conciliation Discussion Paper in October 2019. As explained in the 2020 Annual Report, the Conciliation Discussion Paper included the results of literature reviews, an extensive study of Territory, State and Commonwealth legislation dealing with conciliation, interviews and workshops with conciliators and conciliation managers, reviews of conciliation material on websites of conciliation entities, online surveys, a study of advertisements for conciliators, and focus groups of conciliators in Brisbane, Sydney, Melbourne, Adelaide and Perth.

The Discussion Paper called for submissions by way of response. Once those were received and analysed, the Council commenced work on preparing the final Conciliation Report. The Report was completed by May 2021 at which stage ADRAC took steps to arrange its launch. However, that endeavour was stymied by the Covid lockdown which commenced in New South Wales on 23 June 2021, and in other States and Territories in and around that time and continued well past 30 June 2021.

Reconciliation Action Plan

ADRAC submitted its draft reconciliation action plan (RAP) for approval to Reconciliation Australia (RA). The approval process was rather drawn-out, but in the interim members of the Council started implementing some of the steps in the draft plan. One of those steps involved aligning the RAP with the ADRAC Charter. Proposed changes to this end were brought forward at the 2020 AGM, but not passed because of other matters referred to in this Report which may also involve amendments to the Charter.

Deductible Gift Recipient status

The Council undertook consideration of if, and how, it could obtain Deductible Gift Recipient (DGR) status to enable receipt of tax-deductible donations to facilitate its ongoing work. It obtained pro bono legal advice from Bartier Perry as to how that could be achieved. That advice was that ADRAC's chances of doing this with its Charter and objects as presently defined was not promising. It would involve amendments to charter and rules of association to comply with the legislative requirements. This issue was on-going as at 30 June 2021.

Amendments to the Charter

In addition to the amendments to the Charter arising from the RAP, and potentially arising in the DGR context, the Council commenced a review of its Charter with a view to making its language more positive.

Dispute Resolution Procedure

ADRA prepared a draft Dispute Resolution Procedure to be inserted by way of amendment to its Rules of Association to comply with s 65B of the *Associations Incorporation Act 1991* (ACT). The amendment to the Rules was adopted at the 2020 AGM held on 24 February 2021.

Wiki Papers

ADRAC published 3 Wiki Papers prepared by council members on its website on the following subjects:

- Pre Mediation
- Native Title Mediation
- Dispute resolution in Tribunals

The Council also commenced consideration of the topics of appropriate dispute resolution interventions to assist with de-escalation of organisational disputes, mediation in commercial disputes, whether family dispute resolution mechanisms are making an impact, dispute resolution and apologies and compensation claims in the Commonwealth dispute resolution scheme for future Wiki Papers

New Council members

The previous Chair of ADRAC, Jeremy Gormly SC, retired from the Council. The Council acknowledged his immense contribution to ADRAC's establishment and work and its regret at his departure. Jeremy's retirement opened up a new position on the Council. The Council resolved to consider new members once the amendments to the Charter were made.
