

Australian Dispute Resolution Advisory Council Inc

Annual Report

Year end 30 June 2020

ADRAC Council Membership

As at 30 June 2020 the Council consisted of:

- a. Dr Lola Akin-Ojelabi
- b. Dr Andrew Bickerdike (Hon Treasurer)
- c. Alysoun Boyle
- d. Dr Kate Chetty
- e. Jeremy Gormly SC
- f. Margaret Halsmith
- g. Susan Hamilton-Green
- h. Tom Howe PSM QC (Hon Sec/Public Officer)
- i. Ruth McColl AO SC (Chair)
- j. Jovanka Naumoska
- k. Jamie Orchard
- l. Helen Shurven
- m. 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

Max Gao 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:

- n. 26 June 2019
- o. 14 August 2019
- p. 4 September 2019 (AGM - face to face)
- q. 9 October 2019
- r. 6 November 2019
- s. 17 December 2019
- t. 13 February 2020
- u. 16 March 2020 (partially face-to-face; partially by Message Stick conferencing due to limitations on inter-state/territory movement arising from the Covid pandemic)

- v. 29 April 2020
- w. 10 June 2020

Finances

ADRAC collected revenue of \$1,500 derived from donations and subscription fees for the financial year ending 30 June 2020. Its expenses for the financial year were \$1,302. ADRAC made a surplus of \$198 mainly due to an increase in subscription fees. Its cash balance at the end of June was \$7,924 demonstrating a stable financial position.

Projects and Submissions

Individually, each member of ADRAC is involved in a broad range of activities in the ADR sector. A summary of each project or submission that the Council and its sub-committees worked on as a group throughout this year appears below.

Conciliation Discussion paper

The major work of the year was the finalisation of the Conciliation Discussion Paper which was released in October 2019. It 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. AGS undertook the work of preparing the Discussion Paper for final publication. The Council is extremely grateful for that assistance.

The Discussion Paper called for submissions by way of response by 1 December 2019. Once those were received and analysed, the Council commenced work on preparing the final Conciliation Report, work which was still being undertaken at the end of the 2019-2020 financial year.

The Chair of ADRAC, the Honourable Ruth McColl AO SC and the immediate past Chair, Jeremy Gormly SC, addressed the NSW Law Society ADR Committee about ADRAC's research on conciliation and the Discussion paper in November 2019. In addition, each spoke about those issues at the NSW Workers Compensation Commission's Arbitrator Annual Conference in Sydney in December 2019. The Chair also addressed those two subjects at the ADR Research Network Roundtable in Melbourne in December 2019.

United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention)

The Singapore Convention was opened for signatures on the 7th of August 2019. ADRAC published a Wiki Paper analysing it on its website: <https://www.adrac.org.au/copy-of-sports-and-adr>

Reconciliation Action Plan

ADRAC commenced working on a draft reconciliation action plan (RAP). It registered its interest in preparing a Reflect RAP on the Reconciliation Australia website. This will require amendments to ADRAC's Charter. A draft of such amendments was prepared for consideration at the next AGM.

Deductible Gift Recipient status

The Council undertook consideration of if, and how, it could obtain Deductible Gift Recipient status to enable receipt of tax-deductible donations to facilitate its ongoing work. This project is ongoing.

Joint Select Committee on Australia's Family Law System

ADRAC made a submission to a Joint Select Committee on Australia's Family Law System on such issues as it was considering as are within ADRAC's remit. The submission is published on ADRAC's website.

Senate Legal and Constitutional Affairs Legislation Committee – Inquiry into the Federal Circuit and Family Court of Australia Bill 2019 & Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019

ADRAC made a submission to the Senate Legal and Constitutional Affairs Legislation Committee considering these 2 Bills which effectively concerned the proposed merger of the Family Court of Australia and the Federal Circuit Court. It is published on ADRAC's website.

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 is to be considered at the next AGM.

Effectiveness in ADR key issues

In December 2019, ADRAC published a Wiki Paper about "Effectiveness in ADR key issues" on its website.