

Improving access to ADR in civil justice system

The NADRAC report into access to ADR finds that its underuse is largely due to lack of knowledge.

The report titled, *The Resolve to Resolve: Embracing ADR to Improve Access to Justice in the Federal Jurisdiction* launched early November by the Attorney-General, Robert McClelland, finds that alternative dispute resolution (ADR) remains significantly underutilised and that a key barrier is a lack of knowledge and understanding amongst the profession, litigants and the general public.

The report contains 39 recommendations aimed at improving the ADR system and encouraging its greater use, including:

- imposing a legislative obligation on prospective litigants to seek to resolve disputes before they go to court;
- developing a National ADR Protocol to promote the consistent application of ADR principles and processes;
- requiring lawyers and the courts to provide appropriate information or advice to consumers in relation to ADR processes;
- developing a standards framework to improve the quality of ADR services;
- developing judicial case management courses focussing on ways in which judges can identify matters suitable for ADR techniques and processes;
- supporting the development of strong community and private ADR services;
- providing a model dispute resolution clause as a template that may be voluntarily adopted in contractual documents;
- requiring Commonwealth agencies to include dispute resolution clauses in contracts; and
- improving data collection, evaluation and research to inform an evidence-based policy approach.
- NADRAC undertook an extensive consultation process and evaluated submissions from Commonwealth, State and Territory Governments, dispute resolution providers, courts, tribunals and the public.

The Government intends to examine the report's recommendations, in the context of its commitment to improve access to justice.

[For a copy of the report >>](#)

[To view the submissions >>](#)

[For Attorney-General, Robert McClelland's speech at the launch, click here >>](#)