
From: Francesca Di Benedetto <Francesca.DiBenedetto@facs.nsw.gov.au>
Sent: Tuesday, 14 March 2017 8:59 AM
To: NSW_LRC
Cc: Louise Blazejowska; Paloma Mackay-Sim
Subject: FW: NSW Law Reform Commission - Consultation paper 18 on dispute resolution model provisions

Dear Erin

Consultation Paper 18 – Dispute Resolution: Model Provisions

Thank you for the opportunity to comment on Consultation Paper 18, *Dispute Resolution: Model Provisions*.

The Department of Family and Community Services (**FACS**) has considered the paper and notes that the Alternative Dispute Resolution (**ADR**) provisions in the *Children and Young Persons (Care and Protection) Act 1998* have been expressly excluded from the Commission's review and from the operation of the proposed model provisions. We therefore have no specific comments to make on the consultation paper or the model provisions proposed.

From a broad principles-based perspective, FACS supports the introduction of an overarching statutory framework for ADR in NSW to promote its use and encourage its application to resolve a broad range of disputes. We are particularly supportive of strategies to promote the use of ADR at the pre-litigation stage, to avoid the commencement of proceedings, and an overarching framework will assist to achieve this. As the consultation paper notes, ADR is an informal, non-adversarial, cost-effective and prompt way of resolving disputes. Parties are also more likely to be satisfied with the outcomes having had the opportunity to be listened to, being assisted to identify and narrow the issues in dispute, and coming to an agreed resolution of those issues. Resolving disputes by agreement gives parties ownership of the outcomes, and they are more likely to adhere to the agreements. Most importantly, it avoids the expense, delay and distress caused by protracted legal proceedings.

We look forward to reading the final report of the review.

Kind regards

Francesca

Francesca Di Benedetto | Senior Legal Officer, Legislative Reform and Right to Information

Department of Family and Community Services | FACS Legal

T 02 8879 9028

A 4-6 Cavill Avenue, Ashfield

E Francesca.DiBenedetto@facs.nsw.gov.au

W www.facs.nsw.gov.au

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From: NSW_LRC [<mailto:nsw-lrc@justice.nsw.gov.au>]

Sent: Friday, 16 December 2016 11:29 AM

Subject: NSW Law Reform Commission - Consultation paper on dispute resolution model provisions

Dear valued stakeholder,

The NSW Law Reform Commission (LRC) has released Consultation Paper 18 - Dispute Resolution: Model Provisions: http://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/disputeresolution/CP18.aspx

It is part of our review of statutory provisions on dispute resolution. Further information on the review may be found at:

http://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/disputeresolution/disputeresolution.aspx

We are letting you know about this Consultation Paper because we think you or your organisation may be interested in this area of alternative dispute resolution.

This Consultation Paper follows Consultation Paper 16 on dispute resolution frameworks in NSW (released on 23 April 2014) and provides a set of draft model provisions related to mediation and some options for implementation including the possibility of applying them to non-statutory mediation.

We seek your responses to the proposed model provisions and the options and issues raised in the Consultation Paper as well as any related matters.

You can send your submission by:

Email: nsw_lrc@justice.nsw.gov.au

Post: GPO Box 31, Sydney NSW 2001

The closing date for submissions is Friday, 17 March 2017.

It would assist us if you could provide an electronic version of your submission.

For further information on the use of submissions and confidentiality, please go to:

http://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_submission.aspx

If you have questions about the process please email or call (02) 8346 1284.

Kind regards,

Erin Gough | Policy Manager

Law Reform and Sentencing Council Secretariat | NSW Department of Justice

Level 3, Henry Deane Building, 20 Lee St, Sydney

GPO Box 31 Sydney 2001

Erin.Gough@justice.nsw.gov.au

T: (02) 8346 1263

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