



ADR and the Commonwealth



AGS and leading ADR organisation LEADR – Association of Dispute Resolvers, are delighted to announce a collaborative full-day training course tailored for the Commonwealth public sector ‘ADR and the Commonwealth’ in Canberra and Sydney.

In November 2009, the Attorney-General launched the National Alternative Dispute Resolution Advisory Council (NADRAC) Report into alternative dispute resolution in the civil justice system. The report, titled *The Resolve to Resolve: Embracing ADR to Improve Access to Justice in the Federal Jurisdiction*, found that ADR remains significantly under-utilised and that a key barrier is a lack of knowledge and understanding amongst the profession, litigants and the general public.

This course, guided by AGS and LEADR experts, offers something truly unique for Commonwealth departments and agencies – a look at ADR in all its forms, with a special focus on considering and using ADR in the Commonwealth context.

The training will emphasise the importance of ADR for departments and agencies, and discuss recent influences and the focus on ADR in the Commonwealth environment.

Issues to be discussed include:

- ▶ *understanding the differences between interest-based and rights-based approaches to disputes*
- ▶ *different forms of ADR and the features of each*
- ▶ *factors impacting on the Commonwealth when using ADR processes*
- ▶ *things to know when the Commonwealth participates in ADR processes*
- ▶ *good faith and bad faith participation*
- ▶ *immunity of ADR practitioners.*

Who should attend?

Public sector employees wishing to learn about the increasing significance of ADR in the Commonwealth legal environment, including the full range of ADR processes and how and when to use them in a Commonwealth context. The course is relevant to in-house lawyers and senior managers involved in management of claims and disputes.

AGS presenters

LEADR presenter



Tom Howe QC
Chief Counsel Litigation

Welcome to the program by Tom Howe QC.

As Chief Counsel Litigation Tom is one of AGS's most senior dispute management practitioners. He has 22 years' experience providing general legal advice and assistance on all issues relating to public law matters. He was appointed Queen's Counsel in early 2007 in recognition of his contribution to Commonwealth law over many years.

In June 2008 Attorney-General Robert McClelland appointed Tom as a member of NADRAC.



Andrew Berger
Senior General Counsel

Andrew has handled some of the most high profile, sensitive and difficult matters the Commonwealth has been involved in, including commercial disputes, common law claims and sensitive national security matters.

He has a special interest in alternative dispute resolution and has advised and represented Commonwealth government clients in many matters where it has been used successfully.

Andrew is a member of the ACT Law Society's Alternative Dispute Resolution Committee and holds a Practitioners' Certificate in Mediation and Conciliation from the Institute of Arbitrators and Mediators.



Andrew Dillon
Senior Executive Lawyer

Andrew's dispute management practice focuses on administrative review, including appearing as counsel. Andrew advises extensively on a wide range of administrative and public law matters.

He regularly appears as counsel in the Administrative Appeals Tribunal, the Federal Court and has appeared in the Full Federal Court. Andrew has advised on and negotiated the resolution of a number of compensation for detriment cases caused by defective administration claims. This work also involved case management and negotiation of compensation payments.



Dr Tania Sourdin
*Professor of Conflict Resolution
University of Queensland*

Tania is a leading Australian academic and researcher in mediation and ADR. She managed the consultation for and wrote the *National Mediator Accreditation System*.

Tania has been an accredited mediator since 1990 and has worked extensively internationally and within Australia.

She is a member of NADRAC and numerous tribunals and panels.

Agenda

8.40 am	Course registration and coffee	1.00 pm	Lunch
9.00 am	Welcome	1.45 pm	Opening session of mediation – simulation <ul style="list-style-type: none">– interactive introduction, process features and stages– departures in advisory models (conferencing and conciliation)
9.05 am	Introduction and overview <p>Welcome to participants – introductions, expectations and experience of disputes and dispute resolution – emphasising the importance of the focus on ADR for departments and agencies</p>	2.30 pm	Focus on mediation <ul style="list-style-type: none">– court/tribunal annexed and private mediator– confidentiality and admissibility of what’s said and done in mediation– derivative use of things said and done at mediation
9.30 am	Why focus on ADR? <p>The focus on ADR in the Commonwealth environment and recent influences</p> <hr/> ADR and the Commonwealth <p>What factors impact on the Commonwealth utilising ADR processes?</p>	3.05 pm	Which is the most <i>appropriate</i> dispute resolution process? <ul style="list-style-type: none">– which forms of ADR when: assessment of suitability, factors to consider– applying ADR in an administrative setting– areas of Commonwealth activity in which ADR can play a role at mediation
10.30 am	Morning tea	3.30 pm	Afternoon tea
10.45 am	Interest vs rights-based approaches to disputes <ul style="list-style-type: none">– understanding the differences between interest-based and rights-based approaches to disputes– good faith and bad faith participation	3.45 pm	Practical exercise – small groups and plenary <p>Evaluating ADR for a scenario and presenting the case to your agency head</p>
11.45 am	The different forms of ADR <ul style="list-style-type: none">– the different forms of ADR and the features of each including facilitative, evaluative and determinative processes – arbitration, conciliation, early neutral evaluation, expert determination, expert advice, mediation and negotiation– immunity of ADR practitioners	4.15 pm	After commitment – getting ready <p>What’s needed to prepare for the chosen ADR process and who does what – client and adviser roles</p>
12.30 pm	What to consider when contemplating ADR <p>What are the key things to know when the Commonwealth participates in ADR processes?</p>	4.35 pm	Review and questions
		4.50 pm	Close



ADR and the Commonwealth

9 November (Canberra)

All courses: 9 am – 5.00 pm | \$1,250 (GST inclusive)

Morning tea, lunch, afternoon tea included.

Venue will be stated in registration confirmation letter.

ATTENDEE DETAILS

Name _____

Position _____

Agency _____

Branch/section _____

Postal address _____

Phone _____ Fax _____

Email _____

Special requirements (including special dietary needs/disability) _____

PAYMENT DETAILS

By invoice to Mr/Ms/Mrs _____

Branch/section _____

By credit card

Card type _____

Number

Cardholder's name _____

Expiry date _____

Gross credit card amount* \$ _____

* If your agency qualifies for a discount (see Discounted fee), then the actual amount charged to the credit card detailed may be less than the gross amount indicated.

Cardholder's signature _____

Please fax this form to
F 02 6253 7333
For more information
please contact
Di Harvey **T 02 6253 7126** or
Krissy Dickason **T 6253 7414** or
E cbrtraining@ags.gov.au

Discounted fee

The discount of 10% will apply if three or more people from the same agency attend.

Payment by credit card with registration

If you wish to pay by credit card, please supply relevant details on our nomination form under 'By credit card'. Credit card details will not be processed until after the training event has been run.

Payment by EFT

Payments made by EFT should be accompanied by our invoice and reference numbers and paid to our account number: 092-009 918766 RBA.

IMPORTANT NOTICE: Once a nomination form is received and a confirmation letter is issued, it assures your place on the course of your choice and confirms catering and venue bookings. Unless you advise this office within 24 hours of receipt of the confirmation letter that you will be unable to attend, the full attendance fee will still be payable. In such an event, please feel free to send another person from your agency in your place. Courses will only be run on the basis of our receiving sufficient nominations.

PRIVACY: AGS collects the information on this form solely for the purpose of administering its training program, including providing participants with information on enrolled and upcoming courses. The information is stored in a password protected database and is usually disclosed to a participant's employing agency upon request.