

Time for a dispute resolution centre?

Congestion. We've all experienced it – peak-hour bedlam, the stop-start traffic. Like our roads, the courts are not exempt from congestion.

Well before Charles Dickens was first published, 'bottlenecks' in the courts were already the subject of public debate.

In mid-20th Century Queensland, congestion in our courts was attributed to the much earlier abolition of the District Court. In the intervening period, case loads in the Magistrates and Supreme Court steadily increased, creating another bottleneck. Reinstating the District Court in 1952 brought some relief. However, by 2008 a 10% shortfall in required staff and judicial officers was identified.

Since then, Brisbane has expanded at about 1.6% a year. Caseloads in Queensland courts have also increased.

Soon there will be fresh calls for the appointment of more judicial officers and staff, or another body to share the load.

Could a Queensland Dispute Resolution Centre (DRC) provide some relief?

Many dispute resolution models (other than judicial determination) are viable and cost-effective solutions to conflict resolution.

Indeed, our own *Uniform Civil Procedure Rules 1999 (Qld)* (UCPR) were amended to provide power for judicial officers to require and refer parties in proceedings to attend mediation or case appraisal.

However, when parties are dissatisfied with the mediation or case appraisal, the UCPR simply allows the parties to elect to continue the proceedings.

What if parties had more choice in the type of dispute resolution used to resolve their conflict?

What if courts had powers to refer parties to a greater range of dispute resolution solutions?

What if parties or courts could take or refer matters to a DRC?

What is a DRC? It could be many things, but is typically a one-stop shop, or an all-in-one facility at which individuals, businesses and large corporations might find dispute resolution practitioners with a broad range of skills and expertise including:

- arbitrators
- mediators
- expert determiners
- adjudicators
- facilitators
- conciliators.

By way of example, services provided by some DRCs are listed in the table below.

Is there a role for a Queensland DRC?

What types of facilities are needed to support dispute resolution in Queensland?

Which dispute resolution services are needed in Queensland?

How could the UCPR be updated to embrace a wider variety of dispute resolution services, and facilitate broader adoption of those services?

What skills, training and support would practitioners need?

How would a DRC be funded?

Over the next few months, the Queensland Law Society Alternative Dispute Resolution Committee, together with the Resolution Institute, will explore these questions, and we welcome your feedback to advocacy@qls.com.au.

Help us design Queensland's DRC.

This article appears courtesy of the Queensland Law Society Alternative Dispute Resolution Committee.

	Singapore	Canada	London	Sydney
Adjudication	✓ available at Singapore Mediation Centre		✓	✓
Arbitration	✓ low-cost arbitration through Law Society of Singapore, international arbitration through SIAC	✓ both domestic and international commercial arbitration	✓ both domestic and international	✓ both domestic and international
Neutral evaluation	✓ available at Singapore Mediation Centre		✓	✓
Expert determination			✓	✓
Mediation	✓ free service in State Court, available at the Singapore Mediation Centre	✓ at cost in DRC	✓	✓
Register of professional	Some institutions have their own.	✓	✓	✓
Training/education/accreditation	✓ available at Singapore Mediation Centre	no	✓	✓
Room hire	Some institutions use the same facilities which are all part of the international 'hub' and operate from the same building.	✓	✓ through the International Dispute Resolution Centre	✓
Admin support	✓ depending on which institution (mostly for international level)	✓	✓ through the International Dispute Resolution Centre	✓