

Governments and ADR – States and Territories

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This paper was prepared and settled jointly by the members of ADRAC.

ADR strategies by states and territories indicate a somewhat fragmented approach, lacking any ostensibly overarching dispute resolution strategies. There is some reliance on previous work undertaken by NADRAC, which appears to guide some of these approaches.

State and territory governments

Most state and territory governments centralise their ADR policy-making, implementation and advice through the Attorney-General's Department (or equivalent), or government-funded Legal Aid services. Some jurisdictions have embedded ADR practices more extensively than others in broadening the parameters for the types of disputes that are considered appropriate for ADR.¹

Most states and territories have specific ADR services, a broad snapshot of which is set out below.

In **New South Wales** (NSW), the Department of Communities and Justice as at the date of this paper delivers no cost services through [Community Justice Centres](#) (CJCs) which provide assistance with disputes concerning neighbours, family relationships and children, work and employment, business and consumers, money, communities and associations, as well as Court referrals. These centres closed with the repeal of the *Community Justice Centres Act 1983* (NSW), however, effective 30 June 2025. No replacement service has, as yet, been announced, with the [NSW government](#) thus far having committed only to “establish[ing] an in-house mediation service for legislatively mandated referrals”.

In view of the above, the ongoing status of NSW's dedicated ADR Directorate—which co-ordinates, manages and drives ADR government policy, strategy and growth in NSW—is not clear.

The **Northern Territory** operates a [Community Justice Centre](#) service substantively similar to that offered in NSW. As with NSW's system, the Northern Territory's CJC offers mediation which is voluntary to parties (parties can also be “invited” to attend, though not compelled to do so) and addresses disputes concerning court or tribunal matters, money, neighbourhood issues, workplace or community group issues, commercial matters, extended familial problems, and social media. CJC mediation is

offered at no cost, with the CJC website including information about dispute resolution, mediation training and accreditation, as well as information in various community languages.

In addition, the Territory offers ADR processes through the [Public Housing Appeals Panel](#), the [Residential Tenancy Authority](#) and [Community Services Complaints Commission](#). ADR is now used as a pre-court proceeding through the CJC. Under the [Community Justice Centre Act 2005 \(NT\)](#), the CJC is authorised to provide free, confidential mediation services to help people resolve disputes without recourse to legal action.

In **Victoria**, the [Dispute Settlement Centre of Victoria](#) (DSC) provided by the Department of Justice and Regulation delivers mediation, conflict coaching, telephone advice, training and education. Whilst including assistance for common disputes (such as neighbourhood, behaviour, workplace and Magistrates' Court and Police referrals), the DSC also provides a specific service for older Victorians who are thinking about transferring assets or property to family members, a service not offered in other states. A video titled ["Step To" - Dispute Resolution in Action](#) shows a successful multi-party mediation bringing together youth, the police, a Magistrate and a local council and community organisation to resolve a dispute that affected a small country town.

In **Queensland**, the state government offers several tailored ADR avenues for the resolution of local disputes. These include [neighbourhood mediation](#), a free service to address tree and fencing disputes, [advisory mediation](#), which can be ordered ahead of (and in order to avoid) formal QCAT proceedings in respect of minor civil disputes, and [personalised transport complaint mediation](#), which handles disputes around taxi and rideshare services. There is also a dedicated [mediation service for Aboriginal and Torres Strait Islander peoples](#), which is described by the government as helping these communities to “keep ownership of disputes[,] use elements of customary law and practice[, and] find solutions that are in keeping with their cultural values.” Matters involving family, two Aboriginal or Torres Strait Islander people, Sorry Business, and/or several persons or parties in the community can be dealt with by this service. These avenues are mostly free (a fee being charged only for facilitations and workplace mediations), and are facilitated out of [Dispute Resolution Centres](#) spread out along the coast from the far north down to Brisbane.

In **South Australia**, the [Legal Services Commission](#) directs persons seeking mediation to the not-for-profit [Uniting Communities Mediation Service](#), which deals with “a range of matters including disputes relating to neighbours, community organisations, care management, workplace issues, and disability” and provides free mediation services where at least one party has low or no income. The Commission notes that “[a]lthough the service receives some government funding, it is not run by a government agency and has no power to force people to attend or stick to any agreement that is reached.” Interpreters can be provided as necessary, and mediations can be carried out both in Adelaide and, as necessary, in regional areas.

Separately, there is also a government-funded [Dispute Resolution Service operated by the Office of the Public Advocate](#) (OPA), which deals with “disagreements about health, accommodation, and lifestyle decisions” in respect of persons dealing with

the OPA in respect of advance care directives and medical treatment decisions.

In **Tasmania**, the [Department of Justice](#) provides a list of the areas of complaints or disputes and the various mechanisms relating to each of those disputes ranging from tenancy, energy, government, building and construction and legal aid for [family dispute resolution](#). They also offer a list of references to external mediation services, but refer to [non-government groups](#) rather than mediation providers specifically. Tasmania has an [Alternative Dispute Resolution Act 2001 \(Tas\)](#) which relates to mediation and neutral evaluation, its costs, referral by a court, agreements, privilege, and the liability of mediators and evaluators.

In **Western Australia**, the Department of the Attorney General provides the [Aboriginal Mediation Service](#) as well as ADR for family disputes, neighbourhood disputes, community disputes, housing disputes, funeral disputes, coronial disputes and multi-party disputes. The [Small Business Development Corporation](#), a separate statutory body, also offers ADR services for a range of situations within the small business context. [Legal Aid Western Australia](#) maintains a register of mediation and dispute resolution services operating independently of government, spanning both specific (e.g. family- or Aboriginal and Torres Strait Islander-specific offerings) and general operators.

In the **Australian Capital Territory**, the government funds the [Conflict Resolution Service](#) (CRS) offering free and low-cost ADR services including conflict coaching, mediation, facilitation, community education, outreach programs and training in mediation across disputes such as neighbourhood, family, workplace, commercial and small business and youth. The CRS provides links on its website to ADR services in interstate equivalents. The CRS publishes an [Annual Report](#) each year outlining services and programs, statistics on the number of ADR processes performed, types of disputes (issues and behaviours), client demographics (such as age, suburb, gender), client feedback and interestingly, information on the pathway from which clients gain knowledge of the CRS.

¹ The ADR services at State level usually apply to civil issues but in some limited cases can include post-conviction criminal matters referred by the Courts.

Local Government

Use of ADR by local governments routinely relates to neighbourhood disputes which are referred to the established state services. ADR services in most instances are free of charge with some states requiring a small fee for specific disputes. The Australian Disputes Centre also operates a fast-track mediation service.

Areas of exploration for future services

There appears to be inconsistent uses of terminology in relation to ADR processes. There is no one-stop centralised information service on what each state or territory offers in ADR which direct the public to their relevant state service.

It may be worth exploring whether and to what degree ADR services are specifically required for particular (and presently underserved) demographics such as young people (i.e. teenagers between the ages of 13 and 17), to encourage and influence dispute prevention as well as resolution.

The above snapshot focuses upon particular operational initiatives in ADR.

Getting to grips with policy formulation and delivery across state/territory bureaucracies is much harder. ADR as a topic no longer appears to be the specific reportable responsibility of declared areas within government agencies ADR as a subject area appears to have less traction now at a governmental level than was the case five to seven years ago. The reasons for this are unclear.