

# **ALTERNATIVE DISPUTE RESOLUTION RULES 2022**

## **“ADR RULES 2022”**

### **EXPLANATORY MEMORANDUM**

The *ADR Rules 2022* repeal and replace the *ADR Rules 2010*. More than 12 years have passed since the *ADR Rules 2010* commenced operation. Court-annexed mediation has become an entrenched function of the National Court system. Mediation as a means of dispute resolution and case management tool has matured.

The *ADR Rules 2022* are based on the *ADR Rules 2010*, however some changes have been made to the setting out of the Rules, and changes have been made to the substance of Rules and new rules have been introduced to clarify challenging areas of practice and procedure, eg the circumstances in which it is appropriate for the National Court to order mediation, the status of a mediation order, the circumstances demonstrating a party’s ‘bad faith’. There is a new requirement for accredited mediators to hold practising certificates. Schedule 2 of the *ADR Rules 2022* has a range of new forms which deal with practical aspects of mediation.

The standard, modern form of drafting is that the lengthy and more complex rules (eg *National Court Rules*, *Supreme Court Rules*) are arranged in Orders using conventional Arabic numbering (1, 2, 3, 4, 5 etc) with the consecutive numbering of each provision being re-set to 1 at the start of each Order and each provision being referred to as a rule (or sub-rule). That standard, modern form of drafting has been adopted for the *ADR Rules 2022*. In some Orders, the subject-matter has been divided into Divisions. The table of contents categorises the subject matter in the following way:

#### **ORDER 1 – PRELIMINARY**

#### **ORDER 2 – MEDIATION IN PROCEEDINGS**

#### **ORDER 3 – ACCREDITATION MECHANISM AND PROCESS**

##### **Division 1 – General**

##### **Division 2 – Accreditation Process**

##### **Division 3 – Practising certificates for Mediators and ADR Practitioners**

##### **Division 4 – ADR Committee**

##### **Division 5 – Mediator Accrediting**

#### **ORDER 4 – CODE OF PROFESSIONAL CONDUCT FOR ADR PRACTITIONERS**

##### **Division 1 – Preliminary**

##### **Division 2 – Duties and Responsibilities of Mediators**

Division 3 – Conducting a Mediation

Division 4 – Termination, Suspension and Conclusion of Mediation

ORDER 5 – DISCIPLINE OF MEDIATORS

ORDER 6 – REFERRALS

ORDER 7 – REVIEW OF ADR RULES

SCHEDULES

Schedule 1 – Requirements for Accreditation of Mediators

Schedule 2 – Forms

Schedule 3 – ADR Service Fees for Mediation

Schedule 4 – Fees for Mediator Practising certificates

Schedule 5 – Complaints Filing Fee

The *ADR Rules 2022* commence operation on 1 September 2022.

JUSTICE CANNINGS  
CHAIRMAN, RULES COMMITTEE

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