

# Disputes with Commonwealth Government agencies

**Many Australians don't have the time and resources to take on the Commonwealth Government. However, when disputes do occur they want them dealt with quickly, efficiently, fairly and at low cost.**

On 22 April 1999 the ACCC, along with the Australian Law Reform Commission and the Commonwealth Ombudsman, held a conference which dealt with the management of disputes involving the Commonwealth.

The conference came about because Commonwealth governments of all political persuasions in recent years have been demanding that departments and agencies be more client focused and operate more efficiently.

Conflict management — which covers dispute avoidance and handling, and alternative dispute resolution — is an important yet largely unrecognised means of achieving these two outcomes.

Disputes involving any department or agency can typically involve its employees, suppliers, clients, or the public at large.

Put at its simplest, these disputes are non-productive, costly and damaging.

Agencies need to be aware of what causes disputes, how they can be avoided, how they should be handled if they arise, and the most cost-effective way of dealing with them if they escalate.

To achieve sound conflict management outcomes, it was put forward that agencies should adopt alternative dispute resolution (ADR) processes and have a dedicated dispute resolution position or unit.

Presenters included Dale Boucher, former CEO of the Australian Government Solicitor and now an Associate Member of the Australian Communications Authority; the Hon. Daryl Davies, Federal Court judge; John Basten QC; Professor Laurence Boulle, Chairperson, National Alternative Dispute Resolution Advisory Council; Alan Rose, President, Australian Law Reform Commission; and Professor Allan Fels and Commissioner Sitesh Bhojani of the ACCC.

Issues covered included:

- ◆ conflict management systems, their justification, structure and role in departments and agencies;
- ◆ ways that litigation can be conducted more effectively;
- ◆ a small business perspective on government disputes;
- ◆ a description of alternative dispute resolution (ADR) processes and trends in their uses;
- ◆ case studies on the use of ADR by the ACCC, National Dispute Resolution Advisory Council and Administrative Review Council;
- ◆ the Australian Law Reform Commission's proposed reforms to the federal civil justice system; and
- ◆ the reform agenda for Commonwealth litigation, including the Commonwealth merit review tribunals and the establishment of a federal magistracy.

Most of the papers presented at the conference have been published as a report that is available from all ACCC offices for \$15 a copy.

