

COMPLAINTS POLICY AND PROCEDURE (ADR CONVENORS)

Introduction

This complaints policy and procedure provides the framework for the management of complaints about ADR Convenors on the Land Court ADR Panel (ADR Convenors).

If you wish to lodge a complaint about the conduct of, or service by, Land Court Registry staff, please see the Department of Justice and Attorney-General Policy. If you would like to pay a compliment to, or provide positive feedback about your experience or contact with, Land Court Registry staff please contact the Registrar through the Registry via email ADRPanel.Landcourt@justice.qld.gov.au.

Background

The President of the Land Court has administrative responsibility for the orderly and expeditious exercise of the jurisdiction and powers of the Land Court.

All ADR Convenors are accredited under the National Mediator Accreditation Standards. The responsibility for disciplining ADR Convenors lies with the accrediting bodies. However, the Land Court has a continuing interest in ensuring that its ADR Convenors are of high quality and meeting the needs of parties who have disputes within its jurisdiction. The Land Court will provide continuing professional development for ADR Convenors.

Parties' feedback, both positive and constructive, will assist the Land Court in developing a responsive and appropriate program. Parties may choose to lodge a complaint with the Land Court, without the need or desire to escalate the complaint to a formal disciplinary process.

This policy and procedure offers a process by which complaints about the conduct of an ADR Convenor can be brought to the attention of the President and, if appropriate, the ADR Convenor concerned.

This process provides:

- An opportunity for complaints to be dealt with in an appropriate manner.
- Valuable feedback to the Court and its Judicial Officers.
- An Opportunity for the Court to explain the nature of its work and correct misunderstandings where they have occurred.
- An opportunity for the Court to improve its performance.



Policy statement

The policy and the procedures that follow are underpinned by principles of openness and accountability, responsiveness, procedural fairness and privacy. That means:

- Members of the public will have access to information about how and where to make a complaint.
- Complaints will be dealt with in a timely manner.
- Principles of procedural fairness will be applied to all complaints.
- Parties to a complaint will receive information that clearly explains how the complaint was dealt with.
- Complainants will be assured of anonymity and the complaint will be treated in confidence.

For the purposes of this policy, a complaint is defined as an expression of dissatisfaction.

Complaints should not be made directly to the ADR Convenor involved.

This policy and procedure does not, and cannot, provide a mechanism for dealing with complaints about parties, their legal representatives or agents.

Conduct standards

The conduct of ADR Convenors must comply with the National Mediator Accreditation Practice Standards on page 9 of the National Mediator Accreditation System, which can be viewed here: <https://msb.org.au/themes/msb/assets/documents/national-mediator-accreditation-system-2015.pdf#page=9> .

Importantly:

- The ADR Convenor should conduct an intake which includes an explanation of the process.
- The ADR Convenor should clearly explain the fees involved in the mediation, and obtain the parties' agreement as to who will pay what share.
- The fees charged cannot be based on the success of the mediation.
- The ADR Convenor will act ethically and must be impartial.
- The ADR process is confidential.
- The ADR Convenor must respect and promote the parties' relationship with professional advisers, where those advisers complement the ADR Convenor's mediation practice.
- The ADR Convenor must conduct the mediation process in a way that is procedurally fair.
- The ADR Convenor has no advisory or determinative role in the dispute unless the ADR Convenor:
 - has expertise in the subject matter of the dispute; and
 - has the parties' prior written consent to provide an advisory or determinative role.



Complaints procedure

Anyone wishing to complain about the conduct of an ADR Convenor should complete the **ADR Convenor Complaint form** and submit it to the Principal Registrar via email ADRPANEL.Landcourt@justice.qld.au. The Principal Registrar will first make sure the complaint is about the conduct of an ADR Convenor and not about the result of the case.

If the Principal Registrar considers the complaint is about the conduct of an ADR Convenor, the Principal Registrar will refer the complaint to the President who will then consider whether, on the facts, the complaint has substance and whether to invite the ADR Convenor concerned an opportunity to respond.

Complaints process

The Principal Registrar will, generally, provide a formal acknowledgement of receipt of your complaint within seven (7) working days of receipt of your complaint. A considered response by the President, but provided by the Principal Registrar, will ordinarily be forwarded within 20 working days of receipt of your complaint. If it is not possible to respond within that time a letter will be sent outlining the reason for the delay.