C O R R E C T E D V E R S I O N

LAW REFORM COMMITTEE

Inquiry into alternative dispute resolution

Melbourne — 11 February 2008

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Mr P. Myers, director, Alternative Dispute Resolution Strategy,

Dr D. Cousins, executive director, Consumer Affairs Victoria, and

Mr J. Griffin, executive director, Courts, Department of Justice

The CHAIR — First of all, welcome. Thank you very much for taking the time once again to come in and talk to us, especially David whom we have called upon a number of times now. I think that each of you will be aware that under this inquiry all evidence that we take here is protected by parliamentary privilege, so feel free to say more or less what you wish. Hansard will be recording today's proceedings and you will be provided with a draft transcript and you will be able to make whatever changes you need to make. The three of you are obviously from the Department of Justice but you are dealing with different areas that have some interrelationship. It is probably best if we deal with each one of them separately.

Perhaps we could start with Paul Myers. I thought we would try to keep it to half an hour for each person. If you could perhaps just give us a bit of an overview of the work that you are doing. We did receive the material from the Attorney-General and also from the Minister for Consumer Affairs on Friday so we had a bit of a quick look at that. But give us an overview of the work that you are doing in relation to ADR and we will have a few questions and then we will work through the other two if that meets with your agreement. Or did you have another plan?

Dr COUSINS — Perhaps I could just provide a very quick overview and that might put some more context to the committee in terms of the roles and so on. I just wanted to say on behalf of the department that we certainly welcome your inquiry and the interest it has generated. The department has recognised that this area of ADR has been one of our key priorities for the last two years really and in line with that we did initiate some significant work in this area. In about mid-2006, I think it was, we formed a project board within the department consisting of a number of the executive directors with myself as chair and John particularly representing courts and tribunals.

We seconded a couple of people from Consumer Affairs to work with the project board, in particular Paul as project director. Paul has really been working in this area for nearly two years now. I think we have initiated a range of studies in relation to this, and we were particularly anxious to ensure that anything that came out of this work was evidence based. I think the committee has been provided with a number of the surveys that we have conducted, both of users from the consumer and small business, and also work on the supply side. I think those studies have been quite important for helping to develop our thinking about where ADR is at, some of the gaps and so on.

The department is not yet in a position where it can talk about some of the policies coming out of that. That is work, I suppose, before the ministers now for consideration. But you will have seen that the Attorney-General recently in the media certainly highlighted the importance that he attaches to this area.

I think we come at it from two avenues. I have always seen alternative dispute resolution as being an alternative to the courts. It is very important in the consumer context, because we have a lot of disputes that we attempt to resolve certainly before they get anywhere near the courts. I think now people are seeing the processes involved in alternative dispute resolution — conciliation, mediation, arbitration and so on — as being highly relevant also to the operation of courts, so there is a lot of focus around that.

John is obviously more qualified to talk about the court relationship. I guess my focus is more on the consumer side. Paul's focus is on everything. I guess that is probably all I would like to say. I apologise that we were unable to provide the committee with answers to your questions until very late last week. I know that does not make life easier for you, but at least we can say that the committee now has these responses to these detailed questions.

The CHAIR — How did you want to go from there? Do each of you want to speak?

Dr COUSINS — I think we will leave it in your hands. I guess I was flagging there probably that I am disqualified to deal with some of the court-related matters. John is more qualified to deal with that, and Paul is qualified to deal with everything.

Mr CLARK — The Chair has kindly agreed to me raising a few issues about the courts. I just mention that I need to depart before your evidence is concluded. Maybe you could tell us where you are at at present with your investigation of greater court involvement in ADR of the sort that the Attorney-General alluded to in the media the other day.

Mr GRIFFIN — It is probably difficult, because of the policy issues that David referred to. You would have see the evidence given by Justice Kellam, Judge Davis and Peter Lauritsen. I guess they have captured in

essence what each of the major jurisdictions are doing in relation to that. Did you want to focus on civil, or did you want to also focus on criminal and some of the work that is being done there?

Mr CLARK — Civil for the time being.

Mr GRIFFIN — Like David, I share the view that courts are an extraordinarily expensive resource, that they should only be used as places of last resort and that the dispute should be settled in the community. One of the areas that I have responsibility for is the Dispute Settlement Centre of Victoria, which is a very small entity focused on what could be best described as neighbourhood disputes. There are significant differing views amongst judges in terms of ADR. I am not able to speak on their behalf, but I can talk a little bit from an administrator's point of view in terms of some of the issues.

You would have heard the evidence of Judge Davis in the County Court. The point that David made was that if it is an alternative dispute settlement process, that it should be done outside the court so that the County Court adopts a process of referral out to private mediation. Some years ago they decided not to reappoint a master after a retirement, and their focus has been to use external conciliation and mediation services. Part of the difficulty we have there — and I think Judge Davis also referred to it — is that lack of data that is kept in relation to the outcomes of those. We know how many cases do not proceed, but what we do not know is whether they have arrived at a private settlement or whether decisions have been made in terms of it simply not being worth putting the energy in to further the action.

The Supreme Court has a very differing view. The Supreme Court and the Attorney-General spoke about judge-led mediation. The Supreme Court has recruited some senior masters, particularly from the Federal Court. Justice Kellam gave evidence in terms of some of their initiatives in the last two years, where there has been a significant focus in terms of trying to divert matters out of the traditional hearings list and get them mediated.

Mr CLARK — Could you explain what the respective roles of the department and the individual courts are in these moves? Your answers suggested that the County Court was going in one direction and the Supreme Court was going in another, and implied that was largely their initiative. To what extent are they setting their own course, and to what extent is the department advising or putting up policy directions?

Mr GRIFFIN — The department has been involved over a period of a decade or more in relation to the whole issue of ADR, but, as David said, in the last two years the administration has been really focused on attempting to gather what data there is in the public domain and within the courts, and we have quite a significant policy position that has gone to each of our ministers, particularly the Attorney-General in this case, in relation to the way forward. Judges — and you would appreciate the issue of judicial independence — determine how their courts and their lists are run. Obviously, as the administrator responsible for all the courts' administration, my role is to work with them to show them what is occurring overseas and to see whether or not there are differing ways of approaching the traditional way of doing the matters.

It varies depending on the jurisdiction as well. We have made a conscious decision in VCAT in two lists that I have mentioned — the residential tenancies list and the civil claims list — that, given that we can resolve the matter within six weeks, the hearings normally last 15 minutes, but it is a far less costly process to actually go through the hearing, whereas in many of the other lists that we have at VCAT we actually use mediation extensively.

Mr CLARK — The Supreme Court's approach would seem to have resourcing implications in that, if judges are going to spend time on mediation, presumably that is time they are not available for conventional hearings. Is that something the department has been assessing? How do you think that can be accommodated?

Mr GRIFFIN — It is those policy materials that are contained in the material that we have given the Attorney-General for his consideration. The role of master is a judicial office, and we have recruited, as I said earlier, specific skills into the masters office that has enabled the initiative in terms of the mediation processes that currently exist there.

Mr CLARK — The media reports the other day, particularly the one in the *Australian Financial Review* of 1 February, implies that the Attorney-General has formed a policy conclusion in relation to supporting what the Supreme Court, as you have given evidence of, is intending to do. Is that a fair conclusion?

Mr GRIFFIN — Certainly he may have. I cannot speak on behalf of the Attorney-General, but I am going straight from here to a meeting in relation to some of those policy considerations, particularly around the ERC. I am not able, unfortunately, to comment on that, but certainly we have been providing material and we have been providing briefings and the evidence that we have collected to enable the Attorney-General to reach his conclusions.

Mr CLARK — I suppose, to play devil's advocate, you could argue that the resource demands of greater judge-led mediation are going to be quite considerable and there is going to have to be a difficult policy decision about how to accommodate those. Is that a fair statement?

Mr GRIFFIN — We have recruited judges specifically with particular skills to hear matters in particular ways, and I think mediation or arbitration skills are very different from some of the traditional skills that we have recruited. My personal view is that if we were going to broaden the mediation pool within any court you would need to recruit people with specific skills to do that. I think Justice Kellam is unique in terms of his role and his skills in that area. He was the president of VCAT for six years, and I think he initiated most of the mediation that occurred there. I think he has led by example by gaining skills in the area of mediation particularly through Bond University.

The CHAIR — Mr Griffin, if you could just expand that a bit. What are the advantages of judge-led mediation?

Mr GRIFFIN — What we find is that sometimes the coercive influence of a judicial officer actually leads the parties to resolve matters more quickly, and I am not suggesting we do that in every case; we should only do it once all other avenues have been expended. I guess if you look at the equal opportunity legislation, for example, and the attempts by the commissioner to mediate matters then he has a certain success level, but an enormous number then go to VCAT which result in mediation. What we have not done is look at the research to find out why the people who have great skills in the Equal Opportunity Commission and who are well qualified to conduct mediation have not been able to achieve the success that VCAT has in terms of mediating matters before its equal opportunity colleagues.

I suspect one of the issues — and this is a personal view now — is that perception of a truly independent judicial officer who facilitates a discussion between the parties with a view to arriving at a mediation. I do not think you can underestimate the influence of that. Yes, it is an expensive resource, and the reality is that if we do not do that sort of intervention then the only alternative is to sit down and run a full hearing which is a more expensive alternative.

The CHAIR — You mentioned the coercive powers at the beginning. What do you mean by that in this context?

Mr GRIFFIN — The judge can probably influence parties to go to mediation by the status of the role of that the judge. The Chief Judge of the County Court has directed that all matters in the civil list are to go to mediation so that they are actually referred out and so there is an intervention beforehand to try to resolve the issue. Parties have not elected to do that prior to the initiation of the court process. Some of the policy considerations are whether you have an intervention prior to initiation or, once the initiation has occurred, do you have a compulsory referral to an attempt to mediate. Once the matter goes to hearing it is an extraordinarily expensive proposition for all parties.

The CHAIR — I might have misunderstood you, but I thought what we were talking about here was that judges would conduct a mediation themselves as distinct from referring it?

Mr GRIFFIN — Yes. At the moment there are two different approaches. The County Court chooses to use external mediation. The judges refer to the masters, and the masters, who are judicial officers, are doing the mediations in the Supreme Court.

The CHAIR — Yes.

Mr GRIFFIN — When I say 'coercive', it is the status of their role and their position that actually influences the parties.

The CHAIR — For those judges who would be conducting the mediation themselves what kind of training do you think would be appropriate?

Mr GRIFFIN — At the moment there is very little training available. It is generally courses through Bond University or through Melbourne University and consists of a matter of days. We are an accredited training provider — the dispute settlement centre — and we deliver a six-day program. I suspect with the sorts of skills that many of our judges have not all of them will be predisposed to be mediators. Others will embrace it and be very good at it.

Mr CLARK — Just to finish up this aspect, you have mentioned the alternative approach in the Supreme Court and the County Court on a pure ADR; I was very impressed with Judge Kennedy's evidence to us previously, which you would be aware of, together with Judge Davis. As I understood her evidence, she was saying the County Court has been very successful with judicial management in open court of pretrial preliminaries, banging heads together to make the parties — —

Mr GRIFFIN — I have not yet touched on the pre-hearing conferences. I have been focusing purely on mediation.

Mr CLARK — I understand. What I was going ask is: how do you compare and contrast the sort of model that Judge Kennedy was talking about with either the County Court or the Supreme Court's approach to ADR itself?

Mr GRIFFIN — I think that happens in all of the jurisdictions. There is a way of using the judge to do the referral for the matter either through pre-hearing conferences — it happens in the Children's Court, it happens in the County Court and in the Supreme Court — where the judge can refer the matter, or the judge provides that level of supervision. Each of the jurisdictions has a slightly different approach to it, but in essence it is the use of the pre-hearing process to ascertain the elements of the case and how best to resolve them. Once there is agreement on the way the case should proceed, then there is an attempt to try to resolve it.

Mr CLARK — I do not think Judge Kennedy said this, but you could infer from her evidence the argument that the need for ADR becomes a lot less if you have effective pretrial management of cases by judges. So to that extent they are alternatives — —

Mr GRIFFIN — Yes.

Mr CLARK — And it could be said that you would be better off supporting the initiatives that she and others are taking in the County Court and transferring them to the Supreme Court. That would avoid a lot of the need for in court ADR that is now being spoken about by the Attorney–General and others.

Mr GRIFFIN — I do not want to disagree with Judge Kennedy because I am not aware of how she manages her court, but the reality is that once the process is initiated then my view is that we should provide whatever are appropriate services to enable the parties to resolve that effectively. Sometimes that will be private mediation; sometimes it will be judge-led mediation. Sometimes it will be a formal referral for a mediation. Sometimes it will be the use of pre-hearing processes to identify what the issues are and get some agreement to it. I think it varies, and I suspect it will vary depending on the type of case that is before the court.

Mr CLARK — Who pays the cost of the private mediators currently in the County Court?

Mr GRIFFIN — The parties pay that themselves. The courts are not involved in that at all. The parties negotiate and get an agreement as to who is a suitable mediator. If they cannot arrive at a point where there is agreement, then the court will nominate the mediator.

Mr CLARK — Do you have any idea what the cost of the mediator is in those circumstances?

Mr GRIFFIN — No, I do not. I am sorry. They tend to use the bar and they mainly tend to be lawyers. I guess some of the policy considerations are whether or not you need necessarily to be a lawyer to do that. Currently they tend to use the bar extensively.

Mr CLARK — If we move to judge-based mediation, is there any view as to whether that would be paid for by the parties, or whether it would be borne by the state in the same way that court hearings are?

Mr GRIFFIN — I suspect it would be the latter.

The CHAIR — Just a last thing on judge-based mediation, concern has been expressed by stakeholders around this, and what I just wanted to ask you was whether you think there is any evidence that that might compromise judicial impartiality?

Mr GRIFFIN — Yes, I think there is the potential for that to occur. But the way VCAT gets around it is that the person who is involved in the mediation, or the attempt to mediate, does not participate in the hearing, so the matter is referred to another tribunal member to resolve. But I think there is potential for the judicial officer — depending on the type of mediation they do — to compromise themselves. I suspect in the majority of cases it would be referred to another judge for hearing, or a magistrate or tribunal member.

The CHAIR — Are there other remedies besides referring it off to someone else and keeping the separation?

Mr GRIFFIN — My only point was that we should actually try to divert as many cases as possible prior to the initial court process and that we should be using the court process as a point of last resort. If you see, and I guess that is the point David was making, a dispute as a continuum, then you do not just jump to the high end, but you should have a number of interventions to try to resolve that dispute. My evidence has really been focused on that high-end dispute, that there should be interventions available to enable people to resolve their disputes.

Mr BROOKS — I have a couple of questions about the Dispute Settlement Centre of Victoria and in particular the survey the department conducted which showed a relatively low recognition factor amongst the Victorian community of that service.

Mr GRIFFIN — That is correct.

Mr BROOKS — I have a couple of questions flowing on from that. How does the department promote that service particularly to marginalised communities? How does the department spread the message?

Mr GRIFFIN — The Dispute Settlement Centre has been very successful in working with marginalised communities, particularly migrant communities. What we have been doing there is in fact going into the communities and training members of the communities through our dispute settlement process and giving them the skills to resolve disputes, so that some of those disputes may never come to the dispute settlement centre. So in areas, particularly within the middle-eastern communities, the Lebanese and Cambodian communities, the Sudanese communities more recently and the Chinese communities, we have been very active in terms of seeing the role of the Dispute Settlement Centre not simply as a centre where people come to get their disputes resolved. The philosophy is that without training giving opportunities and skills to various communities, particularly community leaders, to resolve some of those disputes among themselves.

The Dispute Settlement Centre does have a low profile. It has a staff of 18 and has a budget of $2 million. We have not been able to convince successive governments to properly resource the dispute settlement centre, so with the resources that we have we believe the dispute settlement centre is doing a good job. We have tended to focus on our contacts with the community, such as local councils. We go to local councils because we see most of our disputes being around neighbourhood disputes. A lot of the referrals we get are from local government, particularly from the community services areas within local government. We have a model of training mediators — I have forgotten the exact number we have across the state. They are involved actively within their communities so many of the issues and functions they do are such that the dispute settlement centre is not formally involved.

We try to promote it through local government and try to promote it through various communities, but we are also conscious of not overstretching the resources that we have.

Mr BROOKS — Just to follow up that, tell me about the training and quality control of the mediators of that service.

Mr GRIFFIN — We are a registered training authority, which means that we have to comply with federal legislation, so we have nationally accredited training programs. We have to get our training material certified. We equate to a TAFE college diploma or certificate in mediation services, and they are regularly assessed in terms of our competency in order to retain that registered training authority status.

Mr BROOKS — Will it be part of the new national standards?

Mr GRIFFIN — We have been actively involved with NADRAC. In fact Therese has been one of the major players in trying to get agreement at the national level for better standards and accreditation of mediators. The difficulty we have at the moment is that anyone can put themselves forward as a mediator.

The CHAIR — Just in terms of the durability of agreements, we have heard evidence where a person has been upset that an agreement that was hammered out through mediation was not, in fact, sustained and so they felt the process had not served them well. Could you comment on that?

Mr GRIFFIN — I get probably as many complaints about court cases in terms of people being aggrieved by the process and the outcome on the day. It depends what level you are talking about, if you are talking about mediations at court or at the dispute settlement centre.

The CHAIR — Yes, at the dispute settlement centre.

Mr GRIFFIN — The dispute settlement centre is an intervention at a neighbourhood level to try to resolve a dispute. It will not be able to resolve all disputes. Quite often agreements are reached in good faith at the time and there is a process and a signed agreement. Usually later people can walk away from those agreements. There is something particular to a neighbourhood dispute which triggers a further dispute and a breakdown of those agreements.

The CHAIR — Could there be any tools developed to strengthen the enforceability of these agreements?

Mr GRIFFIN — Other than having it registered as some sort of agreement at court, it defeats the whole purpose of why you have a community-based mediation service.

Mr FOLEY — Does it, though? It is just, as you say, to give it that coercive status of a judge saying, 'Go and talk', as opposed to, 'Here is the outcome of the talk and that is now binding on you'.

Mr GRIFFIN — The difficulty is that until you get to the point where you will have properly trained mediators, you are not sure whether there has been exploitation within those marginalised and disadvantaged groups. The difficulty is anyone in this room can put a shingle up and say they are a mediator and start practising today. There is nothing to regulate or stop that from occurring. I think from a court's perspective the court would want to be assured there was a fair process where the parties were able to reach an agreement without coercion by the mediator or by external influences. To automatically register it as an enforceable agreement in the court, I personally would have some reservations about.

Mr CLARK — Coming back specifically to the dispute settlement centre and the agreements, I would have thought if it were truly an agreement in its ordinary terms it would be an enforceable contract without needing to register it, so are these agreements that come out of the dispute settlement centre expressly said to be non-binding agreements or are they put together in a way that cannot be constituted as a legally binding contract?

Mr GRIFFIN — They are not put together as a legally binding agreement. One of the disputes that I saw involved a neighbourhood dispute where someone went to one of the courts to have issued an intervention order under the Crimes (Family Violence) Act against two children under the age of 10 throwing stones in a swimming pool. There was a mediation and agreement between the parties, and I dare say the parents arrived at that mediation in good faith and agreed to stop the kids from throwing stones in the pool. They went to court and used the Crimes (Family Violence) Act and got an intervention order to stop the kids throwing stones in the pool. Even when the court issues the order — I do not know what the outcome of the hearing was — I doubt whether that will effectively stop the kids throwing stones into the pool. I am not trying to trivialise it but to illustrate that neighbourhood disputes are about getting on with one another in the community and the dispute settlement centre is a circuit breaker. The same applies in consumer affairs. In many of the areas they are a circuit-breaker to try to resolve disputes in the community and are not always going to work.

I would average four or five complaints a year which I refer to the Attorney-General relating to the question that I was just asked, where an agreement was reached between the parties, where it was explained to them that it was an attempt to resolve a dispute, but one of the other parties had not complied with what was agreed. You can have

another attempt to mediate again. Many people walk away from the process saying there is no proper dispute settlement process, and others will choose to go and initiate court action.

Mr FOLEY — Some people have unkindly referred to the sausage process in the Magistrates' Court and its pilot involving issues up to $10 000. Although it might be early days, are there any lessons to be learnt by the other jurisdictions there? And equally for the Neighbourhood Justice Centre, even though it is in even earlier days I suspect, are there any lessons to be learnt from this discussion we are having about mediation, accreditation, enforceability, those kind of issues?

Mr GRIFFIN — I think it is too early to draw any conclusions from it. We have engaged Melbourne University, in partnership with a couple of other agencies, to actually do an evaluation, particularly around the Neighbourhood Justice Centre and the different processes that we are using at the Neighbourhood Justice Centre to resolve disputes and how to get better linkages into the community and work more closely with the community. I personally think it is too early. I think Peter Lauritsen would probably be the best person to direct that question to.

The sausage machine is a challenge. The majority of cases never get into a courtroom; they are actually dealt with by an administrative process because of people failing to lodge defences and what have you. The real sausage machine is at VCAT. If you see a civil claims day there, on average people are given 15 minutes to present and they are not legally represented. It is fairly swift and quick justice, but generally, because they are not bound by the rules of evidence, the parties leave the hearing with a view that they have actually participated in the process, whereas when they are in the Magistrates' Court, particularly if they are legally represented, there is a level of frustration that they have not been able to get their point across.

Mr FOLEY — Are there any lessons from dispute resolution processes further up?

Mr GRIFFIN — I do not think so. I think it is relatively new in terms of the concerted effort that we have been putting in over the last three or four years. I think that the cost of litigation is driving that, because the normal taxpayer I doubt could afford on their own to actually commence action in the Supreme Court today. I think people are looking at ways of getting quick justice and justice.

Mr FOLEY — A bit more globally, I suppose, with the Attorney-General's comments in the *Australian Financial Review* last week, the Law Reform Commission's work, this work and all the aspects across the Department of Justice, what would be the view of people at the crux of it as to what is the direction of alternative dispute resolution in the court systems? Is there one direction or is there a multiplicity of directions, given the different jurisdictions and different emphases?

Mr GRIFFIN — I think there needs to be an overarching policy, which we talked about earlier, which is currently before the Attorney. But I think that within that you have a hybrid of different ways. You do not have one strategy fix only because there are differing needs of differing communities and differing levels of dispute and differing jurisdictions in terms of the nature of the disputes that are before them. But there is a reform process, which is largely articulated in the Attorney-General's justice statement. These are all elements of that broader reform strategy. It is about access to cost-effective justice services. If you look at them in isolation, they may appear to be disjointed. There is commitment from each of the jurisdiction heads to a strong reform and a cultural reform process within our courts to deliver justice in a different way.

Mr FOLEY — And in the foreshadowed further policy work on justice statements that was in the statement of government intentions, how does the department see drawing together all these different threads, I suspect including this committee's work? How does the department see drawing all of that together?

Mr GRIFFIN — We are pulling it all together and it has been under the justice statement mark 1. What we have achieved is that the justice statement is a 10-year lookout. We are four years into it. Justice statement mark 2 will do a report card in terms of what were the initiatives that were identified and how well we are going in terms of implementing that, and we will take it out for yet another 10 years. What we are trying to do is to have a rolling 10-year plan and strategy to reform, and the civil process review that is being done by the Law Reform Commission, the work of this committee, the policy work that David has led, all form part of that and will be reflected in the justice statement mark 2.

The CHAIR — John, in the response from your department, the document from the Attorney-General and the Minister for Consumer Affairs, paragraph 18 is in relation to restorative justice and therapeutic justice

initiatives. You said there that work is commencing on the development of a restorative justice policy framework. Could you tell us a bit about that?

Mr GRIFFIN — Yes, we are really trialling it on the work that the department contributed in with the Jesuit social justice group, which looked at restorative justice about two years ago, and I chair a restorative justice group within the department. We have actually commenced a pilot project at the Neighbourhood Justice Centre focusing on the 18 to 25 year olds initially, but then looking in the future to broadening it to include all first-time vulnerable people coming before the court.

The pilot is too new. We have looked at a restorative justice pilot that operates in New Zealand and we have also had to work with Victoria Police. I know that you have received submissions from Christine in terms of her support for those programs and we have great support from Victoria Police, particularly in the Collingwood area, but the work only started in December, so it is too new to really give you any assessment of it other than to say that we have modelled it on some of the work that has been done in the Children's Court and we are very keen to evaluate and see whether it is relevant for adult offenders.

The CHAIR — So it is now, under recent legislative changes, possible for neighbourhood centres to deal with people over the age of 25.

Mr GRIFFIN — Yes, that is correct.

The CHAIR — That is good, but have any cases come forward at all yet?

Mr GRIFFIN — Yes, they have, but what I do not know to be honest.

The CHAIR — So it is very embryonic.

Mr GRIFFIN — It is very embryonic, yes.

The CHAIR — We have also heard evidence suggesting that restorative justice conferencing programs should be available at the pre-sentence, post-sentence and parole stages of the process. Have you done much work on looking at conferencing programs, at the different stages in that process?

Mr GRIFFIN — No, I have not. My policy people have, but I personally have not. I am aware of each of the elements of them, but we have focused really on the post-plea stage for the pilot project.

The CHAIR — If Kerryn and Kate contacted your department it would be useful for this purpose.

Mr GRIFFIN — Yes, John Cina, in our policy program area.

Mr CLARK — In relation to restorative justice, what items have you identified as the performance measures to the assessment of the success, or otherwise, of the program? What sorts of factors are you measuring and regarding as appropriate benchmarks?

Mr GRIFFIN — I have not brought the material with me, but recidivism clearly is a key issue. Whether or not the victim participates in the process, which is one of the primary elements of the process, and what is the assessment of the police in terms of their role in terms of the process as well. There are specific criteria that we have developed but I have not brought those with me, I am sorry. I can make them available to you.

Mr CLARK — Do you know whether victim satisfaction, to put it that way, with the process is going to be one of the performance measures?

Mr GRIFFIN — Yes. For these programs to work effectively it really has to involve the consent of a victim, and for the offender to realise the impact of the crime on the victim, not just in terms of perhaps monetary loss but also in terms of the impact on lifestyle. Whilst a bag snatching may involve a bag snatching and a loss of money, if that results in the person being fearful in travelling alone, going to the supermarket, going to the glee club or whatever, then there is a very significant consequence.

Mr CLARK — Absolutely.

Mr GRIFFIN — That is right.

The CHAIR — Just one last thing. On sexual offences and family violence matters, we have received evidence from organisations that argue that that should be included in restorative justice. Do you have a response to that and do you think that is suitable?

Mr GRIFFIN — We have chosen to deliberately exclude them at the present time with a view that I am not sure the community would agree with in the initial stages to having sex offenders, and you have only to look at the treatment in the media on sex offending generally. Our view is to establish a credible program and then do an assessment as to whether or not they were appropriate cases to come before them.

The CHAIR — Given that it is a problematic area, if it were to be extended then what kinds of safeguards might need to be put in place?

Mr GRIFFIN — We have no intentions of extending it at this time until we do the evaluation of the post-plea pilot and the evaluation, so those issues will be canvassed in the evaluation that Melbourne University is doing.

Mr CLARK — I have one more on that. Paragraph 19 of the Attorney-General's answers talks about widespread support amongst stakeholders for the expansion of restorative justice in Victoria. You mentioned some stakeholders earlier, but could you quickly run through which stakeholders have been involved with that.

Mr GRIFFIN — What we have done is we have used the Sentencing Advisory Council to do a significant piece of work in relation to going into the community and it is called the You be the Judge program, but we have also done a formal research program that Dr Karen Gelb did in terms of community attitudes to sentence and sentencing generally and there is a strong view within the community — that is, members of the community; it is not just the stakeholders actually going in holding public town hall meetings. It is inviting representatives of the community in terms of various organisations to attend, but there are open invitations that are advertised in the local media and we use real-life material, obviously anonymising it, to present material to the community to debate, who then come up with their sentences and then we look at what the court did with that. Karen has just published quite an extensive piece of research on community attitudes to crime, which is slightly different to the *Herald Sun*'s treatment of attitudes to crime.

Your stakeholders are genuinely the members of the community, and the whole focus around the neighbourhood justice centre is really to actually get back and make it a community resource as opposed to the users of the court seeing it as their resource. In addition to that, we actually work closely with Victoria Police. We work in a variety of different areas in terms of the non-government agencies who deliver services — organisations like Court Network, VACRO which is a prisoner's aid association, we look at local government, we look at talking to Victoria Police as I said earlier. On some occasions we go to the bar council and the law institute. There is a range of people that we speak to.

Mr CLARK — Have victim groups been involved in the process.?

Mr GRIFFIN — We have not gone to any one particular victim group, but the victims groups have been very active in the work of the Sentencing Advisory Council and there are victims representatives on the Sentencing Advisory Council — Gay Arthur is a member of the council — so we have not gone to the traditional spokesmen for victims.

We have used victims extensively in our sexual assault reform. We have worked with a victim who has been on the steering committee, sitting alongside the chief justice, the president of the Court of Appeal and the chief judge. That person has been able to, I think, present and influence the development of the work we are doing in the sexual assault area, which is quite different from what we are talking about now. But we do use victims extensively for information about various programs that we run. Largely it is Court Network which works closer with victims, and we use the victim support agency as well.

The CHAIR — Paul Myers, thank you for waiting so patiently. That has been very interesting, John Griffin, thank you. We will give you a few minutes to talk to the committee about the ADR strategy that you were responsible for driving. Perhaps I will just flag that one of the things we were going to ask you up-front was that we are aware that in the dispute resolution community survey in 2007 — and I am not being competitive when I say this — Consumer Affairs Victoria had a 92 per cent recognition and the dispute settlement centre had something like a 16 per cent recognition. The question is how is the department working on increasing awareness of the

centres in Victoria? We are also, of course, interested in the impact on marginalised communities. I will leave it to you to talk to us for a while.

Mr MYERS — Certainly. I think David has covered the context of my project, but I will just recap on that. ADR is one of the department's strategic priorities, along with a number of others. I have been working on a project for the last 18 months or so to bring some focus onto the role of ADR, particularly in the justice portfolio. Because of the scope of application of ADR I have worked with a project board that has been chaired by David and included John Griffin as well. I suppose that is an indication about the — —

The CHAIR — Who else has been on that board?

Mr MYERS — Also Elizabeth Eldridge, who is the executive director of legal and equity, and Claire Noone, who is the executive director of corporate services. It is an area that touches on a number of parts of the justice portfolio, and so the project board has a wide participation. The first stage of the project was very much research based, and that was in recognition that although there is quite a body of literature in the journals about how to do mediations and about ADR and in relation to particular types of disputes, there was not a lot of information that was useful for getting a sense about the operation of the sector as a whole. I suppose that, in a sense, seems to reflect the development of the sector, which has been very much at the coalface of disputes and finding solutions to problems as they emerge. The research that was undertaken was designed to provide more of a framework that could be useful for identifying priorities across the sector and to underpin an evidence-based approach to finding initiatives to improve the performance of the sector.

We have completed a number of pieces of work. I suppose there were two particular reports that looked at the infrastructure for delivery of ADR. There were two parts to that. There was one report that looked at the context of ADR and at the different issues facing the sector, often arising out of one-on-one interviews with commissioners, ombudsmen — people around the sector who are opinion leaders. There was also a survey of the supplier organisations, and that, in a sense, was more of a qualitative and quantitative description of the sector. I suppose a few interesting things that came out of that survey were that in the 12-month period of the survey for the 18 suppliers we surveyed there were over a million contacts with the public and about 31 000 mediations undertaken, so it gives a further sense of scale of activity.

The other part of that stage was looking at what was going on in the community. Probably the most significant report there was the community survey, which gave a sense of the extent of disputes in the community and the cost of disputes to the community. The survey found that in a 12-month period 35 per cent of Victorians had been involved in a dispute, that there were about 3.3 million disputes estimated on the basis of the survey and that the cost to Victorians in terms of time and money in resolving disputes was about $2.7 billion during that 12-month period — so quite significant. Interestingly, what it also showed was that for 85 per cent of disputes people attempted to resolve them between the disputing parties and did not involve a third party, and that that was reasonably successful. What that showed was that there was quite a capacity in the community to deal with disputes and that the residual was flowing into third-party organisations, which may be ADR providers or the courts but could equally be other parties like the police and so on, who were drawn into those disputes.

We have published all of those reports including recently publishing the fourth of those reports, which was a small business survey, which in a sense had similar findings to the community survey. Since completion of that phase we have been out promoting the findings and the research through presentations to different industry associations and so on and also giving some thought to what that tells us in terms of what we should be doing, particularly around the justice portfolio, in terms of addressing the findings from the research.

The CHAIR — You talked about the volume of disputes that arose and then you said that a very large proportion of these were resolved by the people involved themselves Trying to draw a relationship between that and that statistic that came out of your dispute resolution community survey, the disparity between the CAV recognition and the dispute settlement centre recognition, how does one account for that? Is that because people contact consumer affairs because they have a problem then they seek some information and they are happy with that and they go away so it does not actually get to a dispute, whereas in the case of the dispute settlement centre people do not really even need it in the first instance because they go off and sort it out themselves, so you get a lower figure? How do you interpret the 16 per cent and the 92 per cent?

Mr MYERS — I will give a bit of background to that because it is a finding that has attracted a fair bit of interest. That particular question was framed in terms of brand recognition — do you know the name of this organisation? I suppose in that respect what it does is sort of tell us what the general level of awareness is in the community of particular organisations. I suppose it is not surprising that an organisation like CAV would have a very high level of recognition, because it has such a broad mandate. We tended to find that brand recognition was lower for specialist ADR organisations, and DSCV obviously was in the lower band in terms of recognition. It is certainly low in terms of the level of recognition, but what it probably also says is that a number of organisations operate in different ways in terms of feeders for disputes, so, depending on the way in which the organisation operates, recognition is going to be more or less important. For an organisation like CAV, where people tend to come directly to government from a range of locations with problems, high recognition is probably more important than for an organisation like DSCV that tends to work closely with the courts and the community and particular targeted communities. Broad recognition across the community is probably less important in terms of its operation and its mandate.

In terms of promotion — I think John has also touched on that — there is specific, targeted promotion for DSCV, but it operates in a different way from organisations like CAV that have a much higher profile and a much broader mandate in a way.

In terms of neighbourhood disputes, certainly there are a fair number of neighbourhood disputes. The research suggests there is scope for improved infrastructure in that area, but I suppose the life of the neighbourhood dispute tends to escalate into the police and into the Magistrates Court, and so in terms of dealing with those sorts of disputes, referral by organisations to mediation is probably going to be more important than direct awareness and self-referral by people involved in the dispute. That is a personal opinion, but that is a way of, in a sense, going a bit beyond that headline recognition to think about how relevant that is for particular types of disputes and strategies for those.

Dr COUSINS — I will just add that I think history is important. I mean, there has been a consumer agency — it has changed its name a few times — since 1965 effectively, with a large volume of contacts over 40-odd years, so it is going to have developed a certain community recognition. Community recognition is something that is actually hard to get dramatic changes in from year to year, we find. I would say from a Consumer Affairs Victoria point of view, it has been around for a long time. I think the DSCV is, in a sense, a more recent organisation.

The CHAIR — Absolutely.

Mr CLARK — A general question about the process and timing of your project: the briefing notes we have been given indicate that you are due to be submitting a final project report to the department in April this year. Could I ask you, is that still current, and do you have an expectation as to what data might be made public or might be able to be made available to this committee? I am thinking in terms of our reporting time line of June, and it would be good to have your data and conclusions as part of the input to our own processes.

Mr MYERS — I suppose we are working more in relation to advice to the attorney now, so in terms of a final report, I suppose, it may not result in a unique published document, and increasingly, I suppose, we are seeing that there are linkages more with the justice statement. We do not have any further research work currently commissioned, so we are not looking at publishing additional survey or data information, but it may not be that there will be an additional distinct report that we will be producing. We will be providing advice more to the attorney in the context of the justice statement, I think.

Mr CLARK — Is April this year still the deadline for completion of the project?

Mr MYERS — The deadline tends to roll as we find more areas to investigate, so it is probably not a hard deadline, no.

Dr COUSINS — I think it is fair to say we will meet the deadline in terms of providing advice, but it will be subject to the attorney as to whether anything is released from it.

Mr CLARK — Sure.

The CHAIR — Paul, you mentioned in passing before about people dealing with disputes being moved — or fed, I think, was the word you used — from one area to another.

Mr MYERS — Yes.

The CHAIR — In your ADR supply-side research report you say there might be an appropriate role for government in working with ADR suppliers to address referral loss between services. We were wondering whether that was a significant issue, a significant problem for consumers. Is the department doing anything about it, and what might be done about it? Are you thinking about it?

Mr MYERS — I suppose it depends where you focus attention and probably getting the right initial contact in the first instance. The right onward referral is probably going to address some of those problems that are apparent in the system with referral loss. That probably ultimately means that ADR organisations need to work together to ensure that the sort of onward referral they do is appropriate. Getting the first point of contact right is probably going to be the solution.

The CHAIR — I do not know whether you have done case studies at all, but could you talk to us in a fairly basic way about what happens to a person who then becomes a statistic in a referral loss? How does that occur on the ground?

Mr MYERS — There is some anecdotal information that came up during that supply survey that people can often be referred on a number of occasions. They will be referred on from one organisation to another and then find that might not actually be the right organisation.

The CHAIR — So — sorry to interrupt — they are told over the phone, 'We are not the right agency but here is a phone number, ring them up and make an appointment to see them', so the person is left then to negotiate that themselves, meanwhile the dispute continues, and it might happen again and again?

Mr MYERS — Yes. That is anecdotal information. I suppose in the supply survey we also found an implication that there was a fair bit of cross-referral going on and a suggestion that some people dropped out of the system. Whether that is because the dispute in a sense has become less pressing or they have been able to resolve it in the meantime, before they have obtained third-party assistance, or not is hard to say. It could be in some instances that some disputes are being resolved in the interim or in a sense become less significant.

Probably the key point to take away from that is that the initial referral is quite important. If an organisation is going to engage in onward referral to ADR organisations, they need to ensure that they have good information on which organisation does what type of disputes and their jurisdiction. To address any potential referral loss that may simply be from exhaustion rather than having resolved the dispute, getting better up-front referral is probably the key point. That probably requires a bit of coordination on the ground between referring agencies, particularly those making significant volumes of referrals.

Dr COUSINS — Just to give a concrete example in a consumer affairs context, this has been of some concern to us where someone might complain to us that they are having a problem resolving a dispute with a trader and very early on we detect that the trader or consumer are not going to resolve, even with the best intervention to try to act as conciliators, so we would refer the consumer at that point to go to VCAT, where VCAT can make a determination on the issues. What we actually do find is that we often have a very substantial drop-off in the sense that people do not ever actually get to VCAT.

In a sense that is a referral loss: we have made a reference for someone to go to VCAT, but they have just dropped out of the system. Why they have dropped out of the system is a fairly important thing where we do need to do more research. Is it because they find that they have explained their complaint once and they do not want to go through the whole process again, or is it just the cost factors in going to VCAT? What is underlying that referral loss? I suppose as an agency we are certainly working with VCAT to try and, if you like, streamline our processes to ensure that we do not have people dropping out simply because it becomes too hard for them.

The CHAIR — Not to be personal about it, but I had a recent instance where it was not at the point of a dispute — I was sort of simmering for one — but it was really at the point of a complaint, and I dropped off, so I am one of these statistics, but it was with a large organisation. I found the problem was not only telling the story a number of times but not having any sense of being case-managed, in that the next person I spoke to had no notion

of what had occurred before. There was a fundamental problem of record keeping and access to that record, and then the person on the other end of the phone would not give their name or contact number, so you did not feel that there was a progression occurring. Is that typical or was I just unlucky?

Dr COUSINS — That certainly has happened, and we have certainly been aware of those issues. Because of that we have in the last year or so introduced a new case management system which enables us to ensure that, if someone comes in to a call centre operator, that matter will be recorded in the case management system. They might come in again and reach a different call centre operator, but we will have that person's case in front of us. Similarly when that case is transferred through the organisation, whether it is transferred from our assessment, whether it goes from there to dispute resolution — people may in fact find there is a breach of the law associated with that and it may head back towards our compliance area — we can track that person through the system.

Where I think it becomes more difficult is when the referral is made to other organisations. What we are very keen to do is to see whether in fact we can put in place systems with some of these other organisations so in effect the file of that person can transfer with the complaint.

The CHAIR — That sounds excellent. Are there other questions?

Mr CLARK — A left-field one if I may, Chair. Mr Myers, is your project looking at the extent to which government agencies participate in ADR, particularly in the dispute resolution centre and neighbourhood disputes? Obviously that is a spectrum, but I am thinking in the first instance of cases where government agencies are neighbours in the sense that there are government premises that get involved with disputes or complaints from neighbours. Do government agencies participate in those cases at the dispute resolution centre at present? Have you looked at government policy and the extent to which government agencies should participate in that sort of dispute resolution process?

Mr MYERS — In doing the work on the survey we have covered a much broader level. I suppose the survey work that we did showed fairly low numbers of disputes involving government relative to disputes between consumers and business or between neighbours and neighbours. We do not have very solid data on that. We know anecdotally that some government agencies do make use of ADR. Of course if they became involved in a dispute, that might well escalate to VCAT where they could be referred to mediation. However, the information on specific practices by government agencies is really anecdotal at this stage. We think there is an effort to minimise disputes generally, but that is about as much as — —

Mr CLARK — Okay. But at present, if for example a neighbour has a complaint about a DHS neighbourhood house or Office of Housing safe house or something, could they try to get that resolved through the dispute resolution centre? Would the government party participate in that?

Mr MYERS — They certainly could seek assistance from DSCV. I cannot speak for what individual agency heads would then decide to do in response to that, but I would think that if they were taking a sensible approach in running their service they would certainly make use of that if they thought it would be useful.

Mr CLARK — Sure. So they are not precluded from taking part in the DSCV process?

Mr MYERS — No. DSCV has a broad brief; it is open to anyone.

Dr COUSINS — Certainly in relation to goods and services — if governments are supplying goods and services, trade and commerce, government agencies will be involved in the same ADR processes that apply at the consumer end.

The CHAIR — This grows out of the referral-loss issue we were talking about before, but the supply-side research report also discussed the potential for a central access point for ADR. Can you talk about that a bit and about whether that is possible?

Mr MYERS — Yes, that sort of came up as one of the options that could be pursued out of the research that we did it. Certainly I am aware a number of stakeholders have commented on that. It certainly has some scope in terms of providing access maybe for that cluster of people in the community who are unable to find their way through to the right agency within government, in a sense at a simple, low-threshold access point. I suppose that

sort of work is still subject to advices with the attorney so it is probably something that we cannot comment on too much at this point.

The CHAIR — I understand that.

Dr COUSINS — The issue is perhaps around how extensive that service is built and promoted, and in a sense that operates already to the extent that Consumer Affairs Victoria is, as you pointed out before, quite a well-known agency and we do, whilst in percentage terms the referrals quite small, in number terms they are relatively large, so in a sense we act almost as a consumer channel, almost an alternative dispute resolution channel, where people can come in to us and it might be a referral to the Banking Industry Ombudsman, for example, it might be the Health Complaints Commissioner, that does operate to some extent already, so the question is: would it be worthwhile extending that sort of notion to have one point of access into government to enable that distribution to occur?

The CHAIR — That is respectful of the fact that you are still working on that and you have got to give advice to the Attorney-General but that would not be technically unfeasible to do something like that?

Dr COUSINS — No.

The CHAIR — Because you have got a pretty sophisticated system in place now.

Mr FOLEY — The training and accreditation and development of your staff would be a very large job for that kind of approach, I would have thought.

Dr COUSINS — It would depend on what exactly the staff were doing. If they were just acting as a front-line, first-line, in effect, inquiry referral service, I do not think that would be very difficult at all. Inquiry people would have scripts, they have those sort of scripts now, and so they could refer directly to the second line which would be the particular ADR provider.

The CHAIR — Coming back to you, David, we have 15 minutes left. We received evidence that suggests that parties that access ADR through lawyer mediators, have appropriate consumer protection under the Legal Profession Act and other ADR practitioners are covered under the Fair Trading Act. What consumer protection is provided under each of those statutes?

Dr COUSINS — I defer to John on the legal aspects.

The CHAIR — Are there any gaps? What we are really looking for is: are there any gaps in there given that the two are legal and non-legal?

Dr COUSINS — If someone is in business providing ADR services as part of trade in commerce, they would be covered by the Fair Trading Act. I guess if you are a lawyer providing ADR services, the legislation covering lawyers will cover you in terms of professional behaviour and so on. But I suppose when people raise these sort of issues about people being covered or not covered, I get slightly suspicious and nervous. There are people who are providing ADR services who, I suppose, are pushing higher standards, they are pushing exclusion of competitors. I am a cynical person.

Mr FOLEY — I am shocked!

Dr COUSINS — A consumer regulator here — and do not misunderstand me, I think it is important that there is good training and there are good standards and so on — but I think some of that tends to get pushed too far, from my perspective. The essence of ADR is that people want quick and cheap resolution of disputes; they want outcomes. They are actually not that interested, in my experience, in processes. A lot of the discussions, I find, are from people who are wanting to put in place higher standards and more regulation on ADR providers; they are a bit stuck on process.

The CHAIR — Okay, the last thing is, unless there are other questions, in relation to industry-based, external dispute resolution schemes, do you have a view on those schemes and whether they should be expanded and promoted? Have you looked at them?

Dr COUSINS — I have had lots of views, over time, and I think the more experience I have had in dealing with them, probably the more supportive I have become of them. I think there are issues with those schemes, but on the whole they are very positive. The issues I have with them are around the cost of those schemes, and the cost is often not visible, it is met by industry.

The CHAIR — The cost to whom?

Dr COUSINS — To industry, and so they tend to be gold plated. And the important thing here is that we put in place efficient schemes and so I have a question around the cost of those schemes. I have some questions around just, I guess, the transparency and accountability of those schemes as well. I think they are quite variable in their performance reporting. It is difficult to make comparisons across them. But having said all that, I think they work very well.

In relation to one other comment, in relation to finance schemes, one of the concerns we have had is the fragmentation of those schemes, but it is pleasing to see that three of the leading schemes have now announced that they are going to be joining more formally, and so we will still have a number of other schemes that are not linked formally there.

The comparison is, I suppose, with the UK, where there is a statutory ADR scheme covering the whole of the financial sector. We are moving slowly towards that point, but as I say, on the whole, I think external ADR has been very positive.

The CHAIR — Coming back to — you describe them as gold plated — could you explain what you mean by that and why is there a tendency to gold-plate them?

Dr COUSINS — I think the firms in those industries are often obliged to join those schemes, not always, but — —

Mr FOLEY — As a condition of licence?

Dr COUSINS — Yes, and the businesses are required to fund those schemes. I think they are set up well, they are well resourced to do what they are doing, and industry is paying.

The CHAIR — That is almost counter-intuitive. Why would industries not run a minimal model that they are required to under their licensing, and then do it small rather than do it gold-plated? How does it benefit them?

Dr COUSINS — I think there is quite a lot of pressure on industry to do those schemes, to be seen to be doing those schemes well. The alternative really is more formal regulation of them, and indeed if you think about things like the banking scheme, that was originally set up to deflect more regulation. I guess it is a judgement for the industry, how far they support those schemes, but my experience is that they are well funded to do what they are doing.

Mr FOLEY — I am not asking you to agree or disagree, but are such almost quasi-compulsory schemes, a result of community expectations, 'If you do not, the alternative is — — '. Are they gold-plated and created in such a manner so as to make them somewhat intimidating and therefore the ease to access, and the cheap and the speedy process, is perhaps a secondary consideration from the players rather than, 'We are here to protect our reputation'?

Dr COUSINS — I think from the industry point of view to the extent that industry is, in a sense, controlling those schemes, they are preferable to industry than if the alternative was a government ADR scheme. This is a trade-off for industry here about supporting a scheme — or its scheme — in its own industry and so on. I guess my comment in relation to gold-plating and the comparison I would make when I look, for example, at the relative costs associated with government ADR schemes is that they are significantly less than some of the industry schemes.

Mr FOLEY — And you can demonstrate that?

Dr COUSINS — I think we can provide you with a number here in terms of the average cost of a consumer affairs case which is something like $200. You just have to do some quick sums in terms of the number of cases the external ADR schemes have and their budgets, and you will see that what I am saying is correct.

The CHAIR — Could you give us four or five components of what you think a best-practice EDR scheme might need to include?

Dr COUSINS — I think the attorney articulated some principles in relation to ADR in his justice statement originally. I think the key things revolve around the efficiency of the scheme and its effectiveness — —

The CHAIR — The thing of EDR in particular.

Dr COUSINS — External dispute?

The CHAIR — Yes.

Dr COUSINS — The attorney's principles related to ADR, I think generally, and I think they relate to external industry resolution schemes as well. Efficiency and effectiveness are two criteria that one would focus heavily on. Transparency and accountability of the schemes I think is important as well.

The CHAIR — We will just fit in one more quick question. It relates to online ADR. I see the department has something online called Disputeinfo. Have you done any evaluation on that that you could let us know about, and do you have any plans to expand it?

Dr COUSINS — There have been some evaluations done. I do not have the details of that in my head, but we could look to see whether we could provide that. You will see that the numbers there are relatively low, and I am not sure whether it is because it is direct hits on that particular website. We find that a lot of people actually go into the website through the Consumer Affairs Victoria website. We probably need to re-check those numbers. I am sure they are accurate but in terms of their interpretation, on that basis you would say that the numbers going to that site are quite low.

The CHAIR — We can contact you about that. Any further questions? Thank you very much, John Griffin, David Cousins and Paul Myers for your time this morning. It has been very valuable. As I said earlier, you will receive a copy of the transcript. We will be in contact with you if we need to follow up on any details; we very much appreciate your time. Thank you.

Dr COUSINS — Thank you very much.

Witnesses withdrew.