

DISPUTE RESOLUTION CENTRES ACT

No. 35 of 1990

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Queensland



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ELIZABETHAE SECUNDAE REGINAE

No. 35 of 1990

**An Act to provide for the establishment and operation of
Dispute Resolution Centres to provide mediation
services in connexion with certain disputes and to
amend certain Acts in related respects**

[ASSENTED TO 15TH JUNE, 1990]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1.1 Short title. This Act may be cited as the *Dispute Resolution Centres Act 1990*.

1.2 Commencement. (1) Sections 1.1 and 1.2 commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act commences on 1 July 1990.

1.3 Interpretation. (1) In this Act, unless the contrary intention appears—

“Council” means the Dispute Resolution Centres Council established by this Act;

“Department” means the department for which the Minister of the Crown for the time being charged with the administration of this Act is responsible;

“Director” means a person holding office or duly acting as Director of a Dispute Resolution Centre;

“Dispute Resolution Centre” means a Dispute Resolution Centre established under this Act;

“functions” includes powers, authorities and duties;

“mediation” includes—

(a) the undertaking of any activity for the purpose of promoting the discussion and settlement of disputes;

and

(b) the bringing together of the parties to any dispute for that purpose, either at the request of one of the parties to the dispute or on the initiative of a Director;

and

(c) the follow-up of any matter the subject of any such discussion or settlement;

“mediation session” means a meeting in accordance with this Act between 2 or more parties who are in dispute on any matter;

“mediator” in relation to a Dispute Resolution Centre, means—

(a) the Director of the Centre;

or

(b) any person for the time being accredited under section 2.17 as a mediator for the Centre;

“member” means a member of the Council;

“Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes any Minister performing temporarily the duties of the Minister;

“Queensland Council of Social Service Inc” means the body by that name incorporated on 15 December 1986 under the *Associations Incorporation Act 1981* as amended.

(2) A reference in this Act to the discharge of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) A reference in this Act to the parties to a mediation session includes a reference to the parties to a dispute in respect of which an application for a mediation session is duly made, but does not include a reference to the mediator conducting the mediation session.

(4) A reference in this Act to the conduct of a mediation session by a mediator includes a reference to the conduct of a mediation session in the presence, or under the supervision, of the mediator.

PART II—ADMINISTRATION

Division 1—The Council

2.1 Establishment of Council. There is to be a Council called the Dispute Resolution Centres Council having functions—

- (a) to determine policy guidelines for, and give directions with respect to, the operation of Dispute Resolution Centres;
and
- (b) to make such reports or recommendations to the Minister on any matter relating to Dispute Resolution Centres, or on any other matter to which this Act relates, as the Council considers necessary or appropriate;
and
- (c) to report on and make recommendations concerning the need for an evaluation under section 5.1 and to assist with the making of such an evaluation;
and
- (d) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise of its functions or the establishment and operation of Dispute Resolution Centres.

2.2 Council must have regard to finances. In the discharge of its functions, the Council must have regard to the financial resources available for the establishment and operation of Dispute Resolution Centres.

2.3 Directions to Council by Minister. The Council is, in the discharge of its functions (except in relation to the contents of a report

or recommendation made by it to the Minister), subject to the control and direction of the Minister.

2.4 Membership. (1) The Council is to consist of—

- (a) Directors of the Dispute Resolution Centres who are to be members *ex officio*;
and
- (b) not more than 8 members appointed by the Minister of whom—
 - (i) one is to be a Stipendiary Magistrate nominated by the Chief Stipendiary Magistrate;
and
 - (ii) one is to be the Commissioner of Police or his nominee;
and
 - (iii) one is to be a person nominated by the Queensland Council of Social Service Inc;
and
 - (iv) one is to be an officer of the Department nominated by the Minister;
and
 - (v) not more than four are to be persons selected and nominated by the Minister because they have such special interest or experience as the Minister considers to be of assistance in the administration of this Act.

The members specified in paragraph (b) are in this Act referred to as the appointed members of the Council.

(2) If nomination of a person for appointment as a member is not made within the time or in the manner specified by the Minister when he requests the nomination, the Minister may appoint any person to be a member instead of the person required to be appointed on the nomination.

2.5 President. (1) The Council is to have a President, who is to be a member of the Council appointed as President by the Minister.

(2) An appointment under subsection (1) may be made by the instrument (if any) by which the person appointed as President is appointed as a member or by another instrument.

2.6 Term of office. An appointed member of the Council, subject to this Act, is to hold office for such term, not exceeding three years, as is specified in the instrument of appointment of the member but if otherwise qualified is eligible for reappointment.

2.7 Disqualifications for appointment as member. A person who—

- (a) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;

or

- (b) is convicted in Queensland of an indictable offence (whether on indictment or summarily) or is convicted elsewhere in respect of an act or omission that, if it occurred in Queensland, would constitute an indictable offence;

or

- (c) is a patient within the meaning of the *Mental Health Services Act 1974-1989*;

or

- (d) has attained the age of 65 years;

is not qualified to be or to continue as a member.

2.8 Vacation of office. (1) The office of an appointed member of the Council becomes vacant if the member—

- (a) dies;

or

- (b) resigns office by writing signed by him or her and given to the Minister;

or

- (c) is absent from 4 consecutive meetings of the Council of which reasonable notice has been given to the member personally or in the ordinary course of post except on leave granted by the Council, and is not, before the expiration of 4 weeks from the last of those meetings, excused by the Council for being absent from those meetings;

or

- (d) ceases to be qualified to continue as an appointed member;

or

- (e) ceases to hold the office or position necessary for appointment as a member.

(2) The Minister may, for any cause that appears to the Minister sufficient, remove any appointed member of the Council from office.

(3) On the occurrence of a vacancy in the office of an appointed member of the Council, the Minister may appoint a person to the vacant office so that the Council is constituted in accordance with section 2.4.

2.9 Meetings of the Council. (1) The procedure for the calling of meetings of the Council and for the conduct of business at those meetings, subject to this Act, is to be as determined by the Council.

(2) The President of the Council or, in the absence of the President, the member chosen by the members present at the meeting to act as President may preside at any meeting of the Council.

(3) Five members form a quorum at any meeting of the Council and any duly convened meeting of the Council at which a quorum is

present is competent to transact any business of the Council and has and may discharge all the functions of the Council.

(4) The person presiding at any meeting of the Council, in the event of an equality of votes, has in addition to a deliberative vote a second or casting vote.

(5) A decision supported by a majority of the votes of the members present and voting at a meeting of the Council is the decision of the Council.

2.10 Minutes. The Council must cause full and accurate minutes to be kept of the proceedings at its meetings, and must submit to the Minister a copy of the minutes (whether or not confirmed) of each meeting within 14 days after the day on which the meeting is held.

2.11 Sub-committees. (1) The Council may establish such standing or special sub-committees as it thinks fit to assist and advise it in connection with the discharge of its functions or to discharge, pursuant to a delegation made under section 2.15, the functions of the Council that have been delegated to the sub-committee.

(2) A person may be appointed as a member of a sub-committee whether or not the person is a member of the Council.

2.12 Procedure of sub-committee. (1) The procedure for the calling of meetings of a sub-committee and for the conduct of business at those meetings, subject to this Act and any direction given by the Council, is to be as determined by the sub-committee.

(2) A quorum of a sub-committee consists of such number of the members of the sub-committee as the Council determines, and any duly convened meeting of a sub-committee at which a quorum is present is competent to transact any business of the sub-committee and has and may discharge all the functions of the sub-committee.

(3) The person presiding at any meeting of a sub-committee, if the Council so approves in relation to the sub-committee, has in addition to a deliberative vote a second or casting vote.

(4) A decision supported by a majority of the votes of the members present and voting at a meeting of a sub-committee is the decision of the sub-committee.

2.13 Application of public service legislation. The *Public Service Management and Employment Act 1988-1990* does not apply to or in respect of the appointment of a member of the Council or of a sub-committee and any such member is not subject to that Act in the capacity of member.

2.14 Use of facilities and staff. For the purposes of this Act, the Council, with the approval of the Minister and of the department or local or public authority or organisation concerned, and on such terms as may be arranged, may make use of the facilities, or the services of

any officers, employees or other staff, of any department of the government of the State or of any local or public authority or other organisation.

2.15 Delegation by Council. (1) The Council may delegate to a member, sub-committee or Director such of the Council's functions (other than this power of delegation) as it thinks fit, and may revoke wholly or in part any such delegation.

(2) A function which is delegated under this section, while the delegation remains unrevoked, may be discharged by the delegate from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to conditions or limitations.

(4) Notwithstanding any delegation under this section, the Council may continue to exercise all or any of the functions delegated.

(5) Any act or thing done in the discharge of a function delegated under this section has the same force and effect as if it had been done by the Council.

Division 2—Staff of Dispute Resolution Centre

2.16 Directors. (1) There is to be a Director for each Dispute Resolution Centre and the same person may be the Director for more than one Dispute Resolution Centre.

(2) A Director is, in the discharge of his or her functions, subject to the control and direction of the Council.

2.17 Mediators. The Minister, on the recommendation of the Director of a Dispute Resolution Centre made subject to and in accordance with the policy guidelines determined by, and any directions of, the Council, may accredit a person (other than the Director) as a mediator for the Centre and may revoke any such accreditation.

2.18 Staff. (1) The Director and staff of a Dispute Resolution Centre (other than a mediator accredited under section 2.17) are to be appointed or employed under and in accordance with the *Public Service Management and Employment Act 1988-1990*.

(2) A mediator accredited under section 2.17 is entitled to be paid such remuneration as is determined in respect of the mediator by the Minister.

2.19 Delegation by Director. (1) The Director of a Dispute Resolution Centre may authorise a member of the staff of the Centre to discharge such of the Director's functions (including any functions delegated to the Director under this Act, but not including this power of authorisation) as the Director thinks fit, and the Director, or any successor as Director of the Centre, may revoke wholly or in part any such authorisation.

(2) A function which is authorised to be discharged under this section, while the authorisation remains unrevoked, may be discharged from time to time in accordance with the terms of the authorisation.

(3) An authorisation under this section may be made subject to conditions or limitations.

(4) Notwithstanding any authorisation under this section, the Director may continue to discharge all or any of the functions to which the authorisation relates.

(5) Any act or thing done in the discharge of a function by a person authorised under this section to discharge the function has the same force and effect as if it had been done by the Director.

(6) Where the discharge of a function of the Director depends on the opinion, belief or state of mind of the Director and the function is in accordance with this section authorised to be discharged by another person, the function, subject to any restriction imposed by the Director, may be discharged in accordance with the opinion, belief or state of mind of that other person.

PART III—DISPUTE RESOLUTION CENTRES

3.1 Establishment of Dispute Resolution Centres. Dispute Resolution Centres may be established and operated in accordance with this Act for the purpose of providing mediation services.

3.2 Premises of Dispute Resolution Centres. Dispute Resolution Centres may be established at such premises as the Governor in Council may determine by Order in Council.

3.3 Place of operation of Dispute Resolution Centres. (1) The principal office of a Dispute Resolution Centre is at the premises specified in relation to the centre in the Order in Council under section 3.2.

(2) The activities of a Dispute Resolution Centre may be conducted at the principal office or at such other places as the Director of the Centre, subject to the policy guidelines determined by, and any directions of, the Council, may approve from time to time.

3.4 Records. (1) The Director of a Dispute Resolution Centre must ensure that such records relating to the activities of the Centre are made and kept as are necessary or appropriate to enable a proper evaluation of Dispute Resolution Centres under section 5.1 to be made.

(2) The Council is entitled to inspect any records of a Dispute Resolution Centre.

(3) The records of a Dispute Resolution Centre may be disposed of only in accordance with the directions of the Council.

This subsection does not derogate from the operation of the *Libraries and Archives Act 1988*.

3.5 Centres to be part of department. Dispute Resolution Centres are to operate within and as parts of the Department, and nothing in this Act derogates from the operation of the provisions of the *Public*

Service Management and Employment Act 1988-1990, or any other Act so far as they apply to that Department and any such part thereof.

3.6 Use of certain words. (1) The words "Dispute Resolution Centre" or the letters "DRC" are not to be used in the name of any centre, organisation, body or group or any other place or establishment, or any part thereof, nor is any centre, organisation, body or group, or any other place or establishment, or any part thereof, to be held out as a Dispute Resolution Centre (whether or not as established under this Act) by the use of the words "Dispute Resolution Centre" or the letters "DRC" or in any other manner—

(a) unless in either case it is in fact a Dispute Resolution Centre established under this Act;

or

(b) except in either case with the consent of the Council.

(2) In this section, a reference to—

(a) the words "Dispute Resolution Centre" includes a reference to those words whether or not they appear consecutively and to words that are substantially the same as those words; and

(b) the letters "DRC" includes a reference to matter that is substantially the same as those letters.

(3) A person who—

(a) uses or causes to be used the words "Dispute Resolution Centre" or the words "DRC";

or

(b) holds out or causes to be held out anything as a Dispute Resolution Centre;

in contravention of subsection (1), commits an offence against this Act.

It is a defence to prove that the usage or holding out in question was established before the commencement of this section.

PART IV—MEDIATION

4.1 Provision of mediation services. (1) The Director of a Dispute Resolution Centre, subject to the policy guidelines determined by, and any directions of, the Council, is responsible for the provision of mediation services and for the operation and management of the Centre.

(2) Each mediation session is to be conducted by one or more mediators assigned for the purpose by the Director.

(3) No dispute may be accepted for mediation under this Act unless the Director consents.

4.2 Conduct of mediation sessions. (1) The procedure for commencing and conducting a mediation session at a Dispute Resolution Centre,

subject to the policy guidelines determined by, and any directions of, the Council, is to be as determined by the Director.

(2) Mediation sessions are to be conducted with as little formality and technicality, and with as much expedition, as possible.

(3) The rules of evidence do not apply to mediation sessions.

(4) A dispute may not be adjudicated or arbitrated upon at a mediation session.

(5) A mediation session is to be conducted in the absence of the public, but persons who are not parties to a mediation session may be present at or participate in a mediation session with the permission of the Director.

4.3 Disputes. (1) The Council may determine that specified classes of disputes are not to be the subject of mediation sessions, or that specified classes of disputes may be the subject of mediation sessions, but nothing in this subsection limits any other provisions of this Act.

(2) A mediation session may be commenced or continued whether or not the dispute is justiciable before any court, tribunal or body and whether or not the dispute is the subject of any legal proceedings.

(3) For the purposes of this Act, persons may be treated as being in dispute on any matter if they are not in agreement on the matter (whether or not any relevant negotiations are still in progress).

4.4 Mediation to be voluntary. (1) Attendance at and participation in mediation sessions are voluntary.

(2) A party to a mediation session may withdraw from the mediation session at any time.

(3) Notwithstanding any rule of law or equity, any agreement reached at, or drawn up pursuant to, a mediation session is not enforceable in any court, tribunal or body.

(4) Except as expressly provided in this Act, nothing in this Act affects any rights or remedies that a party to a dispute has apart from this Act.

4.5 Refusal or termination of mediation. (1) The Director of a Dispute Resolution Centre may decline to consent to the acceptance of any dispute for mediation under this Act at the Centre.

(2) A mediation session may be terminated at any time by the mediator or by the Director.

4.6 Representation by agent. (1) A party to a mediation session is not entitled to be represented by an agent unless—

(a) it appears to the Director that—

(i) an agent should be permitted in order to facilitate mediation;

and

- (ii) the agent proposed to be appointed has sufficient knowledge of the matter in dispute to enable the agent to represent the party effectively;

and

- (b) the Director so approves.

(2) Subsection (1) does not prevent—

- (a) where a corporation within the meaning of the *Companies (Queensland) Code* is party to a mediation session—an officer of the corporation;

or

- (b) where a corporation that is a body corporate constituted under the *Building Units and Group Titles Act 1980-1988*, is a party to a mediation session—the proprietor or, if there is more than one proprietor, one of the proprietors, constituting that corporation;

or

- (c) where any other corporation is a party to a mediation session—an agent appointed by the corporation;

from representing that corporation.

(3) Where a Director approves of the representation of a party by an agent, the approval of the Director may be given subject to such conditions as the Director considers reasonable to ensure that any other party to the mediation session is not substantially disadvantaged by the agent appearing at the mediation session and, where the Director does so, the entitlement of the agent to represent the party is subject to compliance by the agent with those conditions.

(4) Contravention of any provision of this section does not invalidate any mediation session.

PART V—MISCELLANEOUS

5.1 Evaluations. The Minister may cause or arrange for an evaluation to be made, at such times and in respect of such periods as the Minister thinks fit, of Dispute Resolution Centres and of their operation and activities.

5.2 Exoneration from liability. (1) No matter or thing done or omitted to be done by—

- (a) the Council or a sub-committee of the Council;

or

- (b) a member of, or a person acting under the direction of or with the authority of, the Council or any such sub-committee;

or

(c) a mediator;

or

(d) a Director or a member of the staff of a Dispute Resolution Centre;

if the matter or thing is done in good faith for the purpose of executing this Act, subjects any of them to any action, liability, claim or demand.

(2) A member of the police force, or any other officer or person, is not liable to be proceeded against in respect of—

(a) failure to charge a person with an offence or to initiate or proceed with proceedings for an offence, or any similar failure;

or

(b) the arrest of a person followed by such a failure;

or

(c) failure to offer evidence at the hearing of a charge referred to in paragraph (a);

if the failure is reasonable—

(d) by reason of the reference of the dispute to which the alleged offence relates for mediation under this Act or by reason of an agreement reached by the parties to a dispute so referred; and

(e) in all the circumstances of the case.

In this subsection the term “offence” does not include an offence constituted wholly or partly by domestic violence within the meaning of the *Domestic Violence (Family Protection) Act 1989*.

(3) Nothing in this Act prevents a charge referred to in subsection (2) (a) from being laid or any proceedings so referred to from being instituted or proceeded with, or any evidence being offered in relation to such a charge, or any incidental act, matter or thing from being done by any person at any time.

(4) No person is to be concerned to inquire whether or not any circumstance has arisen requiring or authorising a person to act in the office of a member or of a Director, and anything done or omitted to be done by that person while so acting is as valid and effectual and has the same consequences as if it had been done or omitted to be done by that member or Director.

5.3 Privilege. (1) In this section, “mediation session” includes any steps taken in the course of making arrangements for a mediation session or in the course of the follow-up of a mediation session.

(2) Subject to subsection (3), the like privilege with respect to defamation exists with respect to—

(a) a mediation session;

or

(b) a document or other material sent to, or produced at, a Dispute Resolution Centre for the purpose of enabling a mediation session to be arranged;

as exists with respect to proceedings before the Supreme Court and a document produced in these proceedings.

(3) The privilege conferred by subsection (2) does not extend to a publication made otherwise than—

(a) at a mediation session;

or

(b) as provided by subsection (2) (b);

or

(c) as provided by section 5.4 (2).

(4) Evidence of anything said or of any admission made in a mediation session is not admissible in any proceedings before any court, tribunal or body.

(5) A document prepared for the purposes of, or in the course of, or pursuant to, a mediation session, or any copy thereof is not admissible in evidence in any proceedings before any court, tribunal or body.

(6) Subsections (4) and (5) do not apply with respect to any evidence or document—

(a) where the persons in attendance at, or named during, the mediation session and, in the case of a document, all persons named in the document, consent to admission of the evidence or document;

or

(b) in proceedings instituted with respect to—

(i) any act or omission in connexion with which a disclosure has been made pursuant to paragraph (c) of section 5.4 (2);

or

(ii) an offence under section 5.4 (3) concerning the disclosure of the evidence or document.

5.4 Secrecy. (1) A mediator is not competent to commence to discharge the functions of a mediator without first taking an oath before a justice of the peace in or to the effect of the form set out in the First Schedule or making an affirmation in or to the effect of the form set out in the Second Schedule.

(2) A person who is or has been a member of the Council or a sub-committee of the Council, a mediator, a Director, a member of the

staff of a Dispute Resolution Centre or a person making an evaluation under section 5.1 or carrying out research referred to in paragraph (e) may disclose information obtained in connection with the administration or execution of this Act only as follows:—

- (a) with the consent of the person from whom the information was obtained;
or
- (b) in connexion with the administration or execution of this Act;
or
- (c) where there are reasonable grounds to believe that disclosure is necessary to prevent or minimise the danger of injury to any person or damage to any property;
or
- (d) where the disclosure is reasonably required for the purpose of referring any party or parties to a mediation session to any person, agency, organisation or other body and the disclosure is made with the consent of the parties to the mediation session for the purpose of aiding in the resolution of a dispute between those parties or assisting any such parties in any other manner;
or
- (e) where the disclosure does not reveal the identity of a person without the consent of the person and is reasonably required for the purposes of research carried out by, or with the approval of, the Council or an evaluation pursuant to section 5.1;
or
- (f) in accordance with a requirement imposed by or under a law of the State (other than a requirement imposed by a subpoena or other compulsory process) or the Commonwealth.

(3) A person to whom subsection (2) applies who discloses information obtained in connexion with the administration or execution of this Act otherwise than as authorized by the subsection commits an offence against this Act.

5.5 Power to accept appointment. (1) Where, by or under any Act, provision is made requiring the whole of the time of the holder of a specified office to be devoted to the duties of that office or prohibiting the holder of a specified office from engaging in employment outside the duties of that office, the provision does not operate to disqualify a holder of that office from—

- (a) holding that office and also the office of a member of the Council or of a sub-committee of the Council;

or

- (b) holding that office and also the office of a mediator or retaining any remuneration payable to a mediator.

(2) The office of a member of the Council, a member of a sub-committee of the Council or a mediator is not, for the purposes of any Act an office or place of profit under the Crown.

5.6 Annual report. (1) As soon as practicable after 30th June, but on or before 31st December, in each year, the Council must prepare and submit to the Minister a report on the activities, operations and use of Dispute Resolution Centres during the period of 12 months ending on 30th June in that year.

(2) The Minister must lay the report, or cause it to be laid, before Parliament within 10 sitting days of receiving the report.

5.7 Proceedings. (1) A person who commits an offence against this Act may be prosecuted in a summary way under the *Justices Act 1886-1989* on the complaint of an officer of the department authorized generally or in a particular case by the Minister.

(2) The identity of the complainant and the complainant's authority to lay the complaint, as stated in the complaint, is to be presumed in the absence of evidence to the contrary.

(3) A person convicted of an offence against this Act is liable where no other penalty is expressly prescribed to a penalty not exceeding 15 penalty units.

5.8 Regulations. The Governor in Council may make regulations not inconsistent with this Act with respect to all matters necessary or expedient to be prescribed for the proper administration of this Act or to achieve the objects and purposes of this Act.

5.9 Amendment of Justices Act. (1) The *Justices Act 1886-1989* is amended by—

(a) in section 53—

(i) inserting before the words "When a complaint" the expression "(1)";

(ii) inserting before the words "No objection" the expression "(2)";

(iii) adding at the end of the section the following words:—

"(3) Where the justice before whom a complaint is made considers that the matter of the complaint would be better resolved by mediation than by proceedings under this Act, the justice may, with the consent of the complainant, instead of issuing a summons under subsection (1), order the complainant to submit the matter of the complaint to mediation under the *Dispute Resolution Centres Act 1990*.

(4) Where an order is made under subsection (3) in relation to the matter of a complaint but—

- (a) the complainant withdraws his consent to the order;
or
- (b) the matter of the complaint may not, by the operation of section 4.3 (1) of the *Dispute Resolution Centres Act 1990*, be the subject of a mediation session under that Act;
or
- (c) the defendant refuses to attend at, or participate in, a mediation session under that Act or either party withdraws from such a session;
or
- (d) the Director of a Dispute Resolution Centre declines under section 4.5 (1) of that Act to consent to the acceptance of the matter of the complaint for mediation;
or
- (e) a mediation session attended by the complainant and the defendant is terminated under section 4.5 (2) of that Act;

a justice may issue a summons under subsection (1).

It is sufficient compliance with this subsection if a justice who issues a summons pursuant to this subsection is informed by the complainant of a matter referred to in paragraphs (a) to (e) (both inclusive).”;

(b) in section 88 adding at the end of subsection (1) the following paragraph:—

“The power to adjourn a hearing conferred upon justices or a justice by this subsection includes power to adjourn a hearing to enable the matter of a charge of a simple offence or breach of duty to be the subject of a mediation session under the *Dispute Resolution Centres Act 1990*.”.

(2) The *Justices Act 1886-1989* as amended by subsection (1) may be cited as the *Justices Act 1886-1990*.

5.10 Amendment of Parliamentary Commissioner Act. (1) The *Parliamentary Commissioner Act 1974-1988* is amended in subsection (5) of section 13 by—

(a) omitting the word “or” where it occurs at the end of paragraph (e) after the words “Magistrates Court;”;

(b) inserting after the words “Auditor General” where they occur in paragraph (f) the following expression and words:—

“,

or

(g) by a mediator at a mediation session under the *Dispute Resolution Centres Act 1990*”.

(2) The *Parliamentary Commissioner Act 1974-1988* as amended by subsection (1) may be cited as the *Parliamentary Commissioner Act 1974-1990*.

THE FIRST SCHEDULE

[s. 5.4 (1)]

MEDIATOR'S OATH OF SECRECY

I, _____ of _____
being a mediator within the meaning of the *Dispute Resolution Centres Act 1990*, do swear that I will not, either directly or indirectly, except as permitted under section 5.4 of that Act, and either while I am, or after I cease to be a mediator, make a record of, or divulge or communicate to any person, court or tribunal any information, document or other matter disclosed during or incidentally to a mediation session.

SO HELP ME GOD

Sworn and subscribed at
this _____ day
of _____ 19 }
before me— }
Signature

.....
Justice of the Peace

THE SECOND SCHEDULE

[s. 5.4 (1)]

MEDIATOR'S AFFIRMATION OF SECRECY

I, _____ of _____
being a mediator within the meaning of the *Dispute Resolution Centres Act 1990*, do solemnly, sincerely and truly declare and affirm that I will not, either directly or indirectly, except as permitted under section 5.4 of that Act, and either while I am or after I cease to be, a mediator, make a record of, or divulge or communicate to any person, court or tribunal any information, document or other matter disclosed during or incidentally to a mediation session.

Sworn and subscribed at
this _____ day
of _____ 19 }
before me— }
Signature

.....
Justice of the Peace