



MEDIA RELEASE

SENATOR NICK SHERRY

Minister for Small Business
Minister Assisting on Deregulation and
Public Sector Superannuation
Minister Assisting on Tourism

SENATOR JOE LUDWIG

Minister for Agriculture, Fisheries and Forestry

MARTIN FERGUSON AM MP

Minister for Resources and Energy
Minister for Tourism

ENHANCED DISPUTE RESOLUTION SERVICES UNDER INDUSTRY CODES

Small businesses will receive valuable support and advice in resolving disputes following the Gillard Government's appointment of a new mediation adviser across several industry codes.

Mr David Allan Newton will serve as mediation adviser under the Franchising Code of Conduct and the Horticulture Code of Conduct; dispute resolution adviser under the Oilcode; and produce and grocery industry ombudsman under the voluntary Produce and Grocery Industry Code of Conduct.

"Disputes can be long and costly and a drain on the resources and viability of a small business," Minister for Small Business, Senator Nick Sherry said.

"The appointment of a mediator is another part of the Gillard Government's efforts to provide Australian small businesses with a range of accessible options to help them resolve disputes quickly, effectively and at minimum cost.

"Around 100,000 small businesses operating under these industry codes will continue to be able to access low cost, customised dispute resolution services."

"This free service can assist parties to address their concerns before a dispute becomes entrenched," Minister for Agriculture, Fisheries and Forestry, Senator Joe Ludwig said.

"I encourage participants involved in these industries to consider the use of these dispute resolution services in their normal operating environment."

Parties operating under the Franchising Code of Conduct or the Horticulture Code of Conduct are also able to new access to early intervention dispute resolution services as of 1 July 2011.

"The new early intervention services will allow parties to discuss, and hopefully resolve, disputes with a convenor before going to formal mediation, which can be costly, stressful and time-consuming," Senator Sherry said.

"By making a phone call to the dispute resolution service, business people will be able to informally talk through their concerns at an early stage and receive guidance on what their next steps might be in resolving their dispute.

"In addition to the new early intervention service, parties to a franchising dispute that meet certain small scale dispute criteria may be eligible for mediation services at a reduced fee, facilitating a faster and cheaper dispute resolution," Senator Sherry said.

The Minister for Resources and Energy, Martin Ferguson AM MP said the appointment will ensure early dispute resolution will continue for businesses operating under the Oilcode, which covers petroleum refiners/marketers, wholesalers, distributors and retailers.

“Mr Newton has pioneered commercial mediation in Australia, having trained at the Harvard Law School and is highly regarded in Australia and overseas,” Minister Ferguson said.

Mr Newton is the Managing Director of The Accord Group and brings over 20 years’ expertise in dispute resolution his roles.

More information on these services can be found at the following websites:

- Office of the Franchising Mediation Adviser
<http://www.franchisingmediationadviser.com.au/>
- Horticulture Mediation Adviser
<http://www.hortcodema.com.au/>
- Oilcode Dispute Resolution Adviser
<http://www.oilcodedra.com.au/>
- Produce and Grocery Industry Ombudsman
<http://www.produceandgroceryombudsman.com.au/>

Mr David Newton – Brief Biography

David Newton is one of Australia's pioneer commercial mediators having been a mediator since 1987.

He was trained as a mediator at Harvard Law School and mediates in Australia and internationally. He teaches mediation in various countries.

Mr Newton was originally an in-house lawyer and became committed to cost-effective means of dispute resolution to avoid unnecessary cost, time and stress to resolve disputes.

He is a member of the New York based CPR Institute Asia Pacific Advisory Centre and is a member of the training faculty of the CPR Institute.

Mr Newton has managed the appointment of mediators since 1993 for various industries and has also been the Film Exhibition and Distribution Industry Conciliator since 1998.

