

NEIGHBOURHOOD DISPUTE RESOLUTION BILL – 7 April 2011

Adjourned debate on second reading. - (Continued from 22 July 2010)

Mr PEDERICK (Hammond) (11:09): I rise to speak to the Neighbourhood Dispute Resolution Bill 2010. I note that the Hon. Bob Such, the member for Fisher, on 22 July 2010 introduced the Neighbourhood Dispute Resolution Bill 2010. Through this bill it is sought to establish a neighbourhood ombudsman as an alternative dispute resolution mechanism for residential neighbours.

According to the member for Fisher, it is based on a similar ombudsman in New South Wales, but the research done on this side of the house indicates that there is no statutory officer providing compulsory conciliation for neighbours in New South Wales. We believe that the officer the member for Fisher refers to in that context is a commissioner in the Land and Environment Court.

I note that this is the third time that the member for Fisher has introduced such a bill. The second of these bills was tabled on 25 September 2008. The Liberal Party opposed that bill on the basis of the cost of another bureaucracy. Compulsory conciliation should not be forced on people, particularly if they would prefer to pursue their legal rights. There was no requirement in the bill that the ombudsman not act contrary to the law, and also there are already a range of alternative dispute resolution mechanisms in place.

The Liberal Party has undertaken consultation. We consulted the Law Society and they expressed concern at the open-ended nature of a person who could be subject to notices from the ombudsman. The Bar Association questioned the need for such a body, given the presence of community legal centres and the Magistrates Court. The Bar Association also opposed the range of powers of compulsion to be conferred on the ombudsman. I indicate that the opposition will not support the bill.