

**Dispute resolution doesn't necessarily mean going straight to court. In fact, many disputes can be resolved quickly and efficiently without suing at all.**

**At Trinity Law, we pride ourselves on resolving disputes efficiently, while at the same time protecting your commercial interests.**

## Dispute Resolution

### How can I resolve a dispute?

*Negotiation* is one of the key devices used in any dispute resolution process. It often takes the form of letters of correspondence between the parties, and round-table discussions. The vast majority of disputes can be resolved in this way, achieving a resolution faster and more efficiently.

*Mediation* involves a neutral third party, and can be a cost effective way of resolving disputes, particularly when both parties wish to settle the matter out of court.

*Arbitration* is when parties to a dispute refer the matter to an independent person. It is a system of dispute resolution which most resembles court proceedings where the parties agree to be bound by the decision of the arbitrator.

### What if the dispute is not resolved?

If the parties cannot agree on a settlement outcome, the next step may be to commence *litigation*. This involves applying to the appropriate forum such as a Court or Tribunal to obtain judgment.

The courts and tribunals including the ACT Civil and Administrative Tribunal ("ACAT") have various jurisdictional powers to hear a range of disputes.

Once a judgement has been given the parties have the certainty of resolution and the ability to enforce that judgment. However the Court process can be lengthy with some complex disputes taking a significant time to be resolved.

Generally in a civil matter, if the dispute involves an amount under \$10,000 then the appropriate forum would be the ACAT which has replaced the Small Claims Division of the Magistrates Court. Disputes involving figures over that amount will be heard by the Magistrates Court or the Supreme Court.

### Costs

There are also several differences with costs between different types of forums. For example, in tribunals and the ACAT, the general rule is that each party pays their own costs in obtaining judgment. This will generally include filing fees and legal costs.

On the other hand, courts such as the Magistrates Court and the Supreme Court are 'cost jurisdictions' meaning that a successful party are able to claim a significant proportion of the legal costs incurred in bringing the action to the court. The reverse is that an unsuccessful party will be liable not only for their own legal costs, but also those of the other party.