

IN RESPONSE TO WA SMALL BUSINESS DEVELOPMENT CORPORATION

I have responded to your survey but would not support your policy advice.

First there are a tremendous number of different sources and methods of delivery of business education, subsidised and not so.

I cannot see the need for the small business centre to duplicate these services at a cost to the public.

Secondly, hinging on the words of Rolls Royce delivery weakens your case. Living in a remote region of WA this is not my experience with the delivery of legal services. The cliché may be so for some providers but certainly not for most.

Thirdly, you seem to think that ADR is a replacement for legal competence. It is not and to be effective in the application of the law the mediator needs to be certified in mediation and at least a senior legal practitioner. Yes it costs money but if you have a competent lawyer and client this reduces the cost and increases the likelihood of a satisfactory outcome in a dispute.

Fourthly you have not kept up with the changes taking place in the legal institutions where mediation by registrars or court appointees is now incorporated as a critical element of the dispute resolution process. In superior courts there is a success rate of 95% in the difficult end of the dispute resolution process.

Being a mediator I feel strongly that it is the most effective way of solving disputes. However, in your subsidised model you do not acknowledge the legal experts role. My view is that the legal profession has not been caught napping, rather it is at the forefront of the developments in assisting small and medium sized business in its David and Goliath interactions in the business world. We certainly are!

If you wanted to subsidise any players it would be to put the money being spent in the public sector on business education and assistance in the hands of the small to medium business consumers of legal services to select their provider with the relevant experience to assist in resolving their issues. We need to be very careful we don't set-up another legal aid body to expand access to legal services to the selected few.

Regards

Richard Whitwell