



# THE CHARTERED INSTITUTE OF ARBITRATORS

## AUSTRALIAN BRANCH

ABN 65 931 837 789

Website: [www.arbitrators.org.au](http://www.arbitrators.org.au)

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### ANNUAL REPORT OF THE CHAIRMAN

2 May 2005

1. Early in 2004 the Branch completed the first stage of its website redevelopment and now features regular newsletters on the site at <http://www.arbitrators.org.au/>.
2. On a Saturday in February 2004 in Sydney, the Committee conducted a strategic planning day. We undertook a detailed analysis of strengths and weaknesses, opportunities and threats. The Committee identified two strategic policy objectives –
  - To ensure that membership is recognized as a qualification which is of value domestically and internationally; and
  - To provide leadership in accreditation and policy development in domestic and international commercial dispute resolution.

Key priorities were seen as –

- Training programs
  - Raising the recognition of accreditation
  - Leadership in dispute resolution policy
  - Appropriate facilitation of dispute resolution schemes and systems
  - Maintenance and development of strategic relationships.
3. On 26 and 27 June 2004, the Branch conducted both a Special Members Course and Fellowship Course in Sydney. Thanks are due to Mr Jim

Creer and other members of the Branch for their generous participation as course director and tutors respectively.

4. The Branch supervised an award writing examination on 10 November 2004 for candidates for fellowship. The Branch expresses its appreciation to Malcolm Holmes QC for his efforts in reviewing the practice papers of candidates and offering comments on their work. The Branch congratulates those candidates who passed the examination.
5. The Victorian chapter of the Australian branch conducted a well attended joint seminar with the Victorian Chapter of IAMA on 8 November 2004 at Owen Dixon Chambers East. The topic was "International Commercial Arbitration - an Australian Perspective" and the speakers were Associate Professor Richard Garnett of Melbourne University and Dr Gavan Griffith QC.
6. Late in 2004, the Branch participated in the formation of the Australian Pacific Regional Arbitration Group (APRAG) - an important initiative in promoting arbitration in the Asia Pacific region. Representatives of 17 arbitration centres and associations from Asia and Australasia attended the inaugural meeting in Sydney, agreed on a constitution, elected office bearers and discussed future projects. The president is Michael Pryles, the Chair of the Australian Centre for International Commercial Arbitration (ACICA).
7. In the course of the year, the Branch welcomed Mirina Muir of Perth and Jos Mulcahy of Melbourne as new members of the Committee. Mirina has taken on the role of co-ordinator of the Western Australian chapter of the Branch. We wish them both well.
8. **Congress:** On Tuesday 1 March 2005, I attended on behalf of the Branch at the meeting of Congress in Cyprus. Doug Jones attended as a newly elected member of the Board of Trustees. The Board of Trustees, the Board of Management and the biennial Congress represents a significant change in the governance of the Institute intended to encourage the development of the Institute around the world and greater representation by branches.

Attending the meeting of Congress were representatives from branches around the world including Egypt, Lebanon, Bermuda, Zimbabwe, Kenya, Hong Kong and Thailand. Principal points to note:

- (a) The Congress elected as Presidents each for a year in turn the following - Dr Eugen Salpius from Salzburg, a member of the European branch, Mr Colin Wall from the East Asia branch and Mr Hew Dundas from the London Branch.
- (b) Congress discussed the issue whether in essence fellowship should carry with it the designation of "Chartered Arbitrator" or whether specific experience in arbitration be required to attract that designation. James Mumford recommended for consideration a less onerous and further designation of 'accredited arbitrator' in particular fields.

- (c) The question of the principal role of the Institute was discussed. Doug Jones articulated the merit in a focus on education and in improving the credentials of professionals in the area of dispute resolution. The Institute currently operates some 103 schemes for the appointment of arbitrators but they include schemes for small scale disputes and involve the participation of no more than around 250 members. These activities it was said at times put the Institute in positions of potential conflict with other arbitration bodies and tend to work against the educational role.
  - (d) John Campbell QC from Scotland was elected by the Board of Trustees as chairman of that Board and Mark Entwistle was elected chairman of the Board of Management.
9. **Branch Incorporation:** The Branch committee has been active in seeking the incorporation of the Australian branch and has settled with the Institute the proposed constitution subject only to resolving some issues with the Charities Commission in England. It is hoped that the incorporation can proceed in the near future.
10. **Doug Jones AM, RFD:** On 31 January 2005, Doug Jones retired as chairman of the Australian branch to take up his position as a newly elected member of the Board of Trustees of the Institute. On 28 February 2005 the Branch Committee elected me as chairman. Doug Jones has ably served the Australian Branch; he has given the Branch a considerable profile both in the United Kingdom and in the international arena. He has been an energetic and effective chairman:
- (a) Last September in Oxford, Doug participated in the teaching of the Diploma of International Arbitration course;
  - (b) He was also a participant in the Shenzhen Chartered Institute / CIETAC arbitrators training course in China in March;
  - (c) He gave a series of lectures at a course organised by Prof Moens, the Head of the Graduate School of Law at Notre Dame University in Fremantle at the beginning of December 2004. While the majority of the students were from Western Australia, some were from overseas. If the students are successful they are able to join the Institute.
  - (d) Finally Doug was elected to the Board of Trustees and took up his position at its inaugural meeting in late February 2005.

The Branch expresses its sincere appreciation and gratitude to Doug for his outstanding contribution to the Branch over the last 3 years and wishes him well in his new role as a member of the Board of Trustees.

Finally may I take this opportunity to thank the members of the Branch Committee. Their contributions in differing ways have been substantial both in time and effort.

MICHAEL SHAND