

Editor's commentary

A time for reflection - a time for looking forward

by GRANT HOLLEY (Editor)

Important goals of this journal are to provide information that will assist members and readers in their practise of arbitration and mediation and to provide interesting and readable contributions to the law of dispute resolution. This issue achieves these goals with articles covering a wide range of matters of practical relevance and importance.

An article by Michael Rochester on the duties and responsibilities of expert witnesses will prove useful to those of our members who appear as expert witnesses, and also to Arbitrators who must assess expert testimony. Stephen Kidens takes a look at the Australian position in relation to getting a Stay of Litigation in favour of commercial arbitration in light of recent cases.

Judge Eric Pratt QC provides an educational overview of native title and goes on to suggest opportunities for arbitrators and mediators in dealing with native title disputes.

In the last issue you will have read of the continuing professional development programme. In this issue there is a report written by our CEO, Peter Condliffe, providing details of the program.

The implications for natural justice of an arbitrator acting as a mediator under s 27 of the uniform Commercial Arbitration Acts are often the subject of discussion and debate. Dr. John Mo's article "use of Med-Arb Process in Commercial Arbitration in the Peoples Republic of China" provides a view of another jurisdiction in which a combined mediation/arbitration model is used successfully in a large number of matters.

Case notes in this issue include BMD Constructions Pty Ltd –v- Golding Contractors Pty Ltd, concerning an appeal from an Arbitrator's award and Andrews v Bradshaw Hung which concerned an application to remove an arbitrator for bias.

I would like to formally welcome Russell Thirgood to the Journal Committee and to thank him for the valuable contribution he is already making in sourcing articles and contributions for the journal. At the same time I would like to thank the other members of the Journal Committee for their valuable assistance.

In my last editorial I announced the introduction of a "letters to the Editor" section. I take this opportunity to remind members and readers that I would welcome letters on topics of interest to members and I look forward to publishing them.

I commend this issue of the Arbitrator and Mediator to members and hope you will enjoy reading it.

Letters to the Editor

Letters to the Editor should be addressed to "the Editor" and forwarded to the editorial office at 450 Little Bourke Street, Melbourne. Letters should be on topics of relevance to arbitration and mediation and should not be 'political'. The ultimate discretion as to publication lies with the Editor.

I trust that you will enjoy your Silver Anniversary issue of *'The Arbitrator'*.

Grant Holley, Editor

Contributions

A number of different professions are now represented among our members. Contributions from a variety of disciplines will broaden the appeal and relevance of the Arbitrator to our membership and we welcome the submission of articles for publication.

If you would like to submit an article for publication in the Arbitrator it should be:-

- no more than 4,000 words;
- be relevant to the topics of Arbitration, mediation or other forms of alternative dispute resolution;
- be submitted to the Editorial office at 450 Little Bourke Street, Melbourne (preferably by e-mail to national@iama.org.au) and be marked to the attention of the editor.

CONTRIBUTION PRIZE - ONE YEAR'S FREE MEMBERSHIP TO THE INSTITUTE OF ARBITRATORS AND MEDIATORS AUSTRALIA OPEN TO ALL STUDENTS OF THE NATIONAL COURSE

There will be a prize of one-year free membership of the Institute offered to the writer of the best national course assignment for the year 2001.

The prize will be subject to the new member agreeing to have the assignment published in the Arbitrator.

The winner will be selected by the Education Committee.

Please direct any questions to the Editor, of the Arbitrator and Mediator, Grant Holley on (03) 9870 9855.

Advertising in the Journal

The Arbitrator is available for the placement of advertisements. Our readers include leading professionals from a wide range of professions including: law, architecture, engineering, psychology, building and construction, valuers and academics. If you want to reach Australia's leaders advertise in the Arbitrator.

Note that advertisements must be approved for publication by the Editor. Advertisements should be submitted to the Editorial Office at 450 Little Bourke Street, Melbourne and be marked to the attention of the editor.

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Dispute Resolution Service

The Housing Industry Association (HIA) is seeking appropriately qualified applicants to operate as conciliators for ACT & Southern NSW members.

To assist members and their clients to come to terms in contractual disputes, HIA ACT/Southern NSW has developed a conciliation service.

Applicants should be experienced in building, renovation, engineering, architecture, design, law or other appropriate field. Membership in a recognised Institute of Arbitrators would be well regarded.

Interested applicants should contact (after 10 January 2001):

John Futer, HIA Executive Director - ACT/Southern NSW
on phone number (02) 6249 6366.