

PRESIDENT'S MESSAGE



This year marks the 20th Anniversary of the creation of your Institute.

In the intervening 20 years from formation so much has changed in the area of dispute resolution.

Arbitration law in Australia now gives greater power and facility to tribunals and limited court intervention. As one of the few nation states to adopt the UNCITRAL Model Law since its promulgation, Australia now has express statute governing international arbitration.

A corollary of the changed arbitral environment is that an in-depth knowledge of substantial and procedural law is now an imperative in an arbitral tribunal.

Significantly arbitration has moved away from its traditional roots in quality/quantity type disputes in building and construction to much wider social and commercial areas.

Parties in dispute are now no longer accepting the lottery of third party appointment or nomination, preferring to select arbitrators on the basis of standing, reputation and ability. The Institute's role in determining or influencing the constitution of an arbitral tribunal is thus diminished.

That all this has occurred is a source of criticism of arbitration from some within this Institute and without.

However its role in the training, qualification and quality control of its graded arbitrators is progressively assuming ever more importance.

Upon this turns the future utilisation and acceptance of arbitration.

Means of non-curial dispute resolution other than arbitration have been re-discovered or re-invented and the perception of wide and significant usage promoted.

The extraordinary proliferation of ADR service providing organisations, many of which are private commercial enterprises, does not truly reflect or arise from present demand in the community for such services.

We have become part of a supply rather than a demand driven industry.

Your Institute must move with the times, but must not be misled or misconceive what the real requirements or those times are.

The strength of your Institute lies in its nature as a truly national non-profit organisation. It has the ability to stand neutrally and if necessary alone in representing and commenting on the broad range of dispute resolution processes.

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President