

Book Review -

Ahrens & Witcombe, Australian Dispute Resolution Handbook, Australian Commercial Disputes Centre, 1992, 50 pages, \$14.00.

- Review by John Tyrrell

This small Handbook was funded by Law Foundation of New South Wales. It is intended to assist in the selection of an appropriate dispute resolution procedure and also the choice of a suitable dispute resolution clause for use in commercial agreements.

The authors: Michael Ahrens is a Partner of Baker & McKenzie, Solicitors, Sydney and a member of the Board of the Australian Disputes Centre. He chaired the committee which investigated and reported on the issues involved in the establishment of Australian Commercial Disputes Centre. Gavin Witcombe is a Sydney solicitor who practices in construction law.

The Handbook discusses the features and differences between mediation and conciliation, expert determination (often called expert appraisal, if non-binding) and arbitration - domestic and international. Combinations of various dispute resolution processes are discussed.

Interestingly, the Handbook includes a comparative table, "Choosing the Appropriate Procedure - When to Use", which is intended to assist disputants choose a dispute resolution mechanism appropriate to their circumstances and needs.

Australian and some of the more important international dispute resolution centres are identified together with comments on the services they provide and contact details.

Drafting considerations in the preparation of disputes clauses for commercial agreements are discussed and sample dispute resolution clauses provided. Appendices provide draft agreements for the appointment of a mediator and for either binding or non-binding expert determination. The issues involved in drafting an international arbitration clause are dealt with in another Appendix.

The Australian Dispute Resolution Handbook is not intended as a detailed reference for the legal practitioner. That function is served by other publications such as Sharkey and Darter, Commercial Arbitration, Law Book Co 1986, Jacobs, Commercial Arbitration, Law Book Co 1990 and Jacobs, International Commercial Arbitration, Law Book Co 1992. Rather, the Australian Dispute Resolution Handbook serves as an introduction to the topic or as a brief but useful overview of dispute resolution procedures for domestic and international commercial

agreements.

It is an appropriate and useful reference for building and construction consultants, contractors, subcontractors and suppliers; particularly so at the modest price of \$14.00. Contact the Australian Commercial Disputes Centre for copies.