4-1-2002

A Guide to Arbitration Practice in Australia

Nadja Alexander

Recommended Citation
Available at: http://epublications.bond.edu.au/adr/vol4/iss10/5

This Book Review is brought to you by ePublications@bond. It has been accepted for inclusion in ADR Bulletin by an authorized administrator of ePublications@bond. For more information, please contact Bond University's Repository Coordinator.
Although both arbitration and mediation are forms of alternative dispute resolution (ADR) in the sense that they are alternative processes to trial, the two dispute management processes are usually not dealt with together in the literature or in training. There are obvious reasons for this, including the fact that arbitration and mediation are very different processes requiring very different sets of skills.

Nevertheless, as the ADR market and consumers themselves become more sophisticated in their knowledge of dispute management options, there is a growing need for ADR professionals, whether or not qualified both to arbitrate and mediate, to be aware of other ADR processes and how they operate within the Australian legal system.

Although this is clearly a book on arbitration of commercial and professional transactions, A Guide to Arbitration Practice in Australia (the Guide) recognises the broader dispute management context of ADR and the legal system within which it operates. The first chapter, ‘The Australian legal system’, provides a plain English introduction to how law is made and works in Australia — this is extremely useful for non-lawyers.
Seeking a reference on a particular point.

The collection of essays by various authors, and edited by W eye, is divided into two parts. The first part focuses on arbitration as an ADR process and its place within the Australian legal system. The second part discusses the legal principles with which practising arbitrators must be familiar — such as contract and torts law, waiver and estoppel, the Trade Practice Act 1974 (Cth), evidence and expert witnesses — in order to determine matters according to law. Each of the 19 chapters contains references to further readings.

A separate supplement to the book — containing updates on Australian laws, rules and statutory or institutionally recognised processes governing arbitrators. There are also chapters on ‘Conflict management and dispute resolution’ and ‘Mediation and other ADR processes’.

Unlike many other arbitration texts, the Guide not only takes into account the broader ADR context, but also provides a useful and logical structure for both the novice arbitrator with limited legal knowledge and the practitioner seeking a reference on a particular point.

The 6th National Mediation Conference will be held in Canberra from 18 to 20 September 2002 at the National Convention Centre. The biennial National Mediation Conference has an excellent reputation and pedigree. Previous conferences have drawn up to 500 participants from throughout Australia and overseas. The Conference committee is confident that the Canberra 2002 conference will attract the same high level of interest.

The Conference Committee consists of practitioners and academics from a range of institutions and organisations working in a co-operative framework.

Over the last decade an increasing range of new and innovative processes for dispute management has been available. Recent amendments to legislation have recognised the value of mediation and other primary dispute resolution processes within courts and tribunals. This has happened not only in the legal arena, but also in such disparate areas as the commercial, community and family, cultural, organisational, environmental and global peacekeeping spheres.

Dispute resolution practices, and at their core the mediation process, continue to have a major impact on the way in which individuals, organisations, communities and governments perceive and manage disputes.

The new millennium has brought with it unforeseen changes and challenges to those who work in the field of dispute management. Given the growth and increasing use of these processes, this conference will address the vital needs of practitioners to gain a depth of understanding in emerging areas of dispute management.

This Conference will provide a stimulating forum for participants to explore a new range of diverse opportunities and challenges for the practice of dispute management in the 21st century.

Conference themes
- Business of ADR
- Commercial and organisational dispute management
- Community issues
- Family relations
- Where theory meets practice
- Cultural diversity
arbitration and other forms of ADR — will be published annually.

In terms of its usefulness as a reference guide and text for its specific target market of students undertaking the National Professional Certificate in Arbitration and Mediation in Australia, the Guide is excellent. In addition, however, it also provides a very user friendly, readable and comprehensive collection of essays for all arbitrators wanting to update their knowledge in the context of the broader ADR movement, and for all mediators wanting to increase their knowledge (and perhaps eventually practice) in determinative ADR processes such as arbitration.

The Guide is a joint publication of the Law School of The University of Adelaide and the Institute of Arbitrators and Mediators Australia.

Nadja Alexander, Associate Professor, the Faculty of Law, University of Queensland. She can be contacted at n.alexander@mailbox.uq.edu.au.

This Intelligence Report collects the papers presented at the Fourth International Tax Conference on Tax Administration held by ATAX. This conference was successful in bringing together participants from around the world who have pooled their knowledge and experience to contribute to a better understanding of the common problems and provide the opportunity to discuss new approaches to the problems within administration.

The contributors to this publication present an appropriate balance of legal and financial expertise from both Australia and overseas, thus providing an opportunity to assess the methodologies and progress in various regions and countries as they currently operate within their respective environments and economies. The text is often accompanied by a range of charts, tables and graphs to facilitate and reinforce the presentation.

As Sir Anthony Mason states in the preface:

... the topics discussed range over many of the major taxation issues which confront governments, revenue authorities and practitioners in the new era of globalisation.

These issues include such contemporary matters as the impact of globalisation itself and of the new technologies on tax administration, the integration of tax and benefit systems, compliance problems and the new Australian tax measures of GST and PAYE.

To purchase or inquire about Tax Administration in the 21st century please contact Customer Relations on 1800 772 772 or by email to: customer.relations@lexisnexis.com.au

This newsletter is intended to keep readers abreast of current developments in alternative dispute resolution. It is not, however, to be used or relied upon as a substitute for professional advice. Before acting on any matter in the area, readers should discuss matters with their own professional advisers.

This publication is copyright. Other than for purposes and subject to the conditions prescribed under the Copyright Act, no part of it may in any form or by any means (electronic, mechanical, microcopying, photocopying, recording or otherwise) be reproduced, stored in a retrieval system or transmitted without prior written permission. Inquiries should be addressed to the publishers.

ISSN 1440-4540
Printed in Australia
Print Post Approved PP 255003-03417
©2002 LexisNexis Butterworths
ABN: 70 001 002 357

ADR Bulletin
The monthly newsletter on dispute resolution