

ANNUAL MEETING:

The following is the text of the President's Report to members delivered at the 1982 Annual Meeting of Members by the President, Mr S. M. L. Guilfoyle.

On behalf of Council I have pleasure in submitting the report and accounts for the year ended 31st December 1981. The accounts show a surplus of income over expenditure of \$16,363, and the accumulation account of members stands at \$66,493 as at the 31st December 1981.

The Council has continued to maintain its strict control over expenditure during the period, notwithstanding the inflationary cost increases. This control has allowed Council to maintain the present level of membership fees. The level of expenditure has been lower than may be expected due to the substantial voluntary contributions made by members of Council and Chapter Committees. However, the increased number of enquiries for arbitrators and associated administration, together with additional costs to service an increasing membership, may cause Council, during the forthcoming year to seek additional professional assistance.

It should also be stated, in order to balance this view, that all, or nearly all of the major policy and administration papers have now been completed and implemented. The preparation of these documents and the numerous debates caused a significant proportion of time of Executive and Council to be devoted to these matters. Recently members will have received a copy of the "Policy on the Register of Practising Arbitrators", which includes "the Listing and Grading of Arbitrators and allocation to Panels."

I would like to acknowledge the substantial contribution made by Mr Charles Cullis-Hill and his Committee in the preparation of the numerous drafts of this document. It must have been frustrating to him on the many occasions when we referred the document back to him and his Committee for some fine tuning.

Also distributed this month was the second edition of the List of Arbitrators.

Membership

At 31st December 1981 there were 686 members, a net increase of 37 members since 31st March 1981, consisting of 4 Honorary Fellows, 296 Fellows, and 386 Associates.

Membership—Chapter:—	
New South Wales (including A.C.T. 22)	265
Victoria (including Tasmania 22)	193
Queensland	64
South Australia	55
Western Australia	61
Northern Territory	15
Overseas—New Zealand	16
—Other	17
Total	686

Administration of Institute

As the result of speaking with a number of members throughout Australia there still appears to be some confusion on the administration of the Institute. To a certain degree this is understandable as members come from a variety of professions and associations, each with its own method of administration. The Institute of Arbitrators is a company limited by guarantee, not having a share capital and registered in Canberra under the Australian Capital Territory Companies Ordinance 1962.

This being so its policies and administration by necessity must emanate from Council. We are not a Federation with State rights. Any function or activity carried out by any Chapter or Branch is done on behalf of the Council of the Institute. It is true many of these functions are delegated to Chapters, for example by the document "Chapter Rules" and also by direction of Council. Another example, it is essential that the gradings of arbitrators be on a National basis to ensure a common standard, particularly if a graded arbitrator moves from one State or Territory to another.

Council & Executive Meetings

Council met during June and November 1981 and during March and May 1982. The new arrangement of three Council meetings a year including one timed to coincide with the Annual General Meeting has been a success. This has necessitated the need for Executive to be more active, both individually and as a committee. Executive met formally during August 1981, March and May 1982. Council and Executive meetings were held in Sydney, due to the fact that it is the least expensive location to meet, given the composition of the membership of those meetings.

Education

The Institute has provided a range of programmes for members ranging from residential courses in elementary arbitration through to a Super Advanced Course. These courses have given the opportunity to members, who have an interest in commercial arbitration, and also to those persons who wish to prepare themselves for examinations as part of the process to be graded as an Arbitrator. The advanced courses allow more senior members, who were practising as arbitrators in their main professions to refine their technique and expand their knowledge.

The Education Committee conducted the second Institute examination on 17th May 1982, under normal examination conditions thus reversing the

previous policy of an "Open Book" examination. Chapters acting on behalf of Council's Education Committee have arranged venues and supervisors.

A further refinement in the policy of courses will be reflected in this year's series in that instead of three levels it will now be reduced to two levels—"Intermediate" and "Advanced" to be held at Sydney University during August and December respectively.

Perth Chapter conducted a successful educational and financial seminar with thirty persons in attendance.

A super advanced course was conducted during August 1981 in association with the Master Builders Association at Sydney University. Although the number of members attending from our Institute was disappointing, nevertheless the course was a success, not only for the persons who attended, but also for the Institute, as the opportunity was taken to establish a professional relationship with the former Chief Justice of the High Court and the Chief Judge of the Commercial List in the Supreme Court of New South Wales.

The Institute is indebted to the Education Committee and the Chapter Committees who have been involved in the preparation and conduct of these courses over a number of years.

Commercial Arbitration Bill

In 1974 the Standing Committee of Attorneys-General decided to consider the existing legislation and reports on commercial arbitration with a view to preparing a model Bill to form the basis of uniform legislation.

A Bill to make provision with respect to the Arbitration of certain disputes was introduced into the Legislative Council in Victoria, late last year, and allowed to lie over in the House to enable interested parties and persons to comment on its provisions. A similar Bill has been introduced into the New South Wales Parliament.

Ever since the Institute was formed in 1974 a substantial proportion of its time and energies has been appropriated to reviewing current arbitration legislation and recommending to the Legislators such improvement, from our experience, as was deemed necessary.

At the Council Meeting held in Melbourne last year, the Council met with the then Victorian Attorney General, The Hon Haddon Storey, Q.C., to discuss in some detail the various aspects of arbitration including the question of the Community Interest.

Currently a committee of Council has prepared a number of suggested amendments for consideration by the Attorneys-General. In order to ensure a common approach, Executive has requested Messrs J. B. Dorter and R. D. Fitch to present the Institute case to the Attorneys-General's Department in both Melbourne and Sydney.

On the evidence currently available it would appear that the Arbitration Bills tabled in Victoria and New South Wales will become Acts of Parliament during the 1982 Spring Sessions later this year.

Journal

During the year saw the introduction of the Institute Journal, the first of which was published in August 1981, and the second issue December 1981. As a policy Council decided that the Journal should be published three times a year, as soon as practicable after each Council Meeting. The next issue should be mailed to members within a month of this meeting.

It was decided to separate the responsibilities of the Publications
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Committee due to the workload involved, by transferring the responsibility for the publication of the Journal to a committee in Melbourne. The members of the Committee initially will be Messrs S. M. L. Guilfoyle, R. D. Fitch, F. Shelton, A. de Fina, R. Besford and the Editor, Mr H. C. Ambrose. Among the aims of the Journal would be—publication of material of a professional educational nature; a forum for members to express their views; letters to the editor. In each of these aims members must be involved to a significant degree. The success of the Journal may be in direct proportion to the effort and expertise of members' contributions. The Journal, which takes the place of the previously issued "President's Newsletter" will also contain decisions of Council; news about members and news from Chapters. There will be no commercial advertising in the Journal.

Visits by President

During my period in office, due to special circumstances, I have been able to visit and talk with members of each Chapter Committee, including Northern Territory, as well as regional areas in Hobart and Newcastle.

International visits to the Chartered Institute of Arbitrators, London, Arbitrators Institute of Canada (Montreal), American Arbitration Association in New York and San Francisco, enabled me to further consolidate our relationship with these kindred professional associations. Arrangements have been made for the Journals and other related information published by the Chartered Institute of Arbitrators, and the American Arbitration Association to be mailed to the Chief Administrative Officer, Canberra.

A highlight was the meeting in Bermuda, organised by United Kingdom, United States of America and Canadian Institutes, which concerned itself with international arbitration and education policies in each of the countries. One speaker succinctly summed up the position adequately. He said the four features of arbitration are speed, limitation of costs, a true result and acceptability.

Future

The aim of the Institute is to have included in every commercial contract an Arbitration Clause set out in the Institute's "Rules for the Conduct of Commercial Arbitration," as we believe that in this way the Institute can make a substantial contribution to the settlement of commercial disputes within the community expeditiously and with a minimum of cost.

Acknowledgements

On the international scene I wish to acknowledge the contribution made by, and friendships with the Director and Secretary of the Chartered Institute of Arbitrators, Mr B. W. Vigrass, O.B.E. and Mr Robert Coulson, President of the American Arbitration Association. During the past three years I have been able to maintain a useful communication enabling me to gain a wider knowledge and experience of administration of Arbitrators.

Mr John Keays, Councillor and former Vice President did not re-nominate this year. His experience on Council will be missed, as it was when he retired from Executive. We wish him well in the future.

I acknowledge the contributions made by Council and particularly members of the Executive, as it would be impossible to reach the satisfactory level, which currently exists, if it were not for this relatively

small number of persons who have given unstintingly of their time.

On behalf of the Council, I wish to express their and my appreciation to the Chief Administrative Officer, Mr Howard Grant and members of staff of the Australian Chamber of Commerce for dedicated service to the Institute.

Appreciation is also expressed to those members of Chapter Committees and Chapter Staff, who have contributed so much to the success of the Institute.

I move the adoption of the Statutory Report of Council to members, together with the accounts for the year ended 31st December 1981. ■

MEMBERSHIP:

The following have been admitted as Associates of the Institute:

John Makepeace BENNETT, University Professor, NSW
Martin Donald COOPER, Civil Engineer, Qld
Gordon Keith GAY, Building Consultant, Qld
Ashley Graham GIBSON, Builder, NSW
William Francis HAINES, Building Consultant & Designer, Vic.
Peter Maxwell HOOKS, Architect, Vic.
Daniel McKean HOWARD, Solicitor, NSW
Peter Franz Joseph HUBER, Builder, WA
Gordon Edward LECK, Quantity Surveyor, Qld
Sammy Hau Yan LEE, Auditor & Management Consultant, Hong Kong
Terence Lockyer LEE, Barrister, NSW
John Hendrick PIETERSEN, Building Consultant, WA
David Douglas POSTLE, Solicitor, SA
Laurence Arthur SOUTHION, Building Contractor, NSW

REGISTER OF PRACTISING ARBITRATORS:

The following members have been graded and admitted to the Register of Practising Arbitrators.

B. J. O'MARA, Builder, NSW
K. C. VAN DE WATER, Building Consultant, NSW
J. M. DUNN, Accountant, NSW
R. G. MAPSTONE, Builder, NSW
R. A. STEWART, Marine Surveyor, NSW
W. K. REEVE, Builder, Qld
J. A. FERRIS, Accountant, Vic
R. J. SICREE, Accountant, Vic
R. F. LEE, Engineer, Vic
W. G. MINSON, Engineer, Vic ■