

PRESIDENT'S MESSAGE



An organisation such as The Institute of Arbitrators Australia must exist for and to the benefit of its members collectively and individually.

It is not appropriate, to paraphrase the words of President Kennedy, for those persons charged with the conduct and administration of an Institute to respond to criticism or questioning by saying "Ask not what your Institute can do for you, but what you can do for your Institute", although this must, in part, be a desirable characteristic.

In advancing the cause of arbitration and alternative dispute resolution there is a much greater imperative.

The acceptance, standing, recognition and utilisation of these processes rests almost entirely on the capacity and ability of those persons carrying out the processes.

An objectively poor or unsatisfactory arbitral decision is used as a basis not only for criticism of the tribunal but also for the process itself.

This may be distinguished from the curial process where a judgment which is overturned on appeal or criticised in other circumstances does not give rise to challenge to the curial process itself.

This Institute has training programmes and quality control requirements, including continual re-assessment of capacity and ability with prospect of removal of recognition or imprimatur, which are not reflected as rigorously in any like arbitral institute around the world.

But that is not enough.

Members aspiring to increase their proficiency and ability as arbitrators or facilitators must be given the encouragement and facility to do so.

As important as formalised and structured courses of instruction may be to achieve this, there is a vast reservoir of knowledge and experience in our senior arbitrators and facilitators which must not be lost.

Practicalities of conducting "pupillage" in the traditional form, that is, an aspirant "sitting in" with a senior person, impose significant difficulties.

There are other means whereby transfer of knowledge can be achieved between members.

Leading involvement by senior facilitators in Institute educational activities is one, personal assistance as between individual members is another.

The future of the processes rests in these and like involvement by members.

**AA de Fina
President**