

EXAMINATIONS, EDUCATION AND TRAINING

SYLLABUS AND POLICY STATEMENT:

The following is the Syllabus and suggested Reading List relative to the Institute's examination conducted in connection with the grading and regrading of arbitrators referred to in the Institute's Policy Statement on the Registry of Practising Arbitrators including the Listing and Grading of Arbitrators.

SYLLABUS

- I. Procedures and practice;
- II. Principles; and
- III. Law,

all relating to commercial arbitration and, for example, in respect of the following subjects:-

1. elements of contract law, torts, and trade practices;
2. the arbitration agreement, notices of dispute and other references to arbitration;
3. staying court proceedings brought in the face of arbitration;
4. preliminary conferences and direction hearings;
5. pleadings;
6. evidence;
7. the hearing, Sec 27 and ADR;
8. determination of preliminary point of law by the court;
9. the award;
10. costs and fees;
11. setting aside the award and remission of the award; and
12. enforcement of the award.

SUGGESTED READING

Commercial Arbitration Act, together with any relevant legislation or rules, in your State or Territory;

Institute Practice Notes;

Selective papers from Institute courses and the Journal;

Dorter & Sharkey – Building and Construction Contracts in Australia Ch. 14; The Law Book Company Limited;

Commercial Arbitration in the Australian Construction Industry – Ronald Fitch, The Federation Press;

Mustill & Boyd – Commercial Arbitration 2nd Edition (Butterworths).

Russell on Arbitration; Ed. 20; Stevens & Sons Limited – The Law Book Company Limited;

Parris, Arbitration – Principles and Practice (1983) – Granada Publishing;
Jacobs – Commercial Arbitration Law & Practice.

NATIONAL COURSES

1. The emphasis is on the national aspect of the courses.
2. The general course is not by any means of the introductory level but rather of a standard high enough for those who do not quite qualify for the advanced course.
3. Accordingly Chapters are encouraged to conduct their own introductory courses, seminars etc.
4. The advanced course is sometimes under-estimated. Accordingly those seeking to register for it should first have attended a general course.
5. Being national courses, the general and advanced course have to be approved in advance as to both:-
 - (a) syllabus;
 - (b) proposed speakers,by the Council, Executive Committee or Education Committee.

NATIONAL EXAMINATIONS

Members are reminded that examinations are conducted once annually for the purpose of examining candidates seeking admission to the Institute's grading lists.

The date of the examination is the *third Monday of February* each year.

The examination is a "closed book" examination i.e. candidates may not take any notes or reference materials into the examination. Upon entering the examination room each candidate will be handed a "clean" copy of the local State/Territory Commercial Arbitration Act for use in the examination.

A pre-requisite for admission to the examination is the completion of both the Institute's General Residential Arbitration and Advanced Residential Arbitration courses.

A list of suggested reading is published by the Institute in each journal issue for the benefit of students.

Further information and past papers may be obtained from your local Chapter Secretariat or Chief Administrative Officer, the Institute of Arbitrators Australia, Level 1, 22 William Street, Melbourne, Vic. 3000. Tel: (03) 629 6799.