

National Training Of Arbitrators

- **Dr Clyde Croft, President, The Institute of Arbitrators and Mediators Australia.**

A new national course teaching the skills and techniques of arbitration will be offered thanks to a unique partnership between the Institute and the University of Adelaide.

The National Course, a "*Professional Certificate in Arbitration and Mediation*" will be the first of its kind in Australia offered simultaneously through participating universities in each capital city across Australia (except Darwin at this stage).

The demand for professional qualified arbitrators is on the increase and the Institute has had some difficulty in recent times responding to requests for professionals in specific areas with arbitration training.

This course will meet an important need in the market and assist the Institute in developing its panels in new areas lacking in trained arbitrators, including medical, information technology, family law, environment, property, management, finance and insurance. It will also assist the courts in providing arbitrators, special referees and referees from a broader range of professionals.

It is in the interest of any professional organisation to ensure that they have a pool of members who are trained in arbitration so that complex, technical disputes can be resolved without recourse to litigation in a timely and cost effective way.

The new national course will be open to anyone with an interest in arbitration. We expect it to attract people from a diverse range of professions and backgrounds as shown by the pilot General Course held in Adelaide in 1997.

The course will be conducted over two semesters with the General Course being held in the first semester each year and the Advanced Course held in the second semester. The academic learning materials for the semester courses are being designed by experts in the field with contributions from some of the most highly qualified legal professionals and practising arbitrators in Australia.

To facilitate the implementation of the courses the Institute signed a joint venture agreement with the University of Adelaide in March. Agreements have been made with local provider universities as follows:

- NSW: University of Technology Sydney (UTS)
- Victoria: Deakin University
- Queensland: Queensland University of Technology (QUT)
- South Australia: University of Adelaide
- Western Australia: University of Western Australia
- Tasmania: University of Tasmania
- ACT: Australian National University (ANU)

Deakin University is also one of the pre-eminent Australian universities in the field of distance education. This will greatly assist in the provision of course materials which will both lend themselves to more effective learning for those attending course lectures in the various capitals and also provide a basis for extending the courses to regional and remoter areas as demand increases.

Course materials will be delivered in advance of each semester series of lectures. Initially the materials will be a combination of text type materials (in distance education format) with audio tape lecture/explanatory material upon which the semester lectures and tutorials (in each capital) will be based. Full advantage is, and will be taken in the future, of advances in delivery of educational material through the internet. The course materials will also provide a valuable reference for those involved in any aspect of the arbitration (or reference or special reference) process.

Both the General and Advanced semester Courses have post graduate semester course standing in the participating universities. Fees have been fixed according to comparable university course fees at \$1600 per semester for members and \$1750 for non-members.

Under the course arrangements, the grading of arbitrators remains the sole responsibility of the Institute, as does the setting and maintenance of performance and ethical standards for arbitrators. In terms of grading the obtaining of the professional certificate on satisfactory completion of the practical and theoretical processes involved in the courses will replace the present national

grading examination. Otherwise the present grading, regrading and grading assessment system will remain. The course assessment process will involve written assignments and a number of practical exercises during each course followed by a written examination on completion of each course. The assessment process, which is very rigorous by university post graduate course standards, is directed to ensuring that both theoretical knowledge and practical skills are properly tested. The present master class system will remain though it too will be expanded to provide for better development and testing of theoretical knowledge and practical skills.

The establishing of these courses is a most exciting development for the Institute and its members. It will ensure that the Institute remains at the forefront of arbitration training, accreditation and grading in Australia. These courses will ensure that we meet the need to provide properly trained and accredited arbitrators in a broader range of disciplines. They will also ensure that the business, professional and general community and the courts retain and develop greater confidence in both our arbitrators and arbitration. These courses are also the important first step in establishing a range of related courses in mediation, expert determination and other dispute resolution processes.

Commencement

The newly developed national course, the “*Professional Certificate in Arbitration and Mediation*” will commence first semester 1999. The General course will be conducted during the first semester and the Advanced course during second semester. This arrangement will continue in subsequent years.

Initially, it had been hoped the General course would commence in July 1998. The prime consideration has always been the quality of these courses which involves securing eminent authorities in the various subject areas. Logistical problems with national university arrangements made it difficult to finalise commitments from these eminent authorities and to produce written and audio materials in time to commence the course this year. As we have been concerned not to compromise quality in any way, it has been decided that the commencement date should be deferred. It has also been decided that it is preferable to commence the General course in the first semester of each year. These arrangements will also give more time to potential course participants to arrange their own commitments for the forthcoming year. □

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