

Hon Adele Farina MLC
Chairman
Standing Committee on Uniform Legislation and Statutes Review
Legislative Council
Parliament House
PERTH WA 6000

Dear Chair.

Inquiry into Commercial Arbitration Bill 2011

I make this submission in response to the invitation to comment on the above Bill and in particular Clause 27D.

Under the current Arbitration Act, section 27 allowed for the arbitrator to act as a mediator. Many arbitrators as a matter of course under the current legislation do not contemplate the mixing of the two processes as they considered the risk of appeals regarding natural justice are high. The new provisions in part eliminate this risk.

Clause 27D is not a mandatory procedure and has enough safe guard provisions to protect the parties and the arbitrator.

The intent of the SCAG was to provide uniform legislation throughout Australia. Uniform legislation is desirable to give a consistent approach to commercial arbitration Australia wide which will reduce the costs to industry.

The terms of Clause 27 D should remain as adopted by the other States of Australia

Yours faithfully



Kim Doherty
Arbitrator
14 October 2011