

# President's Say

IAMA  
President's Report  
Council Meeting 24 July 2009

# **INSTITUTE OF ARBITRATORS & MEDIATORS AUSTRALIA**

## **COUNCIL MEETING 24 JULY 2009**

### **PRESIDENT'S REPORT**

#### **PRESIDENT'S SAY**

I have already distributed copy of my address at the dinner of the highly successful 2009 IAMA conference. I now attach my draft "President's Say" for the upcoming issue of *IAMA News*. I will welcome any suggestions for change or improvement.

#### **STAFF NEWS**

Members of Council will be glad to know that Gianna Totaro has returned to duties following bereavement leave on 8 July 2009. Discussions are under way about a new media initiative to promote IAMA and ADR. In it, Gianna will play a leading part.

I pay tribute to the IAMA staff and thank the CEO for all of his efforts. The national office staff in Melbourne and staff from Chapters played an essential role in the success of the 2009 conference. I also want to single out Khang Nguyen for his work in identifying the IAMA cash flow, under the supervision of the Treasurer and the CEO.

#### **CHARTERED INSTITUTE OF ARBITRATORS (AUST)**

On a couple of occasions I have recently met the President of the Chartered Institute, Mr. Derek Minus. He is very supportive of the idea of an overarching dialogue between Australia's many ADR organisations. He has given me (in confidence) letters sent by the Chartered Institute to the federal and NSW Attorneys-General concerning reform of federal and state legislation. He is writing a letter with a specific proposal for co-operation between IAMA and the Chartered Institute in supporting a

combined federal arbitration Act, providing appropriately for domestic and international arbitration regimes. The Council may wish to await his proposal. However, the idea of a federal Act was raised at the 2009 conference. Some of the opposition might be defused by the Chartered Institute's proposal that both the Federal Court and state courts should exercise jurisdiction under any such federal Act. There is a lot of politics in such an idea. The present federal government may not wish to pursue it. But I raise the issue in case Council believes it is an item that IAMA should pursue and support, on the compromise basis proposed by the Chartered Institute.

### **AUSTRALIAN CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION**

In accordance with a decision of the Executive, I was elected as IAMA's nominee to the Board of ACICA and attended the AGM and Board Meeting on 29 June 2009. There were no substantive matters of business that need to be reported. I express thanks to Robert Hunt for his decade of service on the ACICA Board. In accordance with the Executive's resolution, Robert Hunt was accepted as my alternate for the ACICA Board, and agreed to continue service in this role. I will have to ask him to participate in the November meeting of the Board on Tuesday 10 November 2009 at 4.30pm, as I will be in Hanoi on that day.

### **ADJUDICATE TODAY**

I had lunch in Sydney on 6 July 2009 with Mr. Bob Gausson, Chair of Adjudicate Today. He is considering seeking corporate membership for that body whose members perform a significant number of adjudications. He has written to IAMA about the terms of such an association. His letter will be distributed. I give notice of this suggestion so that it might be considered by the Council, if it wishes to do so at this stage, as a matter of principle.

## **MEDIATION TRAINING**

I will myself be undertaking IAMA training mediation in the course beginning 19 August 2009. I thought it appropriate, as President of IAMA, that I should do so. The willingness of ex judges to undertake the IAMA course has varied. However, I welcome the fact that the Hon. Keith Mason AC and the Hon. Roger Gyles AO have undertaken the course. The course on 19 August will be opened by the Hon. Sir Laurence Street AC KCMG who has been a mentor and teacher of many, including me.

## **THANKS**

I express thanks for the support of members of the Executive; the leadership role of Tony Grieve, the exceptional work of the Treasurer, Andrew Robertson, in providing advice on the cash flow and renewal of the DRC lease and indeed of all Executive and Council members.

Dated 9 July 2009.

A handwritten signature in black ink, appearing to read 'Michael Kirby', written in a cursive style.

MICHAEL KIRBY  
President of IAMA