



Presidential Appointment of an Arbitrator

Arbitration is a formal way of resolving a dispute in which the opposing parties present their case to an independent third person, the arbitrator. After hearing the opposing cases and evidence, the arbitrator then makes a determination.

Requests for the Presidential appointment of an arbitrator usually involve disputes arising from the Contract for the sale and purchase of land. Clause 7.2.3 of the Contract for the sale and purchase of land provides:

“7.2.3 the claims must be finalised by an arbitrator appointed by the parties or, if an appointment is not made within 1 month of completion, by an arbitrator appointed by the President of the Law Society at the request of a party (in the latter case the parties are bound by the terms of the Conveyancing Arbitration Rules approved by the Law Society as at the date of the appointment.”

How it Works

Arbitration is also used in a number of other areas, including:

- Areas of law where the Government has legislated that disputes are to be or may be resolved by arbitration, for example, workers compensation claims and industrial disputes;
- Commercial and contractual disputes where the contract or agreement specifies that arbitration be used to resolve any dispute arising under the contract or agreement; and
- Commercial disputes of a domestic or international nature whereby, notwithstanding the absence of a prior obligation, the parties can agree to have their dispute arbitrated in circumstances where, unlike a Court, there will be no Appeal.

Arbitrators are selected from the current Local Court Arbitrators Panel and appointed when no conflicts of interest exist.

Under the relevant contract or agreement, the President's role is simply to appoint a suitably qualified arbitrator. The arbitrations undertaken by the appointed arbitrators are not matters over which The Law Society of New South Wales has any level of involvement.



THE LAW SOCIETY
OF NEW SOUTH WALES

How Much Does it Cost?

The party requesting the appointment must pay a non-refundable administration fee of \$330.00 (including GST). If both parties agree to the nomination, the administration fee may be shared equally between them.

The appointed arbitrator then sets his or her own fees and invoices the parties directly.