

Editor's commentary

by GRANT HOLLEY

As we approach the year 2000, the continuing globalisation of the world's economies, the needs of the commercial communities in our region and the desirability of achieving best practice in dispute resolution domestically, suggest the importance of keeping up to date with trends in international arbitration, in dispute resolution thought and, of course, with current case law.

This issue of *the arbitrator* has a contribution to make in each of these areas. David Bailey takes a look at how the UNCITRAL Model Law, the New York Convention and the various steps taken by the international commercial community to create an environment for arbitration are working in his article 'Some current issues in international commercial arbitration. Does APEC have a role?'

Who of us, as arbitrators, has not been tempted, on occasions, to wish for the power to call witnesses of our own motion in an arbitration? Adrian Baron argues that the law is not settled in relation to the power of a person acting judicially to call witnesses, and shows how this question is inextricably linked with the purpose of our traditional common law adversarial system of dispute resolution.

There are case notes in relation to:

- *Vansdorf Pty Ltd v. Fletcher Construction Australia Pty Ltd* (unreported, No. 8125/1998, Mandie J. Victorian Supreme Court), a decision concerning consolidation under s.26 of the *Commercial Arbitration Act 1984* (Vic.); and
- *Badge Constructions Pty Ltd v. Penbury Coast Pty Ltd* and *Minister for Industrial Affairs v. Civil Tech Pty Ltd*, both decisions of DeBelle J. of the South Australian Supreme Court dealing with the question of an appeal from an arbitrator's award.

There is also an article by Victor Tse and David Bailey discussing the recent decision of the Victorian Court of Appeal in the case of *Gascor v. Ellicott* concerning the standard of impartiality and disclosure for arbitrators.

I trust that you will benefit from reading this issue of *the arbitrator*. As always, my thanks go to all those who have contributed to this issue.



Grant Holley, Editor