

INSTITUTE of
ARBITRATORS & MEDIATORS
AUSTRALIA

Your ref:

Conflict Management Expertise

10 April 2002

Mr A Smith
Seal Cove Guest House
RMB 4409
Cape Bridgewater
Portland Vic 3305

POSTED
10/4/02

Dear Mr Smith

Re - Complaint against [redacted] Arbitrator

I refer to my letter of 30 January 2002.

[redacted] has written to me expressing uncertainty as to whether he was a member of the Institute of Arbitrators Australia at the time of the arbitration. Although our records indicate that he was a member, he was not at the time a graded arbitrator within the Institute, and was not included on the Register of Practising Arbitrators until well after he delivered the award in your matter on 11 May 1995.

This makes no difference to his ability and power to arbitrate your dispute, but it may be that such jurisdiction as the Institute has in relation to its members is not appropriately exercised in the present circumstances.

Nevertheless I did consider the various issues raised by you in your correspondence, and make the following points:-

1. At no stage have you properly articulated your complaints as requested in my letter of 30 January 2002.
2. In relation to the various complaints and criticisms which you have articulated, to the extent that I understand them, they confuse disciplinary procedures with the rights of a party on appeal in arbitration. I pointed this distinction out on page 1 of my letter of 30 January 2002.
3. I did not form the view that the conclusions which you had drawn from a variety of documents and other circumstances were either the correct conclusions, or indicative of corrupt conduct on the part of

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DISPUTE RESOLUTION DESIGN

4. You appear not to understand that when [redacted] acts as an arbitrator he was not a person acting on your behalf. As his award discloses you were awarded a substantial amount of money by [redacted] in the arbitration.

I note that your most recent actions have involved making a complaint to the police, alleging fraud - at least on the part of Telstra - and I do not propose to conduct any further enquiry in relation to the matter if you are pursuing police action. I do not say this to dissuade you from taking that action if you wish. That is a matter for you.

I have returned your papers to Mr Peter Condliffe, the Chief Executive Officer of the Institute of Arbitrators and Mediators Australia. Will you kindly contact him to make arrangements to collect them?

Yours faithfully



Ian Nosworthy
Senior Vice President
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