

Arbitration prime source

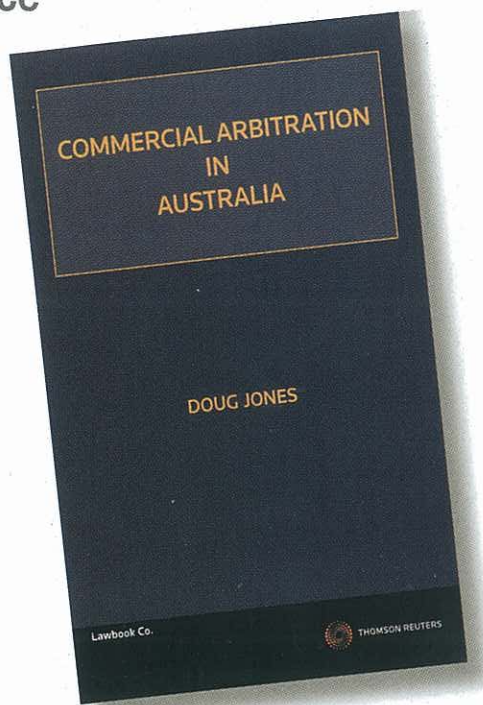
Commercial Arbitration in Australia
by Doug Jones, Thomson Reuters,
Sydney, 2011, 626pp, \$150.
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By JAMES N. CREER, *Chartered Arbitrator*

PROFESSOR DOUG JONES' *COMMERCIAL Arbitration in Australia* will prove to be the major source to which the arbitral profession, the legal profession and law students will turn as the prime source of Australian domestic commercial arbitration law and commentary when dealing with arbitral problems and practice.

NSW enacted the *Commercial Arbitration Act 2010* (CAA) to replace the uniform *Commercial Arbitration Act 1984*. The CAA is substantially based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration 1985 with amendments adopted in 2006. The author has been at pains to explain and assess the prospective operation of the CAA and its impact on the existing jurisprudence of domestic commercial arbitration in Australia.

The other states and territories have agreed to enact legislation in the near future to ensure Australia has uniform domestic arbitration law concurrent in



most respects with the UNCITRAL Model Law and the provisions of the *International Arbitration Act 1974* (Cth) (IAA). The author has concisely emphasised the importance of the uniformity between the application of the CAA and

application of the IAA which supports consistency not only between the Acts but with the vast body of international jurisprudence relating to the Model Law.

Jones has taken care to explain where the provisions of the CAA differ from the Model Law. He achieves this in part by detailing the experience of other countries which have enacted the Model Law in respect of domestic arbitration, such as New Zealand and Singapore.

The publication provides a comprehensive analysis of the statutory provisions, case law and practice of domestic commercial arbitration. It is placed in its historical context, which will assist in its future interpretation and in determining the applicability of prior case law.

A particular strength of the book is the manner in which the author has dealt with the CAA sections. His commentary assesses the prospective operation of each section and its impact on the existing jurisprudence of domestic commercial arbitration in Australia.

Overall, the reader is provided with an in-depth explanation of the relevant worldwide case law as it has been influenced by the UNCITRAL Model Law, and Australian jurisprudence on arbitration law and practice. □