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# Parliamentary Counsel's Committee - Draft d04

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Clause 1            Commercial Arbitration Amendment Model Provision 2011

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**1    Name of Model Provision**

This Model Provision is the *Commercial Arbitration Bill Amendment Model Provision 2011*.

**2    Amendment of Commercial Arbitration Bill 2010**

Omit clause 27D (4).

Insert instead:

- (4) An arbitrator who has acted as mediator in mediation proceedings that are terminated may not conduct subsequent arbitration proceedings in relation to the dispute unless the written consent of all the parties to the arbitration is given no later than 7 days after the termination of the mediation proceedings (or within such other period as is agreed by the parties before the end of that 7 day period).

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**DRAFTING NOTE 2.1** NSW and any other jurisdiction in which an Act based on the model Commercial Arbitration Bill 2010 is in force that is amended to include this Model Provision may need to include an appropriate savings provision so that the new requirement does not extend to mediation proceedings commenced before the amendment takes effect.

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