

Transitional Expert Determiners Policy



1. Introduction

- 1.1 This policy commences on 1 January 2021. It provides for the setting up of the Initial Register of Practising Expert Determiners (**the Initial Register**). At the conclusion of the process set out below, this Policy will cease. This Policy must be read with the Policy for the Registration of Practising Expert Determiners.
- 1.2 For the purpose of establishing the Initial Register, section 5 of the Policy for the Registration of Practising Expert Determiners (Assessment Panels) will not apply.

2. Initial Register of Practising Expert Determiners

- 2.1 On and from 1 January 2021 the Resolution Institute will invite all current members who consider they have appropriate qualifications and experience to apply to be included on the Register of Practising Expert Determiners under this Policy (**the invitation**). The invitation will be sent to all Members of Resolution Institute and separate and distinct invitation sent to all grade 1 and 2 arbitrators. The invitation will set out the details contained in sections 2.2 to 2.7 below, make clear that this Policy will only apply for a limited period and thereafter applications will need to be made under the Policy for the Registration of Practising Expert Determiners.
- 2.2 A person will not be eligible for inclusion on the Initial Register unless the applicant can demonstrate that he or she has been engaged as expert determiner or arbitrator in at least 4 expert determinations or arbitrations and issued at least 2 final expert determinations.
- 2.3 Any member seeking inclusion in the Initial Register must:
 - (a) apply in writing to the CEO of Resolution Institute in the prescribed form prior to Friday 19 February 2021,
 - (b) pay the non-refundable application fee of \$300,
 - (c) provide details of qualifications and experience in the applicant's profession or calling,
 - (d) provide precise details of experience in conducting expert determinations including the provision of at least 2 written expert determinations together with all procedural orders made leading to those determinations;
 - (e) provide precise details of experience in conducting any other determinative process;
 - (f) provide details of all training relevant to expert determination and/or any other determinative process; and
 - (g) satisfy the Board on the advice of the Determinative Committee that:
 - (i) he or she has the academic knowledge and experience, personal qualities and skills appropriate for an expert determiner, and
 - (ii) the requirement to complete an expert determination course under section 6 of the Policy for the Registration of Practising Expert Determiners can be waived.
- 2.4 Each application for inclusion on the Initial Register will be determined by the Resolution Institute Board

(the Board) acting on a report and recommendation of **the Determinative Committee**.

- 2.5 The Determinative Committee shall assess each application having regard to the applicant's:
- (a) prior experience as an Expert Determiner;
 - (b) Quality of the Determinations submitted;
 - (c) Quality of the Determination process reflected in the procedural orders and reasoning explaining the determination;
 - (d) prior experience as an arbitrator, judicial officer or adjudicator; and
 - (e) have regard to the Assessment Criteria listed in section 3.2 of the Policy for the Registration of Practising Expert Determiners.

- 2.6 Upon the submission of a report and recommendation of the Determinative Committee in relation to an applicant this Policy ceases to have any further operation or effect in relation to that applicant.

[Note: Thereafter the process is provided for by the Expert Determiners Policy. For the avoidance of doubt, this Policy will have effect only for the creation of the first Register of Expert Determiners and will have no application thereafter.]

3. Approval and Review Details

Approval and Review	Details
Approval Authority	Board
Committee to Endorse	Resolution Institute Determinative Committee
Responsible Person	Training & Accreditations Manager
Original Approval Date	10 November 2020
Scheduled Review Date	10 November 2022
Version	FINAL v1