The Assessment Officer was no doubt correct in following Justice Hockin's direction that the errors made by the arbitrator were "a denial of natural justice" and in excess of his jurisdiction. However, I do not find anywhere on the Officer's report that he found these errors amount to negligence. Nor is there any mention in Justice Hockin's endorsement of negligence. In fact Justice Hockin stated that the arbitrator prepared "lengthy, well organized reasons" and that "Mr. Mitchell, who, but for these two matters, acted fairly and capably".

Referring Principles:

XIII.2.7 - Immunity of arbitrator