



**Facing the Present and Predicting the
Future -
Issues in International Arbitration in
Australia**

15 August 2011

Roundtable - Developments in International Arbitration in Australia

Matters covered:

- Update on international arbitration in Australia
- Overview of statutory reforms (Ben Allen, *Norton Rose*)
- Enforcement of foreign arbitral awards in Australia (Daisey Mallett, *Mallesons Stephen Jaques*)
- Where does Australia stand and what needs to be done to become a seat in the region (Alex Baykitch, *Holman Fenwick Willan*)

When and how do we use international arbitration?

- International arbitration as a preferred method for resolving cross-border disputes
- Legislative framework
 - New York Convention
 - IA Act as amended by the International Arbitration Amendment Act 2010

Overview of statutory reforms

- Section 21 – the Model Law
- Overview of the key changes to the IA Act
 - Insertion of section 2D and new 39 – the overarching objects of the Act and Court's role
 - Amending section 3 – clarifies an arbitration agreement is in writing
 - Amending section 8 – recognition and enforcement of foreign arbitral awards

Recent impacts of reforms

- Developments in Australia from amendments
 - Push for minimal intervention and review by court in enforcement proceedings – *Altain Khuder LLC v IMC Mining Inc* [2011] VSC 1
 - Indemnity costs may now be awarded – *Altain Khuder LLC v IMC Mining Inc* (No 2) [2011] VSC 12 per Croft J
 - Even poorly drafted arbitration agreements can still be enforceable – *Uganda Telecom Ltd v Hi-Tech Telecom Pty Ltd* [2011] FCA 131

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The logo features a stylized, upward-pointing chevron shape in a muted brown color, positioned above the letter 'N' of the word 'NORTON'.

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