



Law Council  
OF AUSTRALIA  
*Business Law Section*



*International*

# ARBITRATION CONFERENCE

13 NOVEMBER 2014

"BURNING ISSUES IN INTERNATIONAL ARBITRATION - AN ASIA-PACIFIC PERSPECTIVE"

Supporting organisations:



## PROGRAMME: THURSDAY 13 NOVEMBER 2014

**9.00 am – 9.15 am**

### **Conference Opening**

The Hon Tom Bathurst AC Chief Justice of New South Wales

#### **Preamble:**

This conference is intended to provide an in depth analysis of some of the key, controversial, issues in international arbitration with a particular emphasis on Asia Pacific needs and culture.

**9.15 am – 10.30 am**

### **Session 1 – Procedure**

Sae Youn Kim (Yulchon, Seoul Korea), Elliott Geisinger (Schellenberg Wittmer, Switzerland), Vinayak Pradhan (SKRINE, Kuala Lumpur Malaysia), Christopher Tahbaz (Deveboise & Plimpton LLP, Hong Kong)

#### **Chairs:**

Professor Doug Jones AO (Partner, Clayton Utz, Sydney) and Jim Delkousis (DLA Piper, Melbourne)

Are "best practices" an excuse for avoiding reform? What about "best practices" for:

- (a) exchanges of case;
- (b) disclosure;
- (c) factual and expert evidence?

**10.30 am – 11 am**

### **Morning Tea**

**11.00 am – 12.15 pm**

### **Session 2 - Interim relief - effectiveness and enforceability**

David Williams QC (Bankside Chambers, Auckland NZ), John Savage (King & Spalding, Singapore), Malcolm Holmes QC (Eleven Wentworth Chambers, Sydney)

#### **Chairs:**

David Fairlie (ACICA, Sydney) and Andrea Martignoni (Allens, Sydney)

The debate on interim relief has been overtaken by the debate on emergency arbitrators. Has interim relief proved ineffective? Are interim relief orders enforceable? What about interim relief in:

- (a) regional arbitration laws;
- (b) the rules of arbitral institutions;
- (c) the inter-relationship between court and arbitrator ordered interim relief?

**12.15 pm – 1.15 pm**

### **Lunch**



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**1.15 pm – 2.30 pm**

### **Session 3 – Training and education of arbitration practitioners and arbitrators**

Prof Gabriel Moëns (Curtin University, Perth), Prof Janet Walker (Osgoode Hall Law School, Toronto Canada), Barry Leon (Perley-Robertson, Hill & McDougall, Ottawa, Canada)

#### **Chairs:**

Ian Nosworthy (Cowell Clarke, Adelaide) and Tim Grave (Clifford Chance, Sydney)

What relationship should there be between education, training, and accreditation in.

- (a) tertiary institutions;
- (b) arbitral institutions;
- (c) the CIArb?

**2.30 pm – 3.45 pm**

### **Session 4 – Alternative dispute resolution arbitration - Is arb-med an option in the region?**

Chen Fuyong, (Beijing Arbitration Commission) Justice Dr Clyde Croft (Supreme Court of Victoria, Melbourne), Kap-You (Kevin) Kim (Bae, Kim & Lee LLC, Seoul), Ruth Stackpool-Moore (Hong Kong International Arbitration Centre, Hong Kong)

#### **Chairs:**

Alex Baykitch (King & Wood Mallesons, Sydney) and Angela Bowne SC (Blackstone Chambers, Sydney)

Should mediation be a separate process? What about:

- (a) arb med and institutional rules;
- (b) short of full scale arb med, what are the options for a pro-active tribunal;
- (c) regional developments in mediation?

**3.45 pm – 5 pm**

### **Session 5 – Investor state dispute resolution – the looking glass view**

Prof Chester Brown (University of Sydney, Sydney), Justin Gleeson SC (Solicitor-General, Canberra), Fiona Poon (Permanent Court of Arbitration, The Hague Netherlands)

#### **Chairs:**

Khory McCormick (Minter Ellison, Brisbane) and Damian Honey (Holman Fenwick Willan, London UK)

- (a) where will it be in 10 years?
- (b) what are the immediate challenges for countries in the region?

**6.00 pm – 7.30 pm**

### **Cocktail Function**

Clayton Utz, Level 15 Bligh Street, Sydney



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## REGISTRATION FORM

**THURSDAY 13 NOVEMBER 2014, SHERATON ON THE PARK, SYDNEY**

**Personal details** – Please attach a business card or write in block letters.)

Title  First name  Surname

Firm/Organisation/Company

Address:

Tel  Fax

Email

Name as you wish it to appear on your name tag (if different from above)

Special dietary requirements:

### Registration fees

	Early-bird fee (paid on or before 30th September 2014)	Regular fee (paid after 30th September 2014)
ACICA/BLS member	\$AU 900	\$AU 1050
Non-Members	\$AU 1050	\$AU 1200

### Payment details:

- My Cheque/ Bank draft is enclosed, made payable to the Business Law Section
- Transfer to BLS bank account
- Please debit \$  my credit card
- Visa Card  Master Card

Card Number:

Expiry Date

Name:

Signature:

**Please return completed form to Carol O'Sullivan**

Business Law Section – Law Council of Australia  
C/o 3/31 Hi Tech Drive, Kunda Park QLD 4556 Australia  
Ph +617 5450 1127 Fax +612 6248 0639  
Email: carol.osullivan@lawcouncil.asn.au



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## INFORMATION

**Date:** 13 November 2014

**Venue:** Sheraton on the Park, 161 Elizabeth Street,  
Sydney NSW 2000 Australia  
Ph +612 9286 6000  
Fax +612 9286 6686  
e-mail: [sheratononthepark@sheraton.com](mailto:sheratononthepark@sheraton.com)

### Language

All working sessions and conference material will be in English

### How to register

Please complete the attached registration form and return it to Carol O'Sullivan, Business Law Section, Law Council of Australia, C/o 3, 31 Hi Tech Drive, Kunda Park, QLD 4556 Australia or via email: [carol.osullivan@lawcouncil.asn.au](mailto:carol.osullivan@lawcouncil.asn.au)

### Fees

#### Registration received before 30th September 2014

ACICA/BLS member	\$900 (AUD)
Non member	\$1050 (AUD)

#### Registration received after 30th September 2014

ACICA/BLS member	\$1050 (AUD)
Non member	\$1200 (AUD)

**Full payment must be received in order to process your registration.**

### Fees include

- attendance at all workshop sessions
- conference materials, including any available speaker papers submitted to BLS by 3rd November 2014.
- Lunch, morning and afternoon tea
- Invitation to the Cocktail party

**Please note that registrations are not transferable.**

### Promotional literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the conference unless by prior arrangement with the ACICA and the BLS.

### List of participants

In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by Carol O'Sullivan by 3rd November 2014.

### Payment of registration fees

Cheques made payable to Business Law Section  
Card payments: by MasterCard and Visa  
Bank transfer to the Business Law Section, Law Council of Australia. Account number: 994 292 Westpac Bank (sort code 032 727) Alinga Street, Canberra, ACT Australia

**Please ensure a copy of the bank transfer is emailed to [carol.osullivan@lawcouncil.asn.au](mailto:carol.osullivan@lawcouncil.asn.au)**

### Cancellation of registration

If cancellation is received in writing to Carol O'Sullivan at the Law Council of Australia by 13th October 2014, then fees will be refunded less a 25% administration charge. We regret no refunds can be made after this date.

### Travel arrangement and Visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local Embassy or Consulate.

**We are unable to send out letters supporting visa applications to Embassies prior to receipt of your registration and full payment of registration fees.**

Please apply for your visa in good time.

### Hotel Accommodation

Accommodation is available at Sheraton on the Park, Sydney. Please quote Law Council of Australia when booking.

### Reservations

Please phone the hotel's reservation department on +612 9286 6462 or email: [sheratononthepark@sheraton.com](mailto:sheratononthepark@sheraton.com)  
To receive a discount of 10% on the 'Best Available Flexible Rate' please quote the Law Council of Australia Arbitration Conference 13 November 2014.  
The hotel requires a credit card number to secure your reservation.

### Cancellations

Cancellations can be made up until 6pm on the day of check-in without charge. No shows will be charged the first night's accommodation. For the flexible rate, cancellation should be made 24 hours prior to the arrival date to avoid cancellation fees.

### Disabled access

The Sheraton on the Park is wheelchair accessible. Please notify us if you require special assistance.

The organisation may at anytime, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced final and conclusive).



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The Australian Centre for International Commercial Arbitration (ACICA) is Australia's leading arbitral institution. Established in 1985 as a not-for-profit public company, its membership includes world leading practitioners and academics expert in the field of international and domestic commercial arbitration and all forms of dispute resolution.

A major partner of Australia's premier hearing facility, the Australian International Disputes Centre ([www.disputescentre.com.au](http://www.disputescentre.com.au)), ACICA is a signatory to co-operation agreements with over 50 global arbitral bodies including the Permanent Court of Arbitration at The Hague and is represented on the global arbitral body, International Federation of Commercial Arbitration Institutions.

On 2 March 2011, the Australian Government confirmed ACICA as the sole default appointing authority competent to perform the arbitrator appointment functions under the amended International Arbitration Act 1974 (Cth).

**[www.acica.org.au](http://www.acica.org.au)**



The Business Law Section was established within the Law Council of Australia in 1980. It provides a forum through which lawyers and other interested in the laws, practices and procedures affecting business, finance and other commercial activities throughout Australia can enhance their professional skills. It also enables them to develop contacts and work with governments and other international institutions for the reform of laws affecting the interests of Australia Business.

**[www.lawcouncil.asn.au/BLS](http://www.lawcouncil.asn.au/BLS)**

[www.lawcouncil.asn.au/lawcouncil/index.php/privacy-policy](http://www.lawcouncil.asn.au/lawcouncil/index.php/privacy-policy)