

Arbitration is on the rise in Australia

Key trends

 **223**
active arbitrations

with an Australian connection* in a 3 year period** with an estimated combined value in dispute of

 **over \$35 billion**

While the survey recorded a roughly equal case load of 'domestic' and 'international' arbitration, international arbitration accounts for 75% of the total value in dispute.

Diversity



Regrettably, the survey identified that more

than **90%** of tribunal members appointed to arbitrations with an Australian connection are male, and overwhelmingly of Australian or English nationality.

This puts arbitrator diversity in Australia firmly behind with efforts globally to improve diversity. HSF encourages the broader arbitration community in Australia to take proactive steps to address this issue.



Arbitration is now firmly established as a dispute resolution mechanism of choice in the construction and engineering sectors (for both domestic and international disputes).

Arbitration (particularly international arbitration) is also prominent also in the oil and gas, mining and other energy related sectors.

The future of arbitration



Users of arbitration in Australia feel the "efficiency advantages of arbitration are often unrealised" and the "the full potential of arbitration remains untapped"

Some users remain concerned about a tendency, in domestic arbitration in particular, to adopt procedures that reflect court litigation and miss the opportunity to take full advantage of the flexibility of the arbitral process.

* an 'Australian connection' means one or more of the parties involved in the arbitration was an Australian entity, the 'seat' of the arbitration was in Australia or there were participants based in Australia involved in the conduct of the arbitration.
** as found by the 2020 Australian Arbitration Report based on survey responses for the period from 2016 to 2019.



SIAC arbitration in Singapore remains the most common forum for active arbitration matters with an Australian connection.

The survey also identified a shift towards the use of ACICA arbitration clauses in international and domestic transaction documents. It will be interesting to follow whether this translates into a greater proportion of Australian seated, ACICA arbitrations in the future.

HSF's fully integrated global arbitration practice



Our Australian-based International Arbitration practice is fully integrated into our global arbitration practice and advises not only on Australia-related arbitrations, but also on international arbitrations across the globe.



40+ partners and
200+ total qualified lawyers around the globe*



Of those in HSF's international arbitration group who are currently sitting as arbitrator, **54.56%** are women, while

US\$98.64 billion



value of the claims and counterclaims in our portfolio*

26.3% of all of HSF's arbitrator appointments made globally were women, including party appointments, sole arbitrator appointments (by agreement of the parties) and chair appointments (by agreement of the parties).



Our recent arbitration experience covers over **100** countries



29% of HSF's 52 arbitration partners are female

*For the period 2018-2020