

## Chapter 6

# ICC Arbitration and Australia

*Simon Greenberg\**

### I Introduction

Australian companies have been using the Rules of Arbitration (Rules<sup>1</sup>) of the International Court of Arbitration (Court) of the International Chamber of Commerce (ICC) since its infant years. The Court's first case involving a party from Australia was commenced back in 1929, only six years after the establishment of the Court in 1923. The case involved a French company as claimant and a Sydney-based furniture company as respondent. Aside from companies appearing as users of ICC arbitration, Australian arbitrators have earned a solid reputation at the Court for their neutrality, efficiency and professionalism and are regularly appointed even for arbitrations with no connection to Australian parties, Australian law or the Australian territory. A discussion of international arbitration in Australia would therefore be incomplete without addressing ICC arbitration.

This chapter describes the Court's experience with Australia and Australia's experience with the Court, with a focus on the features of ICC arbitration and a preview of the forthcoming revisions to the Rules.

### II Background to the Court and its Role in Australia

The Court is one of the world's largest and best known international arbitral institutions. By the end of July 2010, the Court had received almost 17,300 arbitration cases since 1923.<sup>2</sup> In 2009, that caseload included 817 new requests for arbitration involving 2095 parties from 128 different countries. Also in

---

\* Any views expressed in this article are the author's only, and not necessarily those of the ICC International Court of Arbitration or its Secretariat. Nothing in this article binds the Court or Secretariat.

1 The Rules are available at <[www.iccwbo.org/court/arbitration/id4199/index.html](http://www.iccwbo.org/court/arbitration/id4199/index.html)> accessed 21 July 2010.

2 ICC arbitration statistics can be found in the annual statistical report on ICC dispute resolution services. See for example '2009 Statistical Report' (2010) 21(1) *ICC International Court of Arbitration Bulletin* 5. Many of the statistics referred to in this chapter have been published in such statistical reports, or will appear in future editions. The reports are also available online in the ICC Dispute Resolution Library at <[www.iccdri.com](http://www.iccdri.com)> accessed 21 July 2010.

This is a preview. Not all pages are shown.