

INVITATION

Best Practice International Arbitration in Australia: an Australian view on current issues affecting the arbitral mandate

In theory the arbitral mandate is easily defined. It is conferred by the parties' arbitration agreement and terminates with the delivery of the final award. The arbitrator is then said to be *functus officio*. But in practice, things are often more complicated.

In this seminar, panellists will address significant practical issues liable to arise in connection with the arbitral mandate including:

1. What is the effect on the arbitral mandate of "interim" or "partial" awards and the operation of the doctrine of *res judicata*?
2. Is a purported award rendered without mandate "void", and can a party ever seek Court intervention to obtain a declaration to this effect?
3. If in the course of rendering an award, an arbitral tribunal wrongly decides that a particular argument or claim has not been raised or pressed, is this an error within jurisdiction, or a failure by the arbitral tribunal to fully discharge its mandate?
4. Can a challenge to the validity of an award in one jurisdiction preclude resolution of the same issues in another country? What strategies should parties employ when challenging awards where multiple jurisdictions are involved?

Panellists will deal jointly with these issues by reference to the UNCITRAL Model Law, the New York Convention, current international jurisprudence and a recent challenge in the Supreme Court of Queensland, with a focus on practical application for both practitioners and arbitrators. Panellists will welcome questions from the audience.

MODERATOR: **Joshua Paffey**
Corrs Chambers Westgarth

PANELLISTS: **Professor Richard Garnett**,
Corrs and The University of Melbourne
Mr Stewart Webster,
Barrister, Level Twenty Seven Chambers
Ms Bianca Kabel,
Barrister, Level Twenty Seven Chambers
Dr Jason Mitchenson,
Barrister, Level Twenty Seven Chambers

COMMENTATOR: **The Honourable Justice Greenwood**,
Federal Court of Australia

DATE: **Tuesday 19 November 2019**

TIME: 10.00am – 12.00pm

VENUE: **Corrs Chambers Westgarth**
Level 42
One One One Eagle Street
Brisbane

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