**SHORT FORM OF AGREEMENT TO REFER DISPUTES TO ARBITRATION**

In consideration of the mutual promises set out below, the Parties agree:

1. Any dispute, controversy or claim arising out of, relating to or in connection with:

(a) the Contract, including any question regarding its existence, validity or termination, and/or

(b) the Project, [OR SPECIFICALLY REFER TO THE DISPUTES HERE OR IN A SCHEDULE]

shall be resolved by arbitration in accordance with the ACICA Arbitration Rules.

1. For the avoidance of doubt, the Dispute includes all claims made by Party X in its statement of claim dated [DATE] (the **Statement of Claim**) and filed in [NAME OF COURT AND COURT CASE REF NO.] (the **Court Proceeding**) [and all counterclaims made by Party Y in its statement of defence and counterclaim dated [DATE] (the **Statement of Defence**) and filed in the Court Proceeding].
2. The seat of arbitration shall be Sydney, Australia unless otherwise specified in the Annex. The law governing this Arbitration Agreement shall be the substantive law that applies in the seat of the arbitration.
3. The language of the arbitration shall be English unless otherwise specified in the Annex.
4. The number of arbitrators shall be [one] [or] [three] [or delete this sentence and rely on Article 10 of the ACICA Arbitration Rules].
5. Subject to any contrary direction by the arbitrator:
   1. the Statement of Claim will stand as Party X's Statement of Claim in the arbitration proceedings;
   2. the Statement of Defence will stand as Party Y’s Statement of Defence in the arbitration proceedings; and
   3. [RECORD ANY OTHER AGREEMENT WITH REGARD TO THE COURT PROCEEDING].
6. Party X and Party Y each consent to orders being made in the Court Proceeding that the Court Proceeding be stayed pending the outcome of the arbitration and agree to make a joint application to the Court for such orders.
7. The ACICA Arbitration Rules and the attached Annex initialled by the Parties' representatives form part of this Arbitration Agreement.

9. [The parties agree that any hearing may be held virtually.]

10. In this Arbitration Agreement, reference to a Party includes a successor in title, a permitted substitute or a permitted assign of that Party, and capitalised words or phrases shall have the meaning set out in the Annex.

11. This Arbitration Agreement is made by the Parties named in the Annex on the last signature date set out below. This Arbitration Agreement, including the Annex, may be signed in counterparts and may be signed in electronic form.

Executed BY THE DULY AUTHORISED REPRESENTATIVES OF THE PARTIES

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Signature of authorised representative Party 1 |  | Signature of authorised representative Party 2 |
|  |  |  |
| Name  Date: |  | Name  Date: |
|  |  |  |
|  |  |  |
| Signature of authorised representative Party 3 |  | Signature of authorised representative Party 4 |
|  |  |  |
| Name  Date: |  | Name  Date: |

ANNEX

1. Parties TO THE ARBITRATION AGREEMENT

|  |  |  |
| --- | --- | --- |
| 1. 1. | 1. *[Insert name of party]* | 1. *[Insert commercial registration, incorporation and address details of party]* |
| 1. 2. | 1. *[Insert name of party]* | 1. *[Insert commercial registration, incorporation and address details of party]* |
| 1. 3. | 1. *[Insert name of party]* | 1. *[Insert commercial registration, incorporation and address details of party]* |
| 1. 4. | 1. *[Insert name of party]* | 1. *[Insert commercial registration, incorporation and address details of party]* |

1. Defined terms

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. 1. | | 1. ACICA Arbitration Rules | | 1. means the rules of arbitration of the Australian Centre for International Commercial Arbitration, as may be updated from time to time. |
| 1. 2. | 1. Arbitration Agreement | | 1. means the agreement between the Parties of which this Annex forms an integral part. | |
| 1. 3. | 1. Annex | | 1. means this Annex, which forms an integral part of the Agreement between the Parties. | |
| 1. 4. | 1. Contract | | 1. means the agreement between the Parties dated ………………   relating to *[Insert a brief description of the subject matter of the Contract, or describe the Contract in more detail]*. | |
| 1. 5. | 1. Party and Parties | | 1. means a party to this Arbitration Agreement and each of the parties to this Arbitration Agreement, as set out in item 1 of this Annex. | |
| 1. 6. | 1. Project | | 1. *[Insert a brief description of the project or undertaking of the Parties which is the foundation of their legal relationship]* | |

1. CHOICE OF SEAT

The seat of arbitration shall be …………………………………….  
[If this is left blank, the seat will be Sydney as provided in Article 2 of the Agreement]

1. CHOICE OF LANGUAGE

The language of the arbitration shall be ………………………………………...  
[If this is left blank, the language will be English as provided in Article 3 of the Agreement]

This Annex is initialled by the authorised representatives of the Parties to indicate their agreement as to its content, and may be signed electronically and in counter-parts:

|  |  |  |  |
| --- | --- | --- | --- |
| ……………………….. | ……………………….. | ……………………….. | ……………………….. |