

**29 April 2016**

**MEDIA RELEASE: AUSTRALIAN COURT DECISIONS ON ARBITRATION REFLECT LEADERSHIP IN INTERNATIONALIST APPROACH**

On 19 April 2016 the Australian Centre for International Commercial Arbitration (ACICA) and the Chartered Institute of Arbitrators (Australia) welcomed guests to hear Dr. Dean Lewis, Partner at Pinsent Masons Hong Kong, speak on the topic of 'International Arbitration and Jurisprudential Clashes of the New World Titans: Australia, Hong Kong and Singapore'. The event was hosted at the Australian Disputes Centre in Sydney with video-links to the Melbourne Commercial Arbitration and Mediation Centre and, due to popularity, an overflow room at the NSW Bar Association.

Dr Lewis presented a highly engaging comparative analysis exploring the manner in which the three jurisdictions have adopted the UNCITRAL Model Law and the interpretation that has been given to the Model Law in relevant case law. Dr Lewis spoke to the Model Law's international underpinnings and the requirement to have regard to its international origin and the promotion of uniformity when considering the meaning of an international interpretation of the Model Law. In practical terms, decisions from other jurisdictions are considered persuasive and guidance drawn from them. Dr Lewis compared how in practice the courts in Australia, Singapore and Hong Kong have approached interpretation over the course of the last twenty years. He further analysed the extent to which, in the 350+ cases he studied, the internationalism underpinning the Model Law was upheld by the courts.

Dr Lewis concluded that judgments of Australian courts in recent years have exhibited highly sophisticated internationalist judgments and been exceptionally strong in their display of internationalism when interpreting the Model Law. Dr Lewis noted that of the cases he identified between 2011 and 2015 in Australia, a strong internationalist interpretation to the Model Law was engaged in close to half. Dr Lewis confirmed his finding that this staggering statistic was not one reflected in either of the other jurisdictions and demonstrates a "*real buy-in to the Model Law*".

Deborah Tomkinson, ACICA Secretary General commented: *The approach adopted by Australian courts has been widely welcomed; it provides confidence to contracting parties and confirms Australia as an arbitration-friendly jurisdiction. Dr Lewis' research confirms the view that Australia should continue to develop as a strong neutral seat for arbitration in this region.*

Dr Lewis' presentation was based on his newly released book titled: 'The Interpretation and Uniformity of the UNCITRAL Model Law on International Commercial Arbitration: Focusing on Australia, Hong Kong and Singapore' which is available for purchase through Wolters Kluwer.

**Media Enquiries**

Deborah Tomkinson, Secretary General  
t. +61 2 9223 1099  
e. dtomkinson@acica.org.au