



# MEDIA RELEASE

**Hon. John Hatzistergos MLC**  
**Attorney General**  
**Minister for Citizenship**  
**Minister for Regulatory Reform**

---

**Thursday May 13, 2010**

## **NEW DISPUTE RESOLUTION LAWS TO BENEFIT NSW BUSINESS**

NSW introduced new laws this week that will position Australia as a major player in the growing international market for commercial dispute resolution, Attorney General John Hatzistergos said.

Mr Hatzistergos said the Model Commercial Arbitration Bill will lay the legislative foundations for a major expansion of the legal services sector in NSW.

“Commercial dispute resolution is now commonly used as the preferred option for resolving business and commercial disputes around the world,” he said.

“These new laws will help ensure arbitration delivers on its promise to be a quicker, less expensive and less formal option than litigation.

“Australia’s domestic arbitration laws are overdue for reform, and I made it clear before the recent meeting of the Standing Committee of Attorneys General that national consistency was essential in this area. I am pleased that all jurisdictions agreed at the meeting to implement the Model Bill.”

“This will mean NSW’s domestic arbitration laws align with the Commonwealth’s international arbitration laws, and accepted international practice in this area.”

Doug Jones, President of the Australian Centre for International Commercial Arbitration, said: “NSW is already well placed to capitalise on the booming international market in legal services.”

“We enjoy close ties to Asia and Europe, our economic, political and legal environments are robust and we boast some of the best legal practitioners in the world.”

“We are also opening the Australian International Dispute Centre in Sydney later this year.”

“These reforms to our domestic arbitration laws will benefit Australian business, and give global businesses the confidence to choose Sydney over Hong Kong, Singapore or London as the seat to solve their cross border disputes.”

Australia’s total legal services export and cross-border income was worth \$675 million in 2006-2007 according to the International Legal Services Advisory Council.

Mr Hatzistergos said the existing arbitration laws are nearly three decades old and are failing to deliver a cheaper and quicker alternative to litigation today.

“Under existing laws, disappointed parties have found increasingly novel ways to appeal, and often treat arbitration as a dry run for litigation,” he said. “The new laws are drafted to give effect to their paramount object: the fair and final resolution of disputes.”

“Judicial review will be strictly limited to circumstances such as where an award goes beyond the agreement, or a party was not given proper notice of the arbitration and could not present its case.”

Mr Hatzistergos said the model Bill is based on the United Nations Convention on International Trade Law, which reflects world’s best practice for arbitrating commercial disputes.

“These reforms mean Australian companies operating in global markets can resolve disputes, domestically and internationally, under similar procedures with which they and their partners are familiar.”

**Media contact: Adam Bell 0448 302 533**