

# Kluwer Arbitration Blog

## Interviews with Our Editors: Reflecting on Arbitration Down Under with Georgia Quick, President of the Australian Centre for International Commercial Arbitration

Nick Papadimos · Monday, October 4th, 2021

*Georgia Quick is a senior partner in Ashurst's dispute resolution group and joint head of the firm's Australian international arbitration practice. Dual qualified in Australia and England & Wales, she has been extensively involved with the Australian Centre for International Commercial Arbitration ("ACICA"), having joined the Board in 2010 and sat as a Vice President on the Executive Committee since 2015. She was appointed ACICA's new President in June 2021. Her practice focuses on complex construction, energy & resources disputes.*

Thank you, Georgia, for joining us today!

1. **Congratulations on your appointment as President. You have had a long-standing and active involvement with ACICA for over a decade, including through various leadership roles on the Board and Executive Committee. How has the institution changed over this time?**

In the past decade, ACICA has undergone significant change. This has followed on from the tremendous work of past presidents Dr Michael Pryles AO, Prof. Doug Jones AO and Alex Baykitch AM, and the success of hosting the ICCA conference in Sydney in 2018. In more recent times, the executive and secretariat under the presidency of Brenda Horrihan have expanded in the following ways:

1. The introduction of [State Committees](#).
2. The inception of the [ACICA Council](#).
3. Enhancement of the [Judicial Liaison Committee](#).
4. An active [Practice & Procedures Board](#).
5. A larger and more active secretariat with increased caseloads and claim values.

Bringing on Deborah Tomkinson as Secretary-General has also been instrumental in implementing long-lasting structures and initiatives into ACICA. Deborah is an experienced arbitration practitioner who practised international arbitration at three major law firms both

in Australia and the Middle East. She is enthusiastic and committed to promoting international arbitration.

**2. As ACICA's recently elected President, would you like to share with our readers your vision for the future of the institution? Are there any specific issues or initiatives that you and your team would like to focus on over the next two years?**

The vision is to continue our recent growth and to leverage off the high-quality legal system and resources we have in Australia, including market-leading skills in construction and energy and resources law. This ensures Australian and foreign parties alike are confident in selecting the [ACICA Arbitration Rules 2021](#), Australian arbitrators and counsel, as well as our major cities as arbitration seats. COVID-19 has shown us all that any perceived tyranny of distance need not be so.

ACICA's key projects over the next two years include:

1. Increasing ACICA's outreach *domestically* with legal organisations and other corporates and industry organisations. This includes the work of our State Committees to help ensure that ACICA is truly engaging nationally, with greater focus on our users' experience with a more active [User's Council](#).
2. Increasing ACICA's outreach *internationally* in Asia and also the Pacific region, where the work by the Asian Development Bank has meant that a number of our neighbours have recently updated their arbitration acts and adopted the New York Convention.
3. Continuing ACICA's work on the Judicial Liaison Committee, working hand-in-hand with the Australian judiciary to harmonise arbitration-related practices, and assisting with judicial outreach and education in relation to arbitration.

**3. Let's discuss ACICA's newly revised Arbitration Rules and Expedited Arbitration Rules. This is now the fourth iteration of the institution's rules since ACICA was formed back in 1985. What do you see as the key benefits for arbitrations conducted under the new rules compared to previous iterations? How would you compare the new rules with those of other arbitral institutions around the world?**

We updated ACICA's [Arbitration Rules and Expedited Arbitration Rules](#) to reflect best practice in international arbitration and increase efficiency overall. Given the rapid evolution of international arbitration, the ACICA Rules Committee, chaired by James Morrison and Malcolm Holmes QC, and composed of practitioners with experience from a number of major arbitration jurisdictions, have been constantly looking to when a rules update is appropriate; balancing keeping pace with reasonable levels of certainty.

Additionally, like other institutions (including the LCIA and ICC), ACICA adapted to the new virtual work environment. While we had already modernised the proposed 2021 Arbitration Rules (through electronic filings and data protection), the ACICA Rules 2021 now expressly empower tribunals to hold virtual hearings.

Some of the other bigger changes ACICA has made include:

1. Introducing the ability of a party to file a single arbitration for multi-contract arbitrations (Article 18), similar to the HKIAC, ICC, SCC and SIAC rules. Article 18 allows for this to occur even if the contracts are not between the same parties, however only if they meet the other criteria set out in Article 16.
2. Increasing efficiency by allowing the Secretary-General (rather than ACICA) to confirm the nomination of an arbitrator under certain circumstances. This allows ACICA to resolve questions of independence, impartiality and availability before any arbitrator is appointed.
3. Requiring tribunals to introduce the possibility of using alternative dispute resolution mechanisms, including mediation, or to suspend proceedings for such a discussion at the request of a party (Article 55).
4. Finally, like other institutions (e.g. HKIAC, ICC) we have required the disclosure of third-party funding arrangements, including law firm contingency fees (Article 54).

The Arbitration Rules 2021 ensure ACICA continues to have up to the minute best practice rules. To some extent the rules between the major arbitral institutions share common high standards, but the implementation of those rules and the service and resources provided will distinguish them.

The amendments made in the Arbitration Rules 2021 underscore the commitment ACICA has to international best practice and improving user experience, in as efficient a manner as possible. Compared to other institutions, we offer our services at a relatively low cost and are ‘light touch’. Australian international arbitration lawyers have a reputation for being conscientious practitioners, and ACICA’s team is no exception.

Our focus will continue to be our users. Working with a group of experienced practitioners based across the Asia-Pacific region, ACICA has continued to develop a toolkit of guidance notes and sample documents to assist users, regardless of their experience or practice background. We hope these materials will be of use to those conducting arbitrations in the region, even outside of the ACICA Rules. Further, in 2018, ACICA founded [ACICA45](#) for the purpose of encouraging more junior practitioners to engage with arbitration and to meet other practitioners. ACICA45 also has a number of recorded webinars on our website setting out the life cycle of an arbitration.

#### **4. What are some of the key market trends you are seeing in international arbitrations specific to the Oceanic region?**

The [2020 Australian Arbitration Report](#) confirms that the leading sectors for international arbitrations involving Australian parties are construction, oil & gas, mining and resources and transport. There are a number of joint venture related disputes for all of these sectors.

Additionally, we are seeing an increase in disputes relating to the shift to renewables, both in the development of these projects and in climate change disputes. With increased corporate social responsibility and an abundance of renewable energy within Australia, an enormous number of renewables projects are being pushed through. As with any wave of development, disputes follow and challenges with grid infrastructure and regulation have made this all the more prevalent.

We also see increased development in the Pacific Islands, with a number recently adopting

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the New York Convention and engaging in legislative reform, including Fiji, Palau, Tonga and Papua New Guinea.

**5. Australia’s strategic, political, and economic pivots towards Asia has been much discussed in the past decade. Do you see arbitration in Australia pivoting towards Asia?**

This is not so much a pivot as a reflection of what is already happening. 65% of Australia’s trading partners are [Asian countries](#). A significant number of ACICA’s arbitrations have an Asian-based party.

Geopolitical shifts and perception create ever-growing opportunities for Australia to provide a known safe seat, and for Australian legal practitioners to assist with these matters in the region. This reflects the importance of having a stable and neutral seat, and an international reputation for a strong rule of law, supported by a fair, efficient, and high-quality judicial system.

*Thank you for your time, Georgia. We wish you and the ACICA leadership team all the very best!*

*This interview is part of Kluwer Arbitration Blog’s “Interviews with Our Editors” series. Past interviews are available [here](#).*

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