

How we can create 'Arbitration 2.0' right here in Australia.



In 2015 Australia was chosen as the place for only 5 ICC international arbitrations. We think that is way less than there should have been. So where are we going wrong?

Well, we are so far away from the action in Europe that we may as well be...Britain (too soon?). Apart from the obvious solution of having Lara Bingle ask the world 'where the bloody hell are ya?', we have some ideas on what Australia can do to stand out from the crowd and get in on the action.

There is no hiding the fact that the biggest complaint people have about international arbitration is the cost and time involved. The arbitration industry is just asking for a revamp, like the taxi industry before Uber, the music industry before iTunes or the legal industry before Marque (we had to say it).

Well, how does one become a disruptor like Uber? We think technology is the common ingredient. Arbitration needs to better implement technical innovations such as Skype, telepresence, cloud technology, Google translate and even automated settlement platforms. If we have dead pop stars performing as holograms, why can't this be used in arbitration? At least it would be more tasteful!

But some of this tech can be expensive. Adopting the 'build it and they will come' approach, our idea is that the key Australian arbitration institution, ACICA, needs to provide it as part of the filing fee. Problem is that ACICA is underfunded. On the other hand, the Federal Court has spent a bucketload on technology with more in the pipeline. So why not share that technology with ACICA for use in arbitrations?

Once we are 'tech ready', where will the disputes come from? We have previously said arbitration clauses aren't suitable for consumer contracts.

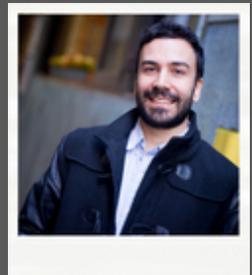
Maybe we need to rethink arbitration and how it could actually be the preference for small scale commercial or consumer disputes. An Uber customer could give evidence and make submissions from the comfort of their own home, presenting their case utilising telepresence technology on Uber or the government's dime. This is 'Arbitration 2.0'. It has a ring to it, right?

Questions? Give us a call



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