



Australian
Bar Association

GYLES INQUIRY: OPPORTUNITIES FOR AUSTRALIAN BARRISTERS TO PRACTICE IN INTERNATIONAL DISPUTES

The terms of reference for the Hon Roger Gyles AO QC are to inquire into and report on actions that the Australian Bar Association can take to enhance opportunities for Australian Barristers to practice in International Disputes, with a focus on Arbitration in the Asia – Pacific region.

There are two aspects to be considered by Mr Gyles in his inquiry and report:

- a. How to retain international work in, and bring such work to, Australia;
- b. How to facilitate the briefing of Australian barristers in work overseas, particularly in the region.

Submissions are sought addressing the experience of arbitrators, barristers, solicitors and clients concerning the participation of barristers in international arbitration work in Australia and overseas, particularly in the Asia – Pacific Region.

A non-exhaustive list of topics that can be addressed in submissions include:

- 1) Are international commercial disputes that arise in Australia or have an Australian party or parties being arbitrated outside Australia? If so:
 - a) Where are they being arbitrated?
 - b) Why are they being arbitrated outside Australia?
 - c) What actions would encourage those disputes to be arbitrated in Australia?
- 2) For international commercial arbitrations occurring outside Australia that involve an Australian party or an Australian dispute:
 - a) Are Australian barristers briefed and how are they briefed?
 - b) If not, why not and what steps would encourage briefing?
- 3) Are any or many neutral international arbitrations arbitrated in Australia?
 - a) If not, what can be done to attract such arbitrations to Australia?
 - b) To the extent this occurs, what is the experience of non-Australian parties of Australian based arbitrations?
- 4) Are Australian barristers being briefed in arbitrations out of Australia without an Australian party, particularly in the region?
 - a) If not, what can be done to improve the rate of such briefing?
 - b) To the extent this occurs, what is the experience of non-Australian parties of Australian barristers in such arbitrations.

Submissions will be most valuable if experience based and focussed on actions that the ABA can take or influence.

Submissions should be emailed to contact@austbar.asn.au and where information is provided which is confidential, please indicate that specifically in the submission.