

IMF Bentham support for Arbitration in Australia

In March 2013, the High Court of Australia delivered a landmark decision that confirmed the constitutionality of the International Arbitration Act, the legal framework which underpins Australia's position as an international business destination to resolve cross border disputes.

The proceedings arose out of a dispute under a distribution agreement entered into between TCL Air Conditioner, based in China, and Castel Electronics, based in Australia and involved the intervention of the Australian Solicitor General, Attorneys General from Western Australia, South Australia, New South Wales, Queensland and Victoria, and (as amicus) a coalition of Australia's arbitral institutions, the Australian Centre for International Commercial Arbitration (ACICA), Chartered Institute of Arbitrators Australia (CIArb) and Institute of Arbitrators and Mediators Australia (IAMA).

The arbitral coalition's intervention was financially supported by IMF Bentham, a first for a listed litigation funder.

The case was of great significance to the arbitration community and involved a range of constitutional and public international law issues. The High Court upheld held the constitutional validity of the International Arbitration Act.