

Annexure A

[Arbitration Victoria's Template Arbitration Agreement – an agreement to refer a dispute which is currently before the Court to arbitration under the Arbitration Victoria Rules]

Agreement to refer a dispute before the County Court to arbitration under the Arbitration Victoria Rules

Between:

First Party (plaintiff/claimant): _____
[insert name(s) of plaintiff/claimant party (or parties)]

First Party's legal representative: _____
[insert name and contact details]

and

Second Party (defendant/respondent): _____
[insert name(s) of defendant/respondent party (or parties)]

Second Party's legal representative: _____
[insert name and contact details]

(together, the **Parties**)

1. The Parties are in dispute before the **County Court**⁶ in proceeding number [insert] (**Proceeding**).
2. The Parties have filed/served the following pleadings in the Proceeding:
 - (a) [insert e.g. statement of claim] dated [insert date];
 - (b) [insert e.g. defence] dated [insert date];
 - (c) [insert further (reply, counterclaim etc) as applicable].

(together, the **Pleadings**)

⁶ If the proceeding is to be referred from a Court other than the County Court then this clause should be modified as appropriate.

3. The Parties hereby agree:

- (a) to refer all disputes or differences arising out of or in connection with the Proceeding, as described in the Pleadings (the **Dispute**), to arbitration pursuant to the Arbitration Victoria Rules;
- (b) that the County Court⁷ is to have jurisdiction (to supervise the Dispute as permitted) under section 6(2) of the *Commercial Arbitration Act 2011* (Vic);
- (c) that the Pleadings, as drafted, will stand as the Statement of Case, Statement of Defence [insert further e.g. Statement of Reply, Counterclaim etc] in the arbitration;
- (d) that the order of the Court to refer the Dispute to arbitration will stand as the Notice of Arbitration for the purposes of the Rules;
- (e) that they seek to appoint and hereby appoint (upon acceptance in writing of the nominated arbitrator):
 - (i) [insert name], a panel member of Arbitration Victoria, as Arbitrator, or, if that person is not available;
 - (ii) [insert name], a panel member of Arbitration Victoria, as Arbitratorof the Dispute; and
- (f) [insert anything further agreed between the parties in connection with the arbitration or referral to arbitration]

Signed by:

First Party: _____
[Signature of plaintiff/applicant or their legal representative]

Date: _____

Second Party: _____
[Signature of defendant/respondent or their legal representative]

Date: _____

⁷ If the parties wish to choose a supervisory court other than the County Court then they may do so.