

**IN THE MATTER OF AN ARBITRATION
PURSUANT TO THE ARBITRATION VICTORIA ARBITRATION RULES 2022**

BETWEEN

[REDACTED]

Claimant

- and -

[REDACTED]

Respondent

Final Award – By Consent

23 October 2023

Arbitral Tribunal: Adam Rollnik – Sole Arbitrator

16th floor | room 11 | Owen Dixon Chambers West | 525 Lonsdale St | Melbourne Vic 3000

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A. Introduction

1. This award, dated 23 October 2023, is the second and final award (**Final Award**) that the Tribunal has issued in this arbitration.
2. The first partial award dated 2 October 2023 (**First Partial Award**) dealt with all matters save for interest and costs. This Final Award deals with, among other things, interest and costs.
3. The First Partial Award included, among other things, the following direction to the parties in paragraph 210:

“ ...

(f) The parties are directed to provide:

(i) written submissions (limited to 10 pages) and any evidence in support of any application for:

(A) the costs of County Court proceeding [REDACTED], pursuant to the orders of [REDACTED] Judge [REDACTED] made [REDACTED] [REDACTED] 2022; and

(B) the costs of the arbitration; and

(C) interest,

by no later than 14 days after the date of this Partial Award;

(ii) thereafter, written submissions in reply (limited to 3 pages) within 5 days

(iii) of receipt of the other party's submissions and evidence referred to in subparagraph (i) above.

(g) All other claims or counterclaims, if any, are dismissed.”

4. On 16 October 2022, by consent, the time for the submissions described in paragraph 3 was extended by 2 days.

B. Interest, costs and other matters

5. On 18 October 2023, the Tribunal received the following email communication from the Respondent's solicitors, copied to the Claimant's solicitors, in the arbitration:

“Dear [Mr Rollnik],

Thank you for [the] partial award and extending the time for the parties to make any application in relation to costs or to reach an agreement.

I advise that the parties have reached agreement for a final award as follows:

The plaintiff waives its entitlement to payment of the partial award in the amount of \$3,432.50 plus GST of \$343.35 and agrees the plaintiff is not liable to make that payment to it.

Each party shall bear its own costs of this proceeding and arbitration.

The plaintiff's lawyers have been copied in this email. The parties look forward to receiving a final award incorporating the terms of their agreement.

Regards,

██████████

6. On 20 October 2023, the Tribunal sent a copy of this Final Award, in draft, to the parties' solicitors, and the parties agreed to the making of this Final Award on the terms herein.

C. Final Award (by consent)

7. The Tribunal declares and awards by consent:
- (a) there is no interest payable on the First Partial Award amount of \$3,432.50 plus GST of \$343.35 (or on any amount);
 - (b) the Claimant, [REDACTED], waives its entitlement to payment of the First Partial Award amount of \$3,432.50 plus GST of \$343.35 (or any amount) and agrees that the Respondent, [REDACTED], is not liable to make that payment (or any payment).
 - (c) Each party shall bear its own costs of:
 - (i) this arbitration; and
 - (ii) County Court proceeding No. [REDACTED];
 - (d) there are no other declarations or awards as to interest or costs or otherwise; and
 - (e) all other claims or counterclaims, if any, are dismissed.

Place of Arbitration: Melbourne, Victoria, Australia.

A Rollnik

Adam Rollnik
Sole Arbitrator

23 October 2023