

BETWEEN

[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]

Plaintiff

and

[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]

Defendant

GENERAL FORM OF ORDER

JUDICIAL OFFICER: [REDACTED]

DATE MADE: [REDACTED] 2023

ORIGINATING PROCESS: Writ dated [REDACTED]

HOW OBTAINED: In chambers [REDACTED]  
[REDACTED] 2023).

ATTENDANCE: None, on the papers



OTHER MATTERS:

- A. The parties have agreed in writing to refer their civil proceeding to arbitration.
- B. The parties have signed an arbitration agreement, annexed to these consent orders.
- C. The arbitration agreement provides that the County Court is to have jurisdiction under the *Commercial Arbitration Act 2011*.

THE COURT ORDERS BY CONSENT THAT:

1. This proceeding ("County Court proceeding") is referred to arbitration pursuant to s 66(1) of the *Civil Procedure Act 2010*.
2. The County Court proceeding is stayed.
3. The costs of the County Court proceeding are reserved for determination by the arbitrator or, if no such arbitration is commenced within a reasonable period, upon application to the County Court.
4. If the arbitrator is unable to, or refuses to, determine the costs of the County Court proceeding, the County Court will determine those costs on application.

DATE AUTHENTICATED:

[REDACTED] 2023



[REDACTED]

## 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]*

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### 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<sup>6</sup> in proceeding number \_\_\_\_\_ (Proceeding).
2. The Parties have filed/served the following pleadings in the Proceeding:
  - (a) [Statement of claim] \_\_\_\_\_
  - (b) [insert e.g. defence] dated [insert date]; \_\_\_\_\_
  - (c) [insert further (reply, counterclaim etc) as applicable].

(together, the **Pleadings**)

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<sup>6</sup> 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 Court<sup>7</sup> 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], **Adam Rollnik** 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 Arbitrator of 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: \_\_\_\_\_

\_\_\_\_\_

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