



Ben Olbourne

Year of call: 2003

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"A strategic thinker, who is well suited to complex international disputes." The Legal 500

Ben provides advisory and advocacy services across a broad range of international commercial disputes in England and other jurisdictions in relation to both court and arbitration proceedings. He has acted as sole or junior counsel before courts at all levels in England and in arbitrations under all the principal sets of arbitral rules. He has particular experience working in Asia and for Asian clients, having lived and worked in the region for many years.

Ben's recent work has been principally in the general commercial, international trade and commodities, construction (infrastructure and vessels), insurance/reinsurance, energy, natural resources, and shipping/carriage of goods sectors. That work includes substantive hearings as well as applications for interim and post-judgment relief. Much of that work is of a multi or cross-jurisdictional nature involving questions of private international law and/or disputes governed by foreign laws. He has also provided expert opinions on English law for use in foreign proceedings on a range of substantive and procedural legal issues.

Ben accepts appointments as an arbitrator and has been appointed as sole arbitrator, wing and chair, in more than 40 references in matters under ICC, LCIA, LMAA, SIAC, and AIAC rules, among others, and in ad hoc proceedings. Many of these cases have involved state-owned enterprises or public sector undertakings. Governing laws have included English, Russian, Cypriot, Chinese/Hong Kong, Australian, Malaysian, Singaporean, Vietnamese and Indian. Seats have included Singapore, London, Hong Kong, Hyderabad, Delhi, Paris, Moscow, Hong Kong, and Perth. He is recommended as an arbitrator in the leading regional directories.

Ben is admitted in New South Wales (Australia) in 1999 and was an associate (Legal Assistant) to Chief Justice Gleeson of the High Court of Australia from 1999-2000. He was a Junior Counsel to the Crown (C Panel) from 2008-2013.

Areas of expertise

Commercial

Alternative Dispute Resolution

Construction

Energy and Natural Resources

Commercial

Ben's practice encompasses a wide range of general and specialist commercial matters, mostly with an international focus or multi-jurisdictional features, including in the fields of construction, company sale and purchase, agency, banking, joint ventures, shareholder disputes, insurance and reinsurance, competition, energy (including renewables), transport and oil, gas and other resources.

Ben has particular experience in the international trade, commodities and transport sectors. In the transport sector, he acts for owners, charterers, cargo interests, protection and indemnity (P&I) clubs and other insurers and financial institutions in respect of all aspects of 'dry' shipping, including disputes under charterparties (time, voyage, bareboat, contracts of affreightment), bills of lading, and payment and security instruments (e.g. letters of credit, performance guarantees). He also acts for service providers (e.g. bunker providers, ship repairers, and ship managers) and buyers/sellers in sale and purchase disputes. Much of his recent work has been in respect of vessel construction, including acting for yards, buyer/owners, and others, including in respect of delay, negligent construction, repudiation, and other disputes.

In the trade/commodities sector, he acts for sellers, buyers, insurers and financial institutions in relation to time, voyage and other charterparties and contracts on FOB, CIF and other terms in relation to all types of commodities, including oil and gas, steel, ore, coal, cement, grains, and chemicals. Ben's work includes disputes underpayment and security instruments, including letters of credit and guarantees. His recent work includes disputes involving sham transactions, circular trades, and credit sleeving.

The majority of Ben's recent work has been in private arbitrations. Further details of subject matter, seat, governing law, etc., can be provided on request. He is regularly instructed in respect of substantive arbitrations, interim relief, challenges to awards, and ancillary matters, including appointment and removal of arbitrators, extensions of time, orders for the taking and/or preservation of evidence, and summary disposal.

Qualifications

Education

- LLM (1st), University of Cambridge (1999)
- LLB (1st), University of Sydney (1997)
- B.A. (Hons) (1st), Australian National University (1994)
- B.Ec., University of Sydney (1993)

Additional Information

A Major Scholar of the Inner Temple, Ben was called to the Bar in 2003. Previously, Ben worked as a senior legal officer (Temporary) in the Office of International Law in the Australian Attorney-General's Department. From 2000-2002, he tutored and examined in torts and contracts and Public International Law at University College London. He was an associate to Chief Justice Gleeson of the High Court of Australia from 1999-2000.

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