



## Daisy Mallett

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### OVERVIEW

- **Independent arbitrator** and litigation and legal consultant<sup>1</sup> (July 2022- present)
- **Over 20 years' experience as an international arbitration practitioner** advising companies and governments in relation to their most complex international disputes. Prior to establishing independently, Daisy was a **partner** at King & Wood Mallesons (July 2017 – June 2022), a leading international law firm, where she headed the Australian offices' international arbitration practice. Prior to King & Wood Mallesons, Daisy worked in the international arbitration teams at Freshfields in London and Paris, and Wilmer Hale in London
- **Legal 500 “Power List” for arbitration in Australia and New Zealand 2022. Who’s Who Legal**, Australia & New Zealand Arbitration: Recommended, 2024 (and listed in 2020, 2021, 2022, 2023). **Leading Arbitration Lawyer**, Doyles Guide, 2018-2022
- SIAC Panel of Arbitrators, HKIAC List of Arbitrators, ACICA Fellow
- Experience as counsel under ICC, SIAC, ACICA, ICSID, UNCITRAL, PCA, LCIA, HKIAC, LMMA, BANI, CAS and IAMMA rules
- Chair, ACICA Sustainability Taskforce (Former Board Member and Chair of the NSW Training Committee of ACICA)
- Expertise in investor-state arbitration and public and private international law. Former member of the Australian Delegation to the United Nations Commission on International Trade Law (UNCITRAL) Arbitration and Conciliation Working Group.

### LEGAL QUALIFICATIONS

Solicitor, England and Wales

Solicitor, High Court of Australia and New South Wales

BA/LLB (First Class Honours), University of Sydney

### NATIONALITY

Australian

### ARBITRATOR APPOINTMENTS

Appointed the ICC, HKIAC, SIAC and ACICA, including in several expedited arbitrations.

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<sup>1</sup> Principal, Mallett Services Pty Ltd, an incorporated legal practice registered with the Law Society of New South Wales.

## **ARBITRATION EXPERIENCE ACTING AS COUNSEL AND ARBITRATOR**

Daisy has acted as counsel in international arbitrations for over twenty years, and has over the last few years has begun accepting appointments as arbitrator. Highlights are listed below.

### Commercial arbitrations:

- SIAC arbitration, contractual dispute between a professional services firm and a manufacturing company (Singapore seat, Singapore law)
- HKIAC arbitration, dispute between Indonesian and Hong Kong parties relating to transaction concerning the development, marketing and sale of carbon credits (Hong Kong seat, Hong Kong law)
- Expedited SIAC arbitration, contractual dispute between Singaporean and Chinese parties relating to a transaction in the energy sector (Singapore seat, English law)
- HKIAC arbitration, contractual dispute between a Singaporean financial services organisation and Chinese party (Hong Kong seat, English law)
- HKIAC expedited arbitration, contractual dispute between a Hong Kong financing platform and US parties arising under multiple contracts (Hong Kong seat, Hong Kong law)
- Expedited ACICA arbitration, contractual dispute between Singapore and Australian parties in relation to the construction of a waste to energy plant (Brisbane seat, Australian law)
- ICC arbitration, contractual dispute between Singaporean and Vietnamese parties in relation to a commodities sales and transportation agreement (Singapore seat, English law)
- Expedited ACICA arbitration, contractual dispute between Australian parties in the legal services sector (Sydney seat, Australian law)
- ICC arbitration, dispute between US and NZ parties relating to a distribution agreement in the food manufacturing sector (New Zealand seat, New Zealand law)
- ICC arbitration between a Chinese State-Owned Enterprise and a commercial counterparty in relation to an e-commerce platform (Hong Kong seat, English law)
- Consolidated SIAC arbitration relating to disputes arising under multiple contracts between Singaporean and Indonesian mining companies and a listed parent company joined to the arbitration, in relation to operation and offtake rights of Indonesian mine (Singapore seat, English and Indonesian law)
- SIAC arbitration between a global commodities trading company and a Chinese trading company in relation to the termination of a long-term sales contract (Singapore seat, Australian law)
- UNCITRAL arbitration arising out of claims relating to the design and engineering of a mine in Western Australia between Australian and South Korean parties (Singapore seat, Australian law)
- SIAC arbitration seated in Singapore in relation to the design and engineering of a mine in Vietnam between US and Australian parties (Singapore seat, Australian law)
- BANI arbitration seated in Jakarta between a global manufacturing company and a construction contractor in relation to the construction of a processing plant (Jakarta seat, English law)
- SIAC arbitration seated in Singapore between a listed energy and resources company and a Malaysian conglomerate relating to Indonesian assets and tax indemnities in a share purchase agreement (Singapore seat, English law)
- ICC arbitration between US, Surinamese and Dutch parties in relation to the payment of tax liabilities arising following a sale and purchase agreement (New York seat, New York law)
- ACICA arbitration between a Chinese purchaser and an Australian agricultural company in relation to monies paid pursuant to a sale and purchase agreement including certain monies held in escrow (Sydney seat, Australian law)
- HKIAC arbitration in relation to a breach of contract claim between an Australian commodity producer and a Hong Kong incorporated company arising from a long-term sales contract (Hong Kong seat, English law)
- Several LMAA arbitrations in relation to the valuation of certain vessels between a Singapore incorporated infrastructure group and a New York based investment firm (London seat, English law)
- IAMA arbitration in respect of the commissioning of an offshore oil platform (Melbourne seat, Australian law)

- LCIA arbitration in relation to a breach of contract claim between an Australian commodity producer and a UAE-incorporated company (London seat, English law)
- ICC arbitration between a Swiss consumer goods company and a multinational software company in a dispute involving a failed strategic alliance (London seat, German law)
- ICC arbitration between a Swiss transportation manufacturing company and an Italian transport engineering company (Rome seat, civil law)
- UNCITRAL arbitration acting for a US financial institution in relation to coverage under an excess insurance policy (Bermuda seat, English law)

#### Investor-state/ public international law arbitrations:

- *Tethyan Copper Company Pty Ltd v Islamic Republic of Pakistan*: application for recognition and enforcement of \$US5 billion foreign arbitral award in the Federal Court of Australia
- Advising the government of the Kyrgyz Republic on several claims by foreign investors under the Kyrgyz Republic foreign investment laws
- *The Government of Sudan v The Sudan People's Liberation Movement/Army*: Permanent Court of Arbitration case sited in The Hague acting for the Sudan People's Liberation Movement/Army against the Government of Sudan in a dispute over the definition and delimitation of the Abyei Area in Sudan
- *Suez, Agbar, Vivendi and Anglian Water v. Argentina and Suez, Agbar, and Interagua v. Argentina*: Several related ICSID arbitrations acting for consortiums of foreign investors in the water and sewage sectors against the Republic of Argentina arising out of the protections offered by several Bilateral Investment Treaties
- *Eastern Sugar v Czech Republic*: UNCITRAL arbitration acting for a consortium of foreign investors in the manufacturing sector against the Czech Republic in relation to a claim arising out of the protections offered by several Bilateral Investment Treaties
- *A v Secretary of State*: successful appeal to the House of Lords arguing that evidence obtained by torture is inadmissible and cannot be used to detain terrorists, regardless of where and by whom such torture is perpetrated

### **CONTENTIOUS ADVISORY EXPERIENCE**

Daisy has experience advising in relation to contractual, joint venture, partnership, misleading and deceptive conduct and international trade law claims. Her experience spans a variety of sectors including renewable energy/ climate transition technologies, carbon credit markets, energy and mining/ resources, financial services, insurance, cryptocurrency, technology, construction/ infrastructure, waste and water, transport, telecommunications, agriculture, fisheries and manufacturing.

### **CLIMATE TRANSITION, BUSINESS AND HUMAN RIGHTS**

Daisy also has experience advising in relation to climate transition/ litigation, greenwashing, anti-bribery and corruption and modern slavery risks.

### **PUBLICATIONS**

- 'Avoiding Pyrrhic Victory: Understanding Enforcement Risk in the Asia-Pacific' *AMPLA Yearbook 94*, October 2017 (co-authored with Zoe Justice)
- 'UNCITRAL Working Group Update', *ACICA News*, March 2013 (co-authored with Alex Baykitch)
- 'Party Instigated Arbitrator Challenges: A Practical Guide' (2011) *77 Arbitration* (co-authored with Nathalie Allen)
- 'International Arbitration in Australia', *Global Arbitration Review Reference*, July 2011 (co-authored with Max Bonnell, Beth Cubitt and Peter Megens)

- ‘Arbitrator Disclosure: No Room for the Colour Blind’, *Asian International Arbitration Journal*, Volume 7 (2011) (co-authored with Nathalie Allen)
- ‘The Abyei Arbitration and the use of Arbitration to Resolve Inter-state and Intra-state Conflicts’, *Journal of International Dispute Settlement* (2010) 1-28 (co-authored with Wendy Miles)

## **GUEST LECTURES / SPEAKING ENGAGEMENTS AT CONFERENCES**

- Guest Lecturer, University of Melbourne Law School, LLM Program, International Arbitration Workshop, Melbourne, December 2010
- Guest Lecturer, University of New South Wales Law School, LLM Program, International Commercial Dispute Resolution: Investor-State Arbitration, Sydney, March 2011
- Panellist, Australasian Forum on International Arbitration Symposium, Sydney, May 2011
- Panellist, International Chamber of Commerce Dispute Resolution Seminar: Roundtable - Developments in International Arbitration in Australia, Canberra, August 2011
- Panellist, International Chamber of Commerce Young Arbitrators’ Forum, Sydney, August 2012
- Presenter, Chartered Institute of Arbitrators’ Young Members’ International Arbitration Forum: Investor State Arbitration in the Australian Context, Sydney, November 2012
- Australian Delegate, United Nations Commission on International Trade Law, Arbitration and Conciliation Working Group (Investor – State Arbitration Transparency Rules), New York, February 2013
- Panellist, Australasian Forum for International Arbitration (AFIA), Hong Kong, March 2013
- Guest Lecturer, University of New South Wales Law School, LLM Program, International Commercial Dispute Resolution, April 2013
- Panellist, London Court of International Arbitration’s Young International Arbitration Group Symposium, Seoul, November 2013
- Presenter, Dispute Resolution of International Contracts, Contracts Conference at UNSW Law School, March 2014
- Panellist, International Chamber of Commerce Young Arbitrators’ Forum, Singapore, June 2014
- Panellist and Presenter, Chartered Institute of Arbitrators’ Young Members’ International Arbitration Forum: the art of persuasion, Sydney, July 2014
- Presenter on Investment Treaty Arbitration, Chartered Institute of Arbitrators Diploma Course in International Arbitration, April 2015
- Guest Lecturer, University of Sydney LLM Program, International Arbitration, October 2015
- Panellist, The Future of Arbitration in Asia: International Arbitration Symposium presented by International Chamber of Commerce Young Arbitrators Forum, Hong Kong, 2016
- Panellist, Arbitral Women Event, Sydney, May 2016
- Panellist, NSW Young Lawyers International Negotiation and Dispute Resolution Series, July 2016
- Panellist, AFIA Symposium, Sydney, November 2016
- Panellist, Arbitral Women Event, Sydney, November 2016
- Speaker, AMPLA Conference: Avoiding Pyrrhic Victory: Understanding Enforcement Risk in the Asia-Pacific, Melbourne, September 2017
- Speaker, ‘The Art of Cross-examination’, International Bar Association Conference, October 2017
- Panellist, Australian Disputes Centre Seminar, March 2019
- CiArb Australia & Federal Court of Australia Seminar: Multiple Dimensions of Complex Arbitrations, July 2019
- ACICA Seminar: From Madrid to Islamabad – an analysis of the enforcement of ICSID awards in Australian courts, April 2021
- IPBA Conference: “Law and the Environment beyond COVID”, panellist discussing “ESG and International Arbitration”, March 2023
- Panellist, Arbitral Women Event, User Experience in International Arbitration, March 2023
- Panellist, Investor Group on Climate Change Summit: Greenwash vs Ambition, August 2023

- Panellist, ACICA & Ciarb International Arbitration Conference 2023: Following a Black Swan – Transformative Thinking and What Comes Next for International Arbitration, Chartered Institute of Arbitrators Australian Arbitration Week Conference, October 2023
- Panellist, ICC panel discussion: "The History and Evolution of Australian Arbitration – Past, Present and Future", October 2023
- ICC World Business Law Training on Advocacy in International Arbitration, Jakarta September 2024
- Panellist, Energy Transition and Climate Disputes, Australian Arbitration Week, October 2024
- Panellist, Towards More Sustainable Arbitral Practices, Australian Arbitration Week, October 2024
- Participant, The Heat is on: Battle of Forums in Climate Disputes, Australian Arbitration Week, October 2024

**Other**

Nature Positive Economy CRC, Chair of the Bid Advisory Committee