

- **Commercial Arbitrator – International and Domestic proceedings**
 - **Mediator for Construction, Technical and Commercial matters**
 - **Expert Determiner – Construction, Technical and Commercial Disputes**
 - **Strategic Dispute Resolution Advisor**
 - **Professorial Fellow – The University of Melbourne Law School**
 - **Senior Counsel – Australia**
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Appointments and Admissions

- 2017 – Appointed a Member of the Order of Australia
- 2004 - Appointed as Senior Counsel (New South Wales)

Qualifications

- 1980 - Diploma of Law, Barristers Admission Board (NSW)
- 1969 - Bachelor of Architecture: University of Newcastle

Professional Experience

- 1983 - present Barrister, New South Wales Bar, Senior Counsel since 2004 – Construction
- 1981 - 1982 Solicitor, Minter Simpson (now Minter Ellison)
- 1970 - 1980 Architect – Commercial and Industrial

Professional Memberships

New South Wales Bar Association

- Member since 1983
- Member, Mediation Committee 1999 - 2007, and ADR Committee 2008 - 2010
- Member, Bar Association Panels of Mediators, Expert Determiners and Arbitrators for Supreme Court and District Court Listings 2000 – 2013

Institute of Arbitrators and Mediators Australia (IAMA)

- Member since 1979, Fellow since 1997 and Grade 1 Arbitrator
- Vice President of National Council 2004 - 2008, and Councillor 2004 - 2008
- Chairman New South Wales Chapter Committee 2000 - 2003
- Deputy Chairman NSW Chapter and Chairman of Education Sub-Committee 1999 - 2000
- Honorary Treasurer NSW Chapter 1997 - 1998
- Member of New South Wales Chapter Committee since 1997
- Primarily responsible, with the former Chapter Chairman, Geoff Markham, for establishment of the Dispute Resolution Centre, Level 9, 52 Phillip Street, Sydney, providing hearing and conference rooms and the IAMA NSW Chapter Office
- Member of Expert Working Group convened by the NSW Attorney General's Department to review commercial arbitration legislation and to recommend reforms
- Presentation of many papers at professional development Forums 1998 - 2009
- Training Programs/Seminars. Presentation of many papers or facilitator of training seminars including; Expert Witness Workshops and Master Classes for Grades 1 & 2 Arbitrators

Society of Construction Law Australia

- Foundation Chairman 2009 - 2012 and member of Board 2009 to date.

Standards Australia

- Chairman of Standards Australia Committee MB - 010 charged with the drafting of a new suite of construction industry and related contracts 2013 - and ongoing

Confederation of Australian Motor Sport

- Appeal Panel Member under the appeal procedure from HEC decisions for the Australian Motor Sports Commission 2013 - 2014 as to the classification of an historic racing car
- Member of Historic Eligibility Committee (HEC) 2004 - 2008 primarily advising upon resolution of disputes as to the eligibility of historic racing cars

Australian Commercial Dispute Centre (ACDC)

- Accredited Commercial Mediator
- Assessor in training programs for Commercial Mediation courses 1999 - 2001
- Nominee for Arbitrations and Expert Determinations 1989 to date

National Association for Women in Construction (NAWIC)

- Examiner for Annual Academic Award 2002 to 2006

Royal Australian Institute of Architects

- Associate and Member since 1976
 - Member of Practice Board of the NSW Chapter 1983 - 1984
 - Member of Practice Committee of NSW Chapter 1978 - 1984
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Education Professional Experience

- **University of Melbourne, Faculty of Law**
 - Professorial Fellow since 2004 and Senior Fellow 2000 – 2004
 - Director of Studies, Construction Law Graduate Program 2000 to 2014
 - Member, Advisory Board for Construction Law Program 1999 to date
 - **University of Technology (UTS) Sydney**
 - Adjunct Professor in Faculty of Law 1999 - 2006
 - Member, Advisory Board on Review of Masters of Dispute Resolution Course 1999
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Publications

- *Construction Law in Australia*, LBC Information Services, first published 1981, 2nd Edition June 1998, 3rd Edition July 2011 co-author with Matthew Bell, Thompson LBC
- *Understanding Australian Construction Contracts*, co-author with Matthew Bell, Thompson LBC, August 2008
- *Laws of Australia, Chapter 27.7 Professional Liability, Architects and Engineers*, Law Book Company, 1993
- *Australian Building and Construction Contracts: A Flow Chart Analysis of E5(b)*, Australian Federation of Construction Contractors, 1991

Speaking Engagements

- Presenter of many papers across Australia and internationally on Dispute Resolution including Regional Arbitral Institute Forum Conferences: Singapore 2007, Brunei 2008, Hong Kong 2009, and Kuala Lumpur 2010
- Presenter of papers on Construction Law across Australia and internationally including International Bar Association Annual Conferences, Madrid 2009 and Boston 2013; and International Societies of Construction Law conferences Hong Kong 2010, Perth 2010, and Brisbane 2011

Alternative Dispute Resolution Appointments

Supreme Court of New South Wales

- Referee of proceedings under Part 72 of the Supreme Court Rules and since 2005 under Uniform Civil Procedure (“UCP”) Rules Part 20
- Several proceedings from 2005 to 2014
- In all matters Reports have been adopted by Supreme Court and on two occasions by the Court of Appeal in New South Wales
- Mediator in numerous Court-directed mediations, 2005 - 2013

District Court of New South Wales

- Referee of in excess of ten proceedings under Part 28B of District Court Rules and under UCP Rules Part20
- In all matters Reports have been adopted the Court and on one occasion by the NSW Court of Appeal
- Mediator in numerous Court-directed Mediations 2003 to date

Commercial Arbitration - Domestic

- Arbitrator in numerous Construction Disputes 1988 to date, including both substantial international and domestic proceedings, primarily as a sole arbitrator

Commmerial Arbitration – International

- Nominee in several matters
- Sole arbitrator - Award in *Wagners Nouvelle Caledonie Sarl v Vale Inco Nouvelle Caledonie SAS* [2010] QCA 219 distinguishing the difficult Eisenwerk decision was upheld by Queensland Court of Appeal
- Nominee of Royal Australian Institute of Architects in joint arbitrations 1980 - 83

Expert Facilitation

- Facilitator, under a pre-action agreement, of substantial disputes involving Supreme Court & arbitration proceedings arising in a mining related contract in South Australia June 2009 and a major ship loading facility in Queensland during 2011

SOP Adjudications

- Adjudicator in ten matters under the *Building and Construction Industry Security of Payment Act 1999* NSW including multi million dollar payment claims 2006 – 2011

Expert Determination

- Expert in major Commercial and Construction Expert Determinations 1985 to date

Commercial Mediation

- Appointed by the parties to act as mediator in many commercial and construction disputes across Australia

Terms of Engagement – Dispute Resolution Services Generally

Services: -

- Commercial Arbitrator – Domestic
- Commercial Arbitrator – International
- Mediator for Construction, Technical and Commercial
- Expert Determiner – Construction, Technical and Commercial Disputes
- Strategic Dispute Resolution Advisor

Initial Procedural Steps: -

- The applicable law and procedural Rules need to be identified prior to engagement.
- Prior to engagement, or at least prior to the first procedural conference, I generally request the parties to provide to me documents which identify and define the nature of the dispute to be addressed. The purpose being to ensure that I am able to provide informed guidance as to procedure which might be adopted during the process for the sake of efficiency and economy.
- After engagement I frequently suggest that the parties prepare outline statements of issues in Word format, which are exchanged and responded to by the parties and provided to me prior to the first procedural conference. The objective being to commence the dispute resolution process with a focus on the real issues in dispute.

Fees and Expenses: -

- My hourly rate for most ADR engagements is \$AU600 per hour (ex tax).
- If a 9.00am to 4.00pm daily rate is required I charge \$AU5,000 (ex tax).
- I will direct that security be provided under the relevant Rules.
- If travel is necessary, I will require business class flights and 4star accommodation.
- If secretarial services are necessary, these will be paid for by the parties.
- Transcription services and room hire will be arranged and paid for by the parties.