

THE  
INSTITUTE of  
ARBITRATORS & MEDIATORS



AUSTRALIA

Australia's leading ADR organisation since 1975

2009 ANNUAL CONFERENCE

# Resolution and Resilience: ADR in the Global Recession



**Hotel Sofitel  
Melbourne Australia  
29 - 31 May 2009**

The Institute of Arbitrators & Mediators Australia

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## 2009 ANNUAL CONFERENCE

# Resolution and Resilience: ADR in the Global Recession

## WELCOME



ANGELA O'BRIEN  
President

### Dear Delegate

The Institute of Arbitrators & Mediators Australia (IAMA) is the nation's largest, independent and most experienced alternative dispute resolution (ADR) organisation.

Each year, it hosts an international conference which attracts leading practitioners, industry participants and academics, bringing together key influencers and stakeholders from the public sector and private enterprise, to be informed of the emerging trends in resolving commercial disputes.

This year's conference in Melbourne is no exception.

The **Resolution and Resilience: ADR in the Global Recession** conference will focus on dispute resolution in the current economic downturn. Today's globalised environment provides great market opportunities, but in an ever-changing business landscape, challenges abound. For private enterprises and public institutions, priorities are shifting under increasing financial pressures. For organisations in dispute prone sectors, the efficient resolution of disputes is essential to maintain profitable business and build community confidence and harmony. This conference will focus on the ability of ADR to contribute to those outcomes, and how ADR professionals can best meet the needs of disputants in these challenging times.

The program takes the form of plenary sessions, interactive workshops and streamed presentations covering a wide range of topics.

On Friday, 29 May the Australian Attorney General, the Hon Robert McClelland MP, will deliver the Australian Government's keynote address, followed by signing ceremonies of agreements between the Institute and other international ADR organisations.

The conference will be attended by delegates from across Australia and around the world and will include speaker representation from China, Singapore, Malaysia and New Zealand.

There will be streamed sessions aimed at specialist groups as diverse as the legal profession; building and construction; the computer and telecommunications industries. There will also be sessions on workplace disputes; family law; dispute resolution boards in the infrastructure sector; international arbitration; maritime and investment arbitration; ADR and the Australian Football League; ADR in the financial and banking disputes; online mediation survey in SE Asia; a framework for addressing the issues of culture, power and social justice in the Asia Pacific region, as well as the recent developments and emerging trends in the ADR sector from government and industry.

Once again, the Institute's conference features an array of eminent speakers and presenters. We are honoured to have the **the Hon Robert McClelland MP, Australian Attorney General; the Hon Rob Hulls MP, Deputy Premier of Victoria and State Attorney General; the Hon Michael Kirby AC CMG, retired Justice of the High Court of Australia; the Hon Justice Murray Kellam AO, Justice of the Court of Appeal, Supreme Court of Victoria and Chair of the National Alternative Dispute Resolution Advisory Council; the Hon Sir Laurence Street KCMG QC; former Australian Solicitor General, Gavan Griffith AO QC; Professor Doug Jones AM; Dato Noorashikin Banti Tan Sri Abdul Rahim, Director of Kuala Lumpur Regional Centre for Arbitration; Dato Kevin Woo, Immediate Past President of the Malaysian Institute of Arbitrators; Professor Dale Bagshaw, President of the Asia Pacific Mediation Forum and Vice President of the World Mediation Forum; Sandra Purser, Assistant Director, International Legal Services Advisory Council; Madam Wen Zhou, Case Manager, China International Economic and Trade Arbitration Commission; Michael Gill, CEO of Fairfax Business Media and publisher of *The Australian Financial Review* and *Business Review Weekly*; and Richard Ackland, award-winning broadcaster, journalist and publisher, *Justinian.com*.**

The conference will be held at the Melbourne Sofitel, located at the Paris end of Collins Street, minutes away from the beautiful Collins Place retail complex, the Melbourne Cricket Ground, Southgate Arts and Leisure Precinct, Federation Square and Docklands. It is an hour away from the wineries and pristine beaches of the Mornington Peninsula, the Yarra Valley and the Great Ocean Road.

Recognising that the Australian Football League engages mediation and conciliation to resolve disputes, through the auspices of the Collingwood Football Club we have organised an exclusive opportunity for delegates to attend the Collingwood v Port Adelaide game at the MCG 4.40 pm 31 May at a special Premium Reserve Seat arrangement - Level 2, Olympic Stand.

I am pleased to acknowledge the work of conference producer Gianna Totaro and the IAMA Conference Committee who have organised an outstanding event.

I welcome you to the **Resolution and Resilience: ADR in the Global Recession** Conference and look forward to seeing you in Melbourne.

Best regards

## 2009 ANNUAL CONFERENCE

# Resolution and Resilience: ADR in the Global Recession

## PROGRAM

**FRIDAY 29 MAY 2009**

**3.45 pm – 4.15 pm**

### Registration

Sofitel Auditorium Foyer

### Plenary 1

Arthur Streeton Auditorium

**4.15 pm – 4.30 pm**

Welcome and Introduction **Angela O'Brien, President of the Institute of Arbitrators & Mediators Australia**

**4.30 pm – 5.00 pm**

Keynote Address **The Hon Robert McClelland MP, Attorney General of Australia**

**5.00 pm – 5.30 pm**

*Signing of Memoranda of Co-operation*

**5.30 pm – 7.30 pm**

### Welcome Cocktail Reception

Carillon Room

**SATURDAY 30 MAY 2009**

**8.15 am – 8.45 am**

### Registration

Sofitel Auditorium Foyer

### Plenary 2

Arthur Streeton Auditorium

**8.45 am – 9.00 am**

Welcome and Introduction **Angela O'Brien, President of the Institute of Arbitrators & Mediators Australia**  
Presentation from the **Principal Sponsor**

**9.00 am – 9.30 am**

Keynote Address: **The Hon Rob Hulls MP, Deputy Premier of Victoria and State Attorney General of Victoria**

### Plenary 3

Arthur Streeton Auditorium

**9.30 am – 10.00 am**

*The Global Recession: Wisdom versus Process'*  
Speaker: **Michael Gill, CEO of Fairfax Business Media and publisher of  
The Australian Financial Review and Business Review Weekly**  
Chair: **The Hon Michael Kirby AC CMG**

*Stream A*  
**Arbitration**  
Arthur Streeton Auditorium

*Stream B*  
**Mediation/Other**  
Perth Room

*Stream C*  
**Adjudication/Other**  
Carillon Room

**10.00 am – 10.30 am**

Session 1 Theme: *'The New Frontier:  
Investment Arbitration'*  
**Gavan Griffith QC AO**

Session 1 Theme: *'Mediation is Good  
Business Practice'*  
**Michael Redfern**

Session 1 Theme: *'Adjudication: Waxing  
or Waning in a Global Recession?'*  
**Warren Fischer and Karyn Reardon**

**10.30 am – 11.00 am**

Session 2 Theme: *'International Dispute  
Resolution in the Global Financial Crisis'*  
**Professor Doug Jones AM**

Session 2 Theme: *'Successful Negotiation  
Strategies for Commercial Disputes'*  
**Harold Werksman**

Session 2 Theme: *'It Takes Two to Tango:  
Judicial Encouragement of ADR'*  
**David Levin QC**

## SATURDAY 30 MAY 2009 (cont)

11.00 am – 11.15 am

### Morning Tea

Sofitel Promenade

**Stream A**  
**Arbitration**  
Arthur Streeton Auditorium

**Stream B**  
**Mediation**  
Perth Room

**Stream C**  
**Adjudication/Other**  
Carillon Room

11.15 am – 11.45 am

Session 3 Theme: *'Bilateral Investment Treaties, Disputes and their Resolution'*  
**AA (Toni) de Fina OAM**

Session 3 Theme: *'The Relevance of ADR in a Global Recession: Dispute Resolution in Commercial Enterprise Contracts'*  
**Penny Mudford**

Session 3 Theme: *'Dispute Boards in Major Infrastructure Projects: An Australasian Perspective'*  
**Graeme Easton and Graham Peck**

11.45 am – 12.15 pm

Session 4 Theme: *'Maritime Arbitration in Australia at a time of Recession – Threat or Opportunity?'*  
**Ron Salter**

Session 4 Theme: *'ADR in Financial and Banking Disputes of Investment Products – A case study and developments in Hong Kong from the collapse of Lehman Brothers'*  
**John Rundell**

Session 4 Theme: *'Streamlining ADR Processes in Response to Increased Volumes of Conflict and the Economic Downturn'*  
**Rashda Rana**

12.15 pm – 12.45 pm

Session 5 Theme: *'Meeting Disputants Needs in the Current Climate: What has Gone Wrong with Arbitration and How Can We Repair It'*  
**Beth Cubitt and Peter Megens**

Session 5 Theme: *'A Piece of the Peace: Designing Effective Peace Agreements'*  
**Alysoun Boyle**

Session 5 Theme: *'The Cases For and Against Harmonisation of Security of Payment Regimes in Australia'*  
**David Campbell-Williams, BA (Toby) Shnookal and Robert Riddell**

1.00 pm – 2.00 pm

### Lunch

Melbourne Room

2.00 pm – 2.30 pm

### Plenary 4

Arthur Streeton Auditorium

*ADR and the Australian Football League*

Chair: **Gabrielle Trainor**

Panel Discussion **TBA**

2.30 pm – 3.00 pm

Session 6 Theme: *'Arbitrator Involvement in Taxation, Assessment or Settlement of Costs'*  
**Robert Thyer**

Session 6 Theme: *'Smashing through Roadblocks to Settlement: Non-binding Determinations in Mediation'*  
**Peter Wood**

Session 6 Theme: *'Claims Management and Dispute Resolution on Thin Ice'*  
**Graeme Robinson**

3.00 pm – 4.00 pm

### Plenary 5

Arthur Streeton Auditorium

*'The Survey of Online Mediation in South East Asia'* **Dato Noorashikin Banti Tan Sri Abdul Rahim**

*'Transforming Conflicts in the Asia Pacific Region: A Framework for Addressing the Issues of Culture, Power and Social Justice'*

**Associate Professor Dale Bagshaw**

Chair: **The Hon Sir Laurence Street KCMG AO**

4.00 pm – 4.15 pm

### Afternoon Tea

Sofitel Promenade

4.15 pm – 4.45 pm

Session 7 Theme: *'Cross Border Investment, Arbitration and a New World Order – What does it mean for Australia?'*  
**Damian Sturzaker**

Session 7 Theme: *'Commercial Mediation, Front and Back End: – Interactive Workshop'*  
**Jim Cyngler**

Session 7 Theme: *'Workplace Relations under Fair Work Australia'*  
**Chris Ronalds AM SC and Colin Dorber**  
Chair: **Hugh McArdle**

4.45 pm – 5.30 pm

## The Institute of Arbitrators & Mediators Australia Annual General Meeting

Arthur Streeton Auditorium

**Angela O'Brien, Kenneth Stout, Paul Crowley and Gianna Totaro**

7.00 pm – 10.30 pm

### Dinner

The Grand Ball Room

Master of Ceremonies: **Richard Ackland** award-winning broadcaster, journalist and publisher

Keynote Address: **The Hon Michael Kirby AC CMG** retired Justice of the High Court of Australia

# SUNDAY 31 MAY 2009

## Stream A

### Arbitration

Arthur Streeton Auditorium

## Stream B

### Mediation/Other

Perth Room

## Stream C

### Adjudication/Other

Carillon Room

9.00 am – 9.30 am

Session 8 Theme: *'The Non-Existent Contract in International Arbitration'*  
**Associate Professor Bruno Zeller and Kristy Haining**  
Chair: **Richard Lightfoot**

Session 8 Theme: *'Australian Developments for Dealing with Family Law and the Use of Innovative ADR Options'*  
**Barbara Campbell**

Session 8 Theme: *'ADR and the ICT Strategy'*  
**Anthony Grieve**

9.30 am – 10.00 am

Session 9 Theme: *'The Application of Arbitration in the Surveying Field in Hong Kong'*  
**Sun-chuen Leung and Tony Leung**

Session 9 Theme: *'Conflict in the Compact City: Dilemmas and Issues in High Density Dispute Management'*  
**Peter Condliffe**

Session 9 Theme: *'Construction Adjudication in Malaysia'*  
**Dato Kevin Woo**

10.00 am – 10.15 am

## Morning Tea

Sofitel Promenade

10.15 am – 10.45 am

## Plenary 6

Arthur Streeton Auditorium

*'Customers, Complaints and Courts: A Global Corporation's View in Challenging Times'*  
**Sue Laver, General Counsel, Dispute Resolution, Telstra Corporation Limited**

10.45 am – 11.15 am

Session 10 Theme: *'Reform of the Australian Domestic Arbitration Acts – It's Time!'*  
**Albert Monichino, Jonathon Redwood and Professor Ian Bailey SC**

Session 10 Theme: *'The Australia-China Legal Profession Development Program'*  
**Madam Zhou Wen  
Madam Deng Yalan  
Sandra Purser**

Session 10 Theme: *'ADR Trends Affecting the Real Economy'*  
**Khory McCormick**

11.15 am – 11.45 am

Session 11 Theme: *'Recent Developments Available in Australian Courts to Support International Arbitration'*  
**Bronwyn Lincoln**

Session 11 Theme: *'Arbitrating Factually Intensive Disputes – a Means of Differentiation?'*  
**Michael Earwaker**

Session 11 Theme: *'Adjudication in the Global Recession: Of Use but Currently Open to Abuse'*  
**David Court**

11.45 am – 12.15 pm

## Plenary 7

Arthur Streeton Auditorium

*'Mediating Change: A Case Study'*

**Anna Booth**

Chair: **Paul Crowley**

12.15 pm – 12.45 pm

## Plenary 8

Arthur Streeton Auditorium

*'Government Enquiry into Alternative Dispute Resolution in the Civil Justice System'*

**The Hon Justice Murray Kellam AO, Justice of the Court of Appeal, Supreme Court of Victoria and Chair of the National Alternative Dispute Resolution Advisory Council**

Chair: **Laurie James**

12.45 pm – 1.00 pm

## Closing

1.00 pm – 2.00 pm

## Lunch

Melbourne Room

4.40 pm

## Collingwood v Port Adelaide

Melbourne Cricket Ground

Exclusive to Conference delegates. Premium Reserved Seat. Level 2, Olympic Stand

**Cancellation Policy:** We will refund your registration in full if you notify us before **COB 8 May 2009**. Any cancellation after this date attracts an administration fee of \$100. No refunds will be payable for cancellations made after **COB 8 May 2009**, however the registration is transferable.

**Early Bird Registration** must be received by **COB 8 May 2009**.

**CPD Points:** IAMA members may claim 16 CPD points for attendance at the Conference. An additional 4 points may be claimed for attendance at the Friday afternoon session. Partial claims are calculated at the rate of 1 point per hour of attendance (excluding refreshment and meal breaks). Where other mandatory CPD points apply, registrants should contact their professional association to see if your institution has allocated CPD points for attendance at the IAMA 2009 Conference.

**Privacy Notice:** The information you provide on this registration form is being collected by IAMA for the purpose of processing your registration for the Conference. The information will not be used for any other purpose and will not be provided to any other organisation.

**New Members:** Members are financial members at the date of registration. New applicants for membership will be eligible for the member's rate, provided they have forwarded the prescribed entrance fee and annual subscription to the Institute with the conference registration form and payment.

**Accommodation:** A special conference rate has been arranged with the **Sofitel Hotel**, 25 Collins Street, Melbourne. Rate: \$295 room only.

Ring **61 3 9653 0000** and ask for the Inhouse Reservation and quote **IAMA Conference**.

**NB:** Conference registration fee does not include cost for travel and/or accommodation.

# PROFILES

## Richard Ackland

Richard Ackland, 1999 Walkley Award Winner and co-presenter of *The Business Show*, has a track record of more than 30 years in journalism and business and legal advocacy. His instincts for exposing shoddy practices came to the fore in 1998 when he took over as Presenter/Writer of *Media Watch* on ABC TV. His early career was spent in the print media, specialising in finance. Working in the Canberra bureau of the *Australian Financial Review* in the 70s, he witnessed first hand, one of Australia's most turbulent political periods. Richard went on to host *Late Night Live*, on ABC Radio National and later the network's national breakfast program *Daybreak*. He launched and remains Editor/Publisher of the respected law journals the *Justian* and the *Gazette of Law and Journalism*. He is a Solicitor of the Supreme Court of New South Wales and has degrees in Economics and Law.

## Dale Bagshaw

Associate Professor Dale Bagshaw, PhD, is the Director of the Centre for Peace, Conflict and Mediation, Hawke Research Institute, and the Program Director for the Graduate Certificate, Diploma and Master of Mediation and Conflict Resolution at the University of South Australia. She convened and chaired the South Australian Dispute Resolution Association (1988-1999), is on the International Editorial Board for the *Conflict Resolution Quarterly*, is the inaugural President of the Asia Pacific Mediation Forum (2001-ongoing), the past President and current Vice-President of the World Mediation Forum and was invited to lead the first International Mediation Leadership Summit in the Peace Palace, The Hague in 2008. Dale has trained mediators in Australia, England, Sweden, Germany, Denmark, the Philippines, Malaysia and Fiji and has published widely in books and journals, including the forthcoming book: Bagshaw, D. & Porter, E. (eds) *Mediation in the Asia Pacific: Transforming Conflict and Building Peace*, Routledge, New York & London.

## Professor Ian Bailey SC

Professor Ian Bailey SC is a Fellow, Grade 1 arbitrator and accredited mediator of the Institute of Arbitrators & Mediators Australia (IAMA). From 2004 to 2007 he was IAMA's Vice President and the Chairman of its NSW Chapter from 2000 to 2003. From 1970 to 1980, Ian practised as an architect in the design and construction of commercial and industrial buildings in NSW. A practising barrister since 1983 and Senior Counsel since 2004 specialising in construction disputes and related claims throughout Australia, Ian is also a Court appointed referee in numerous NSW Court proceedings. A Professorial Fellow of the University of Melbourne and Co-Director of Studies for the Construction Law Graduate Program, and an Adjunct Professor in the Faculty of Law at UTS, Sydney, Ian is author of *Construction Law in Australia* IBC and co-author with Matthew Bell *Understanding Australian Construction Contracts* Thomson Reuters (IBC) 2008.

## Anna Booth

Anna Booth is an experienced facilitator, accredited mediator, mentor and trainer as well as a board member of Members Equity Bank, the banking institution of the Industry Superannuation Funds, and non-executive chair of the law firm, Slater & Gordon. She has also recently joined the board of The Centre for Policy Development. She is a former national secretary of the Textile, Clothing and Footwear Union of Australia and Australian Council of Trade Unions vice-president. During the 90s she was a board member of the NRMA as well as the Commonwealth Bank of Australia, and member of the Sydney Organising Committee for the Olympic Games (SOCOG).

## Alysoun Boyle

Alysoun Boyle is an Institute of Arbitrators & Mediators Australia (IAMA) accredited mediator, NMAS Accredited Mediator and NMAS Accredited Instructor. She copresents the ANU College of Law's Post-Graduate ADR Workshop and is one of the principal instructors of IAMA's national mediation course, and the author of the course handbook. A member of IAMA's National Mediation Committee as well as of IAMA's NMAS Accreditation Committee, she is also a member of the NMAS' own National Mediator Accreditation Committee and its Practice and Compliance Working Group. ADR experience includes commercial, workplace, property development, and multi-party disputes. She is a Mediator Member of the ACT's new Civil and Administrative Tribunal, the Australian Institute of Judicial Administration and the Asia Pacific Mediation Forum.

## Barbara Campbell

Barbara Campbell, is the principal of her law firm: Campbell & Co. lawyers in Canberra and has developed and

established Legal Resolution Services™. Barbara is an IAMA graded Arbitrator, Educator, Section 60I provider for Family Law clients, and a Mediator. Barbara is an Accredited Specialist in Family Law. In 2008, Barbara presented a paper on Legal Resolution Services and Developments in Family Law in Australia at the World Conference of the International Congress of Family Law in Vienna. Barbara is on the Boards of St Andrew's Aged Care Village and Pro Musica which runs the Canberra International Music Festival, and she also assists with community groups and Rotary. Representing small and home-based businesses Barbara survived the ACT Bushfires after winning the Telstra Business Owner Award in 2002.

## David Campbell-Williams

David Campbell-Williams is a construction lawyer, an adjudicator and a Grade 2 arbitrator, who serves on the NSW Chapter Committee of the Institute of Arbitrators & Mediators Australia (IAMA), and on its National Adjudication Subcommittee. He has been involved in Security of Payment issues for the last ten years. He is a partner in the firm, Thomson Playford Cutlers, and is an Honorary Senior Fellow in the University of Melbourne's Faculty of Law, lecturing on Security of Payment issues in the faculty's Master of Construction Law course.

## Peter Condliffe

Peter Condliffe is a barrister, who has also practiced as a solicitor, community worker, academic, human rights officer, manager and teacher. He was formerly CEO of the Institute of Arbitrators & Mediators Australia and Director of Dispute Resolution Centres in the Department of Justice and Attorney-General, Queensland. Prior to this Peter was Chief of Education, Training and Information with the United Nations Centre for Human Rights in Cambodia. He is the founding President of The Victorian Association for Restorative Justice; a member of the ADR Committee of the Victorian Bar and Chair of its Training Sub-Committee; and Legal Member of the Mental Health Review Board. He is also working as part of the research team at the Laboratory for Decision Support and Dispute Resolution at Victoria University into aspects of disputing in strata title properties and also families.

## David Court

Dip Arb, Dip QS, MRICS, FCIArb, AIAMA, Adjudicator David Court is director of Trett Consulting. He is a chartered quantity surveyor with extensive experience in preparing and defending claims and in providing contractual advice in relation to a broad range of construction sectors, including civil engineering, marine, oil and gas, mining, mechanical and electrical and building. David has over 15 years international experience (UK, USA, South East Asia and Australia) in project, contract, claim and commercial management on behalf of owners, operators, contractors and consulting organisations.

## Paul Crowley

Paul Crowley commenced as the CEO of the Institute of Arbitrators & Mediators Australia (IAMA) in April 2009. Previously, Paul has held various senior management positions in the mediation industry including Director, Community Justice Centres (NSW) and Director, ADR for Uniting Care Unifam (NSW). For six years Paul both created and led Roundtable Dispute Management, Victoria Legal Aid's innovative high volume and best practice family law ADR service. Paul has 20 years experience as a mediator and social worker specialising in dispute system design for complex high conflict families. Paul is a Registered Family Dispute Resolution Practitioner and has been closely involved in the development of the National Mediation Accreditation System (NMAS).

## Beth Cubitt

Beth Cubitt is a senior associate in the Melbourne office of Mallesons Stephen Jaques where she specialises in construction dispute resolution, international commercial arbitration and cross-border disputes. Beth Cubitt has been involved in providing advice and management of claims in respect of various substantial construction disputes in Australia and the Asian Pacific region since February 2002. She has also advised on various cross-border transactions in relation to international law and arbitration. Beth is the co-ordinator of the Mallesons International Commercial Arbitration team. Beth Cubitt also spent two years as part of the Mallesons construction team in Brisbane, with a focus on contract preparation, contract negotiation and construction advice until December 2001. Prior to joining Mallesons' Brisbane office in February 2000, Beth practised as a solicitor in South Africa for a year and acted for a variety of commercial clients, in respect of dispute resolution and negotiating and drafting contracts. In October 2004, Beth obtained the International Bar Association and Melbourne University - Scholarship for International Construction Law and gained her Masters in

Commercial Law at Melbourne University in 2005. In February 2007, Beth obtained her Diploma in International Commercial Arbitration, Chartered Institute of Arbitrators (London with University of New South Wales) and is a Fellow of the Chartered Institute of Arbitrators (London). She is a committee member of the Australasian Forum for International Arbitration (AFIA) and a member of the Institute of Arbitrators and Mediators Australia (IAMA), the Building Dispute Practitioners Society (BDPS), Arbitral Women and the National Association of Women in Construction (NAWVIC).

## Jim Cynghler

Jim Cynghler has been a practicing mediator since 1992. He has conducted over 2000 mediations, primarily in the construction, property and commercial areas. Jim regularly trains and coaches mediation both in Australia and overseas. He specialises in facilitating parties in decision making, often in complex and/or high conflict circumstances, in both the not-for-profit and commercial sectors. Jim has been a member of the Victorian Bar since 1979. Jim is a builder and developer, and is experienced in Building and Construction Law and Property Law.

## AA (Toni) de Fina

Toni de Fina is a Past President of IAMA and a Past President of ACICA. He practises as an arbitrator dealing with cases in Latin America, North America, Asia, Europe, the Middle East and the UK, as well as in Australia. Toni has advised nation states in relation to arbitration law and is a member of the Court of the Cour Européenne d'Arbitrage (EU)

## Madam Deng Yalan (Deborah)

Madam Deng Yalan is a partner with Beijing Kaiwen Law Firm, specialising in foreign direct investment, real estate and enterprise investments. Madam Deng also works as an arbitrator for the Chongqing Arbitration Commission, and is Vice Director of the Chongqing Bar Association's Foreign Related and WTO Committee. Madam Deng has a Master's Degree in Civil and Commercial Law from the Southwest University of Political Science and Law, and a Master's of Business Administration from Chongqing University. Madam Deng was named in the Top Ten Female Attorneys in Chongqing. Madam Deng has undertaken a number of international legal training programs, including the Lord Chancellor's Training Scheme for Young Chinese Lawyers in London and Hong Kong (SAR), a 5-week Enterprise and Investment Lawyers Course in Rome (certificate issued by the International Development Law Organisation), Law Firm Management Training in Shanghai (organised by the All China Lawyers Association and Lovells Law Firm, Britain), and WTO training courses in Chongqing. Madam Deng is a participant in the Australia China Legal Profession Development Program 2009. She has a placement with Allens Arthur Robinson, Sydney.

## Colin Dorber

Colin Dorber has been actively involved in employment and related policy issues for over 40 years. His experience includes being a NSW Police Officer, Full time Industrial Advocate, E/Director Industry Association; lobbyist and CEO of an Industrial Relations Employer Body specialising in IR and IC management including extensive appearances in Federal & State IR Commissions. Colin is the CEO and Director of his own company, specialising in industrial relations, employment practices and worker's compensation (claims and premiums management) across the eastern seaboard of Australia. Colin has appeared as an advocate in the NSW and Federal Industrial Commissions for many years, representing in particular employers in the Australian Timber Industry, and the NSW Health Industry. He has the added benefit of also having represented members of the Australian Federal Police Association, the NSW Nurses Association and with his team, currently represents the interests of 105 Employer Companies and over 400 employee clients.

## Michael Earwaker

Michael Earwaker is a partner of Clayton Utz. He is based in Melbourne and is part of the firm's national Major Projects Group. He has qualifications in engineering and law. His practice focuses on the resolution of disputes arising out of construction work, particularly in connexion with infrastructure and mining projects. These disputes are usually factually and legally complex. His experience spans a variety of dispute resolution techniques namely; litigation, arbitration (domestic and international), mediation and structured negotiations.

## Graham Easton

Graham Easton is an arbitrator and mediator with over 20 years experience and an extensive practice within Australia and Internationally. He is a Fellow of the Institute of Arbitrators & Mediators Australia (IAMA) and a Grade 1 Arbitrator. He is

admitted as a Barrister of the Supreme Court of NSW and also works as a court-appointed referee. Prior to turning his attention to dispute resolution activities, he worked as a civil engineer in the construction industry. He also spent a period as an academic, teaching and writing on Construction Law and Management topics.

## Warren Fischer

Warren Fischer is the Senior Vice President of the Institute of Arbitrators & Mediators Australia (IAMA) and is the managing director of Alternative Dispute Resolution Services Pty Ltd and during the past 25 years has worked in Australia, Indonesia and the United Kingdom as a Civil and Structural Engineer. Warren has undertaken feasibility studies, design, construction, project and contract management in the building, construction and mining arenas. Warren presently practices exclusively in alternative dispute resolution and associated fields in the building, civil, mining and body corporate arenas. Warren is a co-author of *The Adjudicator's Guide*.

## Michael Gill

Michael Gill was appointed Chief Executive Officer, Fairfax Business Media in January 2007 and held the position of Publisher and Editor-in-chief of Fairfax Business Media from July 1998. He is responsible for the business management and editorial direction of *The Australian Financial Review*, *AFR Magazine*, *BOSS*, *afr.com*, *BRW*, *The Australian Financial Review Smart Investor*, *CFO*, *MIS* (Australia, NZ, Asia and UK), *AFR Education*, *Financial Essentials* and *Fairfax Business Research*. Prior to his current appointment, Michael was employed in business development for John Fairfax Holdings Ltd. From 1996 to 1998 his role was to examine opportunities related to digital media. From 1993 to 1996 he was deputy editor of *The Australian Financial Review*, having joined the AFR as a senior writer in 1990. He was a presenter on Business Sunday (TV) from 1988 to 1990. Michael is chairman of AAP and the chairman of UNICEF Australia.

## Anthony Grieve

Anthony Grieve is the Vice President of the Institute of Arbitrators & Mediators Australia (IAMA) and is a lawyer and engineer. From 1968-1990 he acted as a designer and project manager of building and engineering contractors. Practices as an arbitrator, referee, mediator and expert determiner. Chairman of the Joint Venture for the Implementation of the ADR in ICT project which was recently launched by Senator Helen Coonan. Initiated the Memorandum of Cooperation between Engineers Australia and IAMA.

## Gavan Griffith AO QC

Gavan Griffith AO QC was Solicitor-General of Australia 1984 to 1997. He now practices as counsel and as an international commercial and investment disputes arbitrator from Owen Dixon Chambers, Melbourne and Essex Court Chambers, London. Of current relevance are more than a few current appointments as Chairman or Member of various ICSID Tribunals and ad hoc Annulment Committees.

## Kristy Haining

Kristy Haining completed a combined Law and Business (Accounting) degree at Victoria University, Melbourne in 2008. She worked alongside Dr Bruno Zeller as a research assistant from 2007. She represented Victoria University in various domestic and international moots including the Sir Harry Gibbs National Constitutional Law Moot, International Maritime Law Moot and The Annual Willem C. Vis International Commercial Arbitration Moot. Kristy has obtained a graduate position with Freehills in 2009.

## The Hon Rob Hulls MP

The Hon Rob Hulls MP is the Deputy Premier of Victoria and the State Attorney General of Victoria. Rob Hulls is a lawyer and has undertaken Aboriginal legal aid work. Mr Hulls was elected to the Australian Federal Parliament in 1990 and remained a member until 1993. He was elected to the Victorian State Parliament in 1996. Mr Hulls has previously held the portfolios of Racing, Manufacturing industry, Planning, Industrial Relations, WorkCover and TAC and is currently the Minister for Racing. Mr Hulls is passionate about social justice and progressive law reform. He is committed to the Brumby Government vision of a prosperous and socially cohesive Victoria. He is married to Carolyn Burnside with whom he has three sons; he has a daughter from a previous marriage. His interests are football (especially Geelong Football Club), horse racing and jogging.

## Laurie James

Laurie James, the Immediate Past President of the Institute of Arbitrators & Mediators Australia (IAMA), is a barrister and solicitor, and is Chairman of Partners with Kott Gunning Lawyers. He is the Deputy Chairman (Western Australia) of the Construction and Infrastructure Law Committee of the Law Council of Australia, the Convenor of the Western Australian Dispute Resolution Service and the Gas Disputes Arbitrator under the Gas Pipelines Access (Western Australia) Act 1998

and the Economic Regulation Authority. He is also a member of the Australian Institute of Judicial Administration.

## Doug Jones AM RFD

Professor Doug Jones AM RFD is an international infrastructure and dispute resolution lawyer, and a Sydney-based partner in the Australian law firm of Clayton Utz, where he heads the International Arbitration and Major Projects Groups. He is a Chartered Arbitrator and door tenant at Atkin Chambers, London. Doug practices in both contentious and transactional matters within Australasia and internationally. He also teaches international arbitration and construction being a Professorial Fellow at Melbourne University and an Adjunct Professor at Notre Dame and Murdoch Universities, Australia. His expertise in International Arbitration and Construction has been regularly recognised by Chambers Global, Asia Pacific 500, Who's Who Legal (2008 - one of 9 most highly regarded construction lawyers worldwide), and PLC Which Lawyer. Amongst positions held Doug is Co-Chair of the International Projects Committee of the International Bar Association, President of the Australian Centre for International Commercial Arbitration, and President Elect for 2011 of the Chartered Institute of Arbitrators. In 1999, Doug was made a Member of the Order of Australia for services to Construction Law and Dispute Resolution, recognising thirty years contribution in those areas.

## The Hon Justice Murray Kellam AO

The Hon Justice Murray Kellam AO is a Justice of the Court of Appeal, Supreme Court of Victoria and the Chair of the National Alternative Dispute Resolution Advisory Council. He was formerly a Justice of the Trial Division of the Supreme Court of Victoria, President of the Australian Institute of Judicial Administration and President of the Victorian Civil and Administrative Tribunal (VCAT). Justice Kellam has been a strong supporter of alternative dispute resolution (ADR) within the court and tribunal system and led the development of a broad-ranging and innovative ADR program within VCAT. He has undertaken mediation training at Harvard University and has been involved in the delivery of mediation training to the judiciary in Papua-New Guinea and a number of Pacific Island Countries.

## The Hon Michael Kirby AC CMG

The Hon Michael Kirby AC CMG was, until 2 February 2009, one of the seven Justices of Australia's highest constitutional and appellate court, the High Court of Australia. He served there from his appointment on 6 February 1996. At the end of that service he was Australia's longest serving judicial officer having been:

- A deputy president of the Australian Conciliation and Arbitration Commission 1975-1983;
- Inaugural chairman of the Australian Law Reform Commission 1975-1984;
- A judge of the Federal Court of Australia 1983-1984;
- President of the New South Wales Court of Appeal 1984-1996;
- President of the Court of Appeal of Solomon Islands 1995-1996;
- A justice of the High Court of Australia 1996-2009.

In addition to these posts, Michael Kirby has served in many international and United Nations positions, two expert groups of the OECD, Paris, many bodies of the Commonwealth Secretariat, London and positions in the ILO, UNDP, UNESCO, UNODC, WHO Global Commission on AIDS, and UNAIDS. He was President of the International Commission of Jurists 1995-1998 and served as Special Representative of the Secretary General of the United Nations for Human Rights in Cambodia 1993-1996. He has been a member of the governing body of three Australian universities, ultimately being elected as Chancellor of Macquarie University in Sydney 1984-1993. He holds 16 honorary degrees of Doctor of Letters, Doctor of Laws and Doctor of the University from 12 Australian and foreign universities and various other appointments. In 2009 he was elected Honorary Life Member of the Australian Bar Association and the NSW Bar Association. [www.michaelkirby.com.au](http://www.michaelkirby.com.au). In March 2009 he was elected to the Council of the Institute of Arbitrators & Mediators Australia (IAMA).

## Sue Laver

Sue Laver is the General Counsel Dispute Resolution and General Counsel Telstra Country Wide, Telstra Corporation. Sue has accountability for two legal portfolios at Telstra. As General Counsel Dispute Resolution Sue is responsible for the conduct of Telstra's commercial litigation, including public liability and the management of its escalated customer claims. Her practice is incredibly broad dealing with a range of issues from consumers and coronial inquests to international arbitration to contractual disputes in nearly every Australian jurisdiction. Sue was responsible for conducting Telstra's defence in shareholder class action proceedings brought against the company. Those proceedings were finally resolved in 2008 for a payment of \$2.5M, which represented less than 1% of the amount claimed. As General Counsel Telstra Country Wide Sue is responsible for a wide range of commercial issues from Telstra's rural and regional

businesses from contracts to compliance with specific Telecommunication Licence Conditions which require Telstra to maintain a local presence in regional, rural and remote Australia. Prior to commencing at Telstra, Sue worked in commercial litigation roles at Arnold Bloch Leibler, and Allens Arthur Robinsons. Sue is the Vice President of the Victorian Chapter of the Australian Corporate Lawyers Association. She jointly wrote the ACLA submission to the Australian Law Reform Commission on its recent Discussion Paper entitled Client Legal Privilege and Federal Investigatory Bodies and is a frequent presenter on Legal Professional Privilege and the particular issues that it raises for In-House Counsel.

## Sun-chuen Leung

Sun Chuen Leung is a Lecturer at Division of Building Science and Technology, City University of Hong Kong. The subjects that he teaches are: Land Administration including government land policies - Land Grant & Lease Modification etc, Planning & Development, Applied Valuation, Estate Surveying Studio, Real Estate Appraisal, Estate Surveying Studio, and Land Economics.

## Tony Leung

Tony KC Leung is a member of the Royal Institution of Chartered Surveyors and the Hong Kong Institute of Arbitrators after obtaining the Master Degree in Arbitration and Dispute Resolution awarded by the City University of Hong Kong. Before joining the Hong Kong Polytechnic University, he has more than 15 years of professional experiences in surveying, particularly property valuation, property development and land resumption & compensation, in both public and private sectors in Hong Kong and overseas.

## David Levin QC

David Levin QC is a member of the Victorian Bar. He has been a barrister for more than 35 years and the QC more than a decade. He practices generally in the construction area and has been involved in many infrastructure disputes in Victoria. For many years he held positions on the committee of the Victorian Society of Computers and the Law and for two years was chair of the Victorian Bar Dispute Resolution Committee. He is a Victorian Bar representative on the Supreme Court Building Cases List Users Group. He is a member of the LCIA and the Chartered Institute of Arbitrators, the WIPO Domain Name Disputes Panel, a WIPO Neutral and a Grade 1 Arbitrator accredited by the Institute of Arbitrators & Mediators Australia (IAMA). He is a committed cyclist, convenor of Wigs on Wheels, the Victorian Bench & Bar Bicycle User Group, and an elected member of the board of Bicycle Victoria.

## Richard Lightfoot

Richard Lightfoot is a Consulting Engineer and for the last 26 years has provided expert evidence in the Courts of Victoria, New South Wales and the ACT. He is also qualified in Law and is a Fellow of both the Institute of Arbitrators and Mediators Australia and the Chartered Institute of Arbitrators, London. Presently he is the Victorian Chairperson of the Institute and has a specific interest in the training and promotion of law students in the field of arbitration and to that end has coached the winning team in the ICSID Law Moot Frankfurt 2009. His engineering background has been principally in the extractive industries and also he has spent nine years with the Antarctic expeditions over wintering in 1973 at the Casey Station, Antarctica and as Chief Engineer and later Assistant Director, Engineering and Operations has overseen the Antarctic building operation of the 1970s and 1980s. He is presently researching dispute resolution as it relates to carbon trading and on completion of this work will submit his Science Juris Doctor (SJD).

## Bronwyn Lincoln

Bronwyn Lincoln is a partner in the litigation section of the Freehill's Melbourne practice. Her practice encompasses a wide range of litigious and non-litigious matters in the projects and infrastructure sector. Bronwyn has significant experience and expertise in international commercial arbitration and transnational disputes, both within Australia and offshore, particularly in Europe and Asia. She is skilled in the resolution of disputes under the Rules of the International Chamber of Commerce, London Court of International Arbitration, Singapore International Arbitration Centre and UNCITRAL. Bronwyn's practice also includes Trade Practices and major contractual disputes which involve litigation in the Federal and Supreme Courts, arbitration, expert determination and mediation. Bronwyn has been responsible for or has worked in conjunction with foreign lawyers on litigation and arbitration conducted in Singapore, France, Italy, the Czech Republic, India and Switzerland. Bronwyn has appeared as co-counsel in ICC administered arbitration in France and Switzerland and has appeared as counsel for clients engaged in mediation through the Singapore Mediation Centre. Bronwyn has a Bachelor of Arts and Bachelor of Laws from Monash University, Australia. She is admitted to practice in Victoria, New South Wales, Western Australia and Tasmania. Bronwyn is an associate member of the Institute of Arbitrators

and Mediators Australia and a member of the International Bar Association (Business Section), the Victorian Women Lawyers Association and Arbitral Women. Bronwyn was the inaugural regional representative for Australasia for the Young International Arbitration Group of the London Court of International Arbitration. In 2004, Bronwyn was appointed as a member of the Federal Attorney General's International Legal Services Advisory Council. She is a member of the Executive of the Federal Litigation Section of the Law Council of Australia and the Federal Court Liaison Committee and was an inaugural co-chair and founder of the Australian Forum for International Arbitration. Bronwyn is a member of the ICC Commission on Arbitration Task Force on 'National Rules of Procedure for Recognition and Enforcement of Foreign Awards pursuant to the New York Convention of 1958'.

## Hugh McArdle

Bjiris, LLB, LL.M., MIAMA, MCIArb, Barrister and Solicitor of the Supreme Court of Victoria, Graded Arbitrator and Accredited Mediator, is an Australian legal practitioner and arbitrator. Hugh McArdle has acted as the legal adviser on public sector industrial relations to successive Victorian Governments over a period of almost 30 years, including having the conduct of a wide variety of litigation pertaining to employment and industrial relations issues. He is a committee member of the Victorian Chapter of the Institute of Arbitrators & Mediators Australia.

## The Hon Rob McClelland MP

Robert McClelland is the Australian Attorney General and the Member for Barton, an electorate based in the St George area of Sydney. Robert was elected to Parliament in 1996. Before becoming Attorney General he served on several parliamentary committees, including as Deputy Chair of the House of Representatives Standing Committee on Legal and Constitutional Affairs, the Joint Standing Committee on Treaties and the Joint Select Committee on the Republic Referendum. Before entering Parliament, Robert practised as a lawyer for 14 years, specialising in industrial and sports law. Robert was born on Australia Day in 1958. His interests include Australian history, surfing and rugby league.

## Khory McCormick

Khory McCormick is a Court and Queensland Law Society Approved Mediator and a Fellow of the Chartered Institute of Arbitrators. Khory's opinion is sought by leading corporate and public sector participants on diverse strategic and operational issues. He has advised major corporate players in times of financial and organisational stress. For almost 30 years he has been at the forefront of cutting edge commercial, public sector, resources and major projects, industrial law and media litigation and advisory work. Khory is a Board member of Minter Ellison and President and Chairman of Green Cross Australia.

## Peter Megens

Peter Megens is a partner at Mallesons Stephen Jaques and an Adjunct Professor of Law, Murdoch University. He was one of the first Accredited Specialists in Alternate Dispute Resolution (Arbitration) with the Law Institute of Victoria from 1996. He is a Graded Arbitrator and Mediator and Former Victorian Chapter Chairman of IAMA and National Councillor of IAMA. He is a Deputy President of the Chartered Institute of Arbitrators (Australian Chapter), a Chartered Arbitrator, a Fellow of IAMA, ACICA and the Chartered Institute of Arbitrators, a Director of ACICA and Deputy Chair of the Law Council of Australia Construction and Infrastructure Law Subcommittee. Peter practises in arbitration, both domestic and international, and extensively in construction law, both domestic and international and has 30 years experience.

## Albert Monichino

Albert Monichino practises as a barrister, arbitrator and mediator. He has a general commercial litigation practice in the Supreme and Federal Courts, and also in commercial arbitrations (domestic and international). He holds the degrees of B.Ec, LLB (Hons) from Monash University, an LL.M from the University of Cambridge and a Grad Dip Intell Prop Law from the University of Melbourne. He is the Vice President (Convenor) of the Commercial Bar Association of the Victorian Bar ('COMMBAR') and Co-Chair of its Arbitration and ADR Section. He is also the Vice-President: Arbitration of the Australian Branch of the Chartered Institute of Arbitrators ('CIArb'), a Fellow of the Institute of Arbitrators and Mediators Australia ('IAMA') and a Fellow of the Australian Centre for International Commercial Arbitration ('ACICA'). He is a graded arbitrator and is accredited as an advanced mediator. Albert has lectured and/or tutored in the CIArb Diploma Course in International Commercial Arbitration for the past 3 years.

## Penny Mudford

Penny Mudford is a dispute resolution practitioner who practises as a conciliator, arbitrator and mediator. She is a Fellow Arbitrator of the Arbitrators' and Mediators' Institute of New Zealand (AMINZ) and an Accredited Director of the

Institute of Directors in New Zealand. Penny operates the professional services company Resolution World Limited from Wellington. The company provides a range of services in the area of conflict and dispute resolution. Her governance experience includes roles in the information technology, veterinary, electrical, rural and community sectors. Penny is a former CEO of AMINZ and has a background in agriculture including 20 years dairy farming in New Zealand. She is a scholar of the Kellogg Rural Leadership Programme at Lincoln University, Canterbury NZ, and has held various leadership roles in New Zealand's co-operative dairy industry. She is the author of the 'Rural Arbitrations' chapter in *Green and Hunt's Arbitration Law and Practice*, Thomson Brookers, NZ 2008. FAMINZ(Arb), GDipBusStuds(Massey University, NZ)

## Angela O'Brien

Associate Professor Angela O'Brien is the President of the Institute of Arbitrators & Mediators Australia (IAMA) and has over 20 years' experience in academia with senior management and leadership positions since 1993, including foundation Head of Creative Arts, University of Melbourne and Deputy Dean of Graduate Research. She has widespread governance and committee experience on educational, professional and community bodies. An extensive background in teaching, research and publication includes funding and partnership relationships with Government and Industry, including the Australian Research Council, the Australia Council, the Victorian Departments of Justice, Human Services and Education, VicHealth and Arts Victoria. Her ADR expertise is in arts and cultural organisations, educational sectors, government sectors, and the workplace. In addition to her IAMA responsibilities, Angela O'Brien serves on the National Mediation Accreditation Implementation Committee

## Graeme Peck

B.E. (Hons 1), M.Eng., FIE Aust., MIAMA  
Graeme Peck co-founded the well known construction consultancy Evans & Peck in 1985 after a career in construction including 11 years as Engineering Director of one of Australia's most successful construction companies. At the time of his retirement in 2001, Evans & Peck had grown to be the largest practice of its kind in Australia with offices in Sydney, Brisbane, Melbourne, Perth, Singapore and Hong Kong. Graeme became a graded arbitrator in 1995 achieving Grade 1 in 2002. Since 2003 he has concentrated on developing the concepts of Dispute Resolution Boards in Australasia. He has been President the Dispute Resolution Board Australasia (DRBA) since 2005, has been Country representative for the international DRBF since 2005, and has been a member of a number of DRBs for major projects within Australia and New Zealand, several of which remain ongoing. His experience in these roles continues to reinforce his belief in the DRB concepts as amongst the best available dispute avoidance processes for major construction projects.

## Sandra Purser

Sandra Purser, is the Assistant Director, International Legal Services Policy Section of the Australian Attorney General's Department and of the International Legal Services Advisory Council (ILSAC) Secretariat. Sandra has worked with ILSAC for 15 years and her prime responsibilities have been in the area of International Legal Cooperation and International Commercial Dispute Resolution. Sandra has managed large international conferences, research publications and cooperation projects. She coordinates the Australia - China Legal Profession Development Program.

## Dato Noorashikin Banti Tan Sri Abdul Rahim

Dato' Noorashikin Bte Tan Sri Abdul Rahim is the Director of the Kuala Lumpur Regional Centre for Arbitration (KLKRA). She holds a BSc (Hons) degree from the Northern Illinois University, an LLB (Hons) degree from the London University and CLP from the University of Malaya. Dato' Noorashikin was admitted as an Advocate & Solicitor of the High Court of Malaya, whereupon she joined the Judicial and Legal Service of the Malaysian Government. In 2002 she left the Malaysian Government Service and joined the KLKRA. She began her career at KLKRA as the Legal Counsel in charge of the administration of Arbitration and Mediation at KLKRA. She frequently represents KLKRA at international conferences.

## Rashda Rana

Rashda Rana is a partner at Holding Redlich. A construction and infrastructure dispute resolution lawyer who has practiced in London, Australia and various jurisdictions in South East Asia largely in her former role as an advocate, Rashda has advised on and conducted major commercial, maritime and construction and infrastructure litigation, arbitration and mediation involving wide ranging issues and through all stages of those processes. As well as her litigious practice, Rashda has undertaken non-contentious work in drafting, reviewing and settling major project documentation including Defence contracts, infrastructure and banking and financing documentation. She is Adjunct Professor at Sydney University

Law School (international commercial arbitration) and an active member of a number of significant industry associations, including as Australian representative on a number of ICC Taskforces, the Founding Member and Secretary of the newly formed Society of Construction Law, Australia, Fellow of ACICA, Fellow of the Institute of Arbitrators & Mediators Australia (IAMA), Fellow of CIArb and Fellow of CLAA.

## Karyn Reardon

Karyn Reardon is a partner with HWL Ebsworth and specialises in resolution of large construction and engineering disputes. She has a detailed understanding of ADR practices, having been involved in a number of matters resolved by way of mediation, arbitration, adjudication and expert appraisal. Karyn also drafts and reviews construction and engineering project documentation. Karyn has conducted on-site training for corporate clients, and has lectured in Construction Law and Arbitration Law at QUT. Karyn is Treasurer and Honorary Secretary of the Institute of Arbitrators & Mediators Australia's Queensland Chapter, and a National Councillor. She is a graded arbitrator, a registered adjudicator and an accredited mediator, and co-author of *The Adjudicator's Guide*.

## Michael Redfern

Michael Redfern is a consultant with Russell Kennedy Lawyers, Melbourne and is an associate of the Institute of Arbitrators and Mediators Australia being accredited as a mediator. He is accredited by the Law Institute of Victoria as a specialist in mediation and is a member of the advanced panel of LEADR mediators. Michael has conducted over 200 mediations, he has written extensively on the subject mediation and alternative dispute resolution and is the co-author of Australian Tenancy Practice & Precedents and Franchising Law Practice.

## Jonathon Redwood

Jonathon Redwood has a broad practice and is available to appear and advise in all areas in commercial, banking and finance, corporate and securities and constitutional law. Since coming to the Bar, Jonathon has appeared in a number of Supreme Court and High Court matters, as well as a major international commercial arbitration, and given numerous advices. Jonathon was awarded the University Medal and was Australia's Menzies scholar to Harvard University for 1998. He is a door tenant at the leading English commercial chambers of 3 Stone Buildings in London and New York. Before joining the Bar, Jonathon was a Senior Associate at the pre-eminent international banking and finance law firm, Sullivan & Cromwell LLP, in New York and Melbourne/Sydney from 1999-2005. He also served as associate to Chief Justice John Doyle AC, Supreme Court of South Australia from February 1997 - July 1998.

## Robert Riddell

Robert Riddell was admitted in as a solicitor in New South Wales in 1987. He established Gadens Lawyers Building and Construction division in 2001, upon returning from a four year secondment with Gadens' Port Moresby office. Gadens Building and Construction division now consists of a close-knit and highly regarded team of 13 construction lawyers. Robert has been an IAMA accredited security of payment adjudicator since 2003, having completed over 20 determinations. He is also frequently involved in the preparation of claims, payment schedules, submissions. His team is frequently involved in Security of Payment related litigation and Robert has a particular passion for educating his clients, staff and colleagues in this important area of practice. Robert has sat on the Master Builders' Association Legal and Contracts Committee since 2005.

## Graeme Robinson

Graeme Robinson is a Councillor of the Institute of Arbitrators & Mediators Australia (IAMA). His recent case studies include the management of claims and disputes on \$4bn in international resource projects and the management for receivers of building projects that have recently entered into receivership in Sydney

## Chris Ronalds AM SC

Chris Ronalds SC is a Sydney barrister specialising in employment, discrimination, administrative law and trade practices. She has appeared frequently as Counsel Assisting in the NSW Independent Commission Against Corruption. Chris is a nationally accredited mediator and is currently undergoing the IAMA grading process as an arbitrator. She has written and spoken extensively in the area of discrimination, most recently in *Discrimination Law and Practice*, Federation Press, 2008, 3rd edition.

## John Rundell

John Rundell is a Fellow of the Hong Kong Institute of Certified Public Accountants and an experienced arbitrator and mediator on the HKIAC panels. He is a former partner of a "final four" international accounting firm having worked in Hong Kong and across Asia. He has worked for clients in the banking and finance sectors in Hong Kong. Prior to joining a



chartered accounting firm, he worked during the 1980s in merchant/investment banking. He worked on the insolvency administration/liquidation of a major financial institution, loss quantification and expert work on a number of major arbitrations in Australia. John joined KPMG in 1995 becoming a partner and retiring in 2002 to establish his own firm specialising in arbitration, mediation and expert roles. He has worked extensively in Hong Kong and across Asia, working in the financial services, banking sectors. John is a Fellow of the Chartered Institute of Arbitrators, Fellow of the Institute of Arbitrators and Mediators Australia (IAMA), and on a number of international arbitral panels including both the Panel of Arbitrators and Panel of Mediators with the Hong Kong International Arbitration Centre.

### Ron Salter

Ron Salter has practised for over 40 years as a litigation/dispute resolution lawyer with an emphasis on transport, maritime law and marine insurance. He is a past President and Honorary Life Member of the Maritime Law Association of Australia and New Zealand and is presently Chairman of the Association's Arbitration Committee. He is a former member of the Executive Council of Comité Maritime International and is a titular member of that organisation. He has also served as Vice-Chairman of the Maritime and Transport Law Committee of the International Bar Association. He is presently a director of the Australian Centre for International Commercial Arbitration. Ron is a Fellow of the Chartered Institute of Arbitrators and a Chartered Arbitrator, and is accredited by the Institute of Arbitrators & Mediators Australia (IAMA) as a Grade 1 arbitrator. He is also a member of arbitration panels operated by a number of institutions such as Hong Kong International Arbitration Centre, the Singapore International Arbitration Centre, the Singapore Chamber of Maritime Arbitration, the Maritime Law Association of Australia and New Zealand, the Chartered Institute of Arbitrators, and the Institute of Arbitrators & Mediators Australia. He is also a member of International Maritime Conciliation & Mediation Panel. Ron regularly acts as arbitrator or mediator, both domestically and internationally, in a variety of commercial disputes, including shipping, aviation, insurance, trade, commodities, partnerships, travel, property, professional liability, and infrastructure projects. He has been listed in four separate *Euromoney Guides to the World's Leading Lawyers* (shipping and maritime, litigation, insurance and reinsurance, and commercial arbitration), as well as in publications such as *Who's Who Legal*, the *International Who's Who Shipping Lawyers*, the *Asia Pacific Legal 500*, and *Asialaw Leading Lawyers*.

### BA (Toby) Shnookal

Toby Shnookal LLB (Hons) BE (Civil) is a Melbourne based barrister, arbitrator and adjudicator. He has conducted numerous adjudications resulting in published determinations. His specialist practice is in engineering and building disputes and he is often briefed as counsel in all stages of adjudications. He is a coauthor of *Brooking on Building Contracts*.

### The Hon Sir Laurence Street KCMG AO

Sir Laurence Street was Chief Justice and Lieutenant Governor of New South Wales. Since leaving the Bench he has been actively engaged in commercial mediation, dispute and probity consultancy. He has conducted over 2000 successful mediations and negotiations. He is the author of *Mediation – A Practical Outline* (5th Ed 2003). He is a frequent speaker and the author of numerous articles on mediation and dispute resolution. Amongst other current activities, Sir Laurence is - Chairman of the Australian Government's International Legal Services Advisory Council - Honorary ADR Consultant to the Australian Defence Force Legal Office - an Australian Government Designated Conciliator to ICSID, Washington; and - a Mediator of the Court of Arbitration for Sport, Lausanne. He is associated with a number of leading Australian and international mediation organisations and was the Convenor and Chairman of the inaugural planning committee of the Australian Commercial Disputes Centre. In 2007 he conducted the first mediation over the return to Australia of aboriginal human remains held by the National History Museum in London. In early 2008 he chaired an inquiry which led to an agreed procedural protocol between the Australian Federal Police, the Australian Intelligence and Security Organization and the Commonwealth Director of Prosecutions governing the investigation and prosecution of terrorism activities. In 2008 he chaired an in-depth Inquiry established by the Chief of Defence into the Defence Force Disciplinary System. He has carried out a number of other public assignments including the Inquiry for the Queensland Government into the Palm Island aboriginal death in custody (2008), senior probity auditor for the Defence Department on the \$8 billion dollar air warfare destroyer project (2005 continuing) and senior probity auditor for the Department of Immigration and Citizenship on the Immigration Detention facilities project (2007 continuing). In recent years he was a Director, and later Chairman of the major Australian newspaper group John Fairfax Holdings Ltd and a Director of the Australian subsidiary of the Italian bank Monte dei Paschi

di Siena. He has held office as Australian and World President of the International Law Association, London of which he is currently a life Vice President. Sir Laurence is a Companion of the Order of Australia, a Knight Commander of the Order of St Michael and St George, a Knight of St John and a Grand Officer of Merit of the Order of Malta. He is an Honours Graduate in Law from Sydney University and has three Honorary Doctorates in Law and an Honorary Doctorate in Economics from Australian Universities. He is a Fellow of the Chartered Institute of Arbitrators (UK), and Honorary Fellow of the Institute of Arbitrators & Mediators Australia (IAMA) and a Fellow of the Australian Institute of Company Directors

### Kenneth Stout

Kenneth Stout is the Treasurer of the Institute of Arbitrators & Mediators Australia (IAMA) and is Chairman of ASX listed Ingena Group Limited: 2007. He is Director ASX listed IIC entity Premium Investors Limited and Chair of its Audit Committee; founder and Partner in Boutique Corporate Advisory: July 2000 - ; former Partner Ernst & Young 1987-2000. Litigation Support & Forensic Accounting. Specialist in Corporate Finance. He has conducted major public and insurance company assignments as Expert Witness and numerous private company matters include insolvency accounting assignments.

### Damian Sturzaker

Damian Sturzaker is a partner in the Dispute Resolution team at Marque lawyers specialising in international arbitration. Damian has over 20 years' experience as a commercial litigator with specialist expertise in the areas of international arbitration and cross border dispute resolution. Damian has worked for major law firms in Australia, United Kingdom, Sweden, Denmark and Finland. Damian's high level of expertise was recognised when he was awarded the Diploma of Private International Law by the Hague Academy of International Law in 1998. This honour has been obtained by only five other Australians. He is a visiting fellow at UNSW law school. Damian has been invited to participate as the Australian representative on a number of international committees including the International Law Association Arbitration Committee and is a member of the Australian committee for the World Bank Doing Business in Australia survey.

### Robert Thyer

Robert Thyer has practised for 25 years as an arbitrator and mediator specialising in complex construction, engineering and related commercial disputes. He is a Grade 1 arbitrator and Fellow of the Institute of Arbitrators & Mediators Australia (IAMA).

### Gabrielle Trainor

Gabrielle Trainor is a lawyer, journalist and former public sector executive who has consulted in issues management and public affairs for over 20 years. She is a founding partner of John Connolly and Partners, a specialist public affairs and communications firm. She has been a non-executive director for 15 years and has chaired and held positions on the boards of public, private, government and community organisations. She is a director of the Sydney Harbour Foreshore Authority, VicUrban, World Swimming Championships Corporation, Breast Cancer Network Australia, Commissioner of the Australian Football League (NSW/ACT), a member of the Council of St Ignatius' College, Riverview and other community organisations. She is an Honorary Associate in the Graduate School of Government at the University of Sydney and was recently appointed to the Board of Sydney's Barangaroo Delivery Authority.

### Harold Werksman

Harold Werksman is a partner of Holding Redlich and heads its Commercial Dispute Resolution Group. He has particular expertise in alternative dispute resolution with an emphasis on corporate, commercial, contractual and trade practices disputes. Harold is an Australian pioneer in the use of alternative dispute resolution processes. He is a specialist accredited mediator and has developed specialised negotiating techniques designed for the resolution of commercial disputes.

### Dato Kevin Woo

Dato' Kevin Woo, JP is a chartered arbitrator who specialises in construction law and arbitration. He is a Director of Hinds Blunden Sdn. Bhd and is the Immediate Past President of The Malaysian Institute of Arbitrators (2006-2009). He obtained his Bachelor of Architecture (Hons) degree from The University of New South Wales, Australia in 1986. He then pursued his Diploma in Arbitration from The College of Estate Management in Reading, United Kingdom and subsequently obtained a law degree, Bachelor of Jurisprudence (Hons) degree from The University of Malaya. Dato' is an accredited arbitrator and mediator of The Kuala Lumpur Regional Centre for Arbitration, Singapore International Arbitration Centre

(SIAC), CIETAC Panel of Arbitrators (2008-2011), Dubai International Arbitration Centre, Asia Pacific Regional Arbitration Group (APRAG) and Pertubuhan Arkitek Malaysia (PAM). He has been appointed as sole arbitrator and presided on arbitral tribunals on construction and engineering disputes under UNCITRAL and Singapore International Arbitration Centre (SIAC) Arbitration Rules. His active participation on arbitration and alternative disputes resolution (ADR) processes has extended his role to include contracts review, contractual and technical assessment, risk identification and management, project costs review and estimates, forensic delay analysis, claims avoidance and disputes management, arbitration and litigation support services. Dato' has also acted as expert witness on quality of building materials and standard of workmanship in the construction and building industries. Dato' is an approved tutor of the Chartered Institute of Arbitrators (CIArb) of the United Kingdom, an examiner for the Award Writing Examination and Pupil Master and Assessor for chartered accreditation of the CIArb. He was also a Tutor for the Diploma Course in International Commercial Arbitration organised jointly by CIArb and The University of New South Wales, Australia in 2008. In addition, Dato' Kevin is a lecturer at The School of Architecture of The University of Malaya on Professional Practices I & II and Arbitration subjects and a guest lecturer at the International Islamic University of Malaysia on the subject of Law and Practice of Arbitration. A fervent speaker of many arbitral institutions, he has written articles on building contracts, dispute and arbitration.

### Peter Wood

Peter Wood is a partner in Minter Ellison's Construction, Engineering and Infrastructure Group in Melbourne specialising in dispute resolution. Peter became a partner at Minter Ellison in 2002. Prior to that Peter practised in Tasmania as counsel and solicitor in commercial litigation. Peter has acted in a number of 'bet the company' disputes, including for Fluor Daniel in the Anaconda v. Fluor arbitration, recognised by *American Lawyer* as one of the ten largest arbitrations in the world in 2003-2004, PT Thiess Indonesia concerning litigation in London and Brisbane, Major Projects Victoria concerning a range of Victorian projects and currently for the Thiess John Holland Joint Venture concerning disputes relating to the Eastlink PPP Project. Peter has experience in international disputes conducted in India, South Africa, the UK and New Caledonia. Peter has trained other firms in international arbitration, most recently the CMS International Arbitration Academy in Vienna.

### Bruno Zeller

Dr Bruno Zeller joined the Victoria Law School in 2000 - he was promoted to Associate Professor in 2006. He is teaching International Trade Law, international arbitration, conflicts of law and maritime law. Currently he is researching the design of effective dispute resolution mechanisms to resolve disputes in carbon trading. Since 2006 he is also an Adjunct Professor at Murdoch University in Perth and currently an associate in the Institute for Logistics and Supply Chain Management at Victoria University. He has also been appointed as an arbitrator by Maritime Law Association of Australia and New Zealand (MLAANZ) in 2008. He is also a Member of the International Law Committee, Law Institute of Victoria and a Member of the International Law Section of the Law Council of Australia

### Madam Zhou Wen (Wendy)

Madam Zhou Wen is an International Case Manager with the China International Economic and Trade Arbitration Commission (CIETAC), specialising in international economic law, civil procedure and commercial arbitration and conciliation. Madam Zhou handles cases across different business sectors, including international trade, joint venture (investment), construction, real estate, finance, insurance, barter trade and advertising. Madam Zhou is a member of the Award Scrutiny Group, in charge of reviewing both jurisdiction decisions and draft awards. During her time in Australia, Madam Zhou is keen to undertake a comparative study of the Australian arbitration system, improve her knowledge of the common law system, and learn about the role of Australian courts in the enforcement and supervision of arbitration. Madam Zhou has a Master's Degree in Law from China University of Political Science and Law. Madam Zhou is a participant in the Australia China Legal Profession Development Program 2009. She has a placement with the National Office of the Institute of Arbitrators & Mediators Australia (IAMA).

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Do you have any special dietary needs? (Please specify): \_\_\_\_\_

**Early Bird Registration (Payable by 8 May 2009)**

Members  \$595 (incl GST) pp \$ \_\_\_\_\_  
Non-Members  \$895 (incl GST) pp \$ \_\_\_\_\_

**Registration (Paid after 8 May 2009)**

Members  \$755 (incl GST) pp \$ \_\_\_\_\_  
Non-Members  \$1050 (incl GST) pp \$ \_\_\_\_\_  
Friday Evening Welcome Cocktail Reception  Complimentary  
Saturday Conference Dinner  \$110 (incl GST) pp \$ \_\_\_\_\_  
Additional Dinner Guest  \$110 (incl GST) pp \$ \_\_\_\_\_  
Partners' Package (lunch on Saturday and Sunday)  \$115 (incl GST) \$ \_\_\_\_\_  
Collingwood v Port Adelaide AFL Game at the MCG  \$60 (incl GST) \$ \_\_\_\_\_

**Total Fee Payable**

\$ \_\_\_\_\_

**The dress code for Conference Welcome Reception Cocktails and Dinner is Lounge Suit.**

**Conference Registration** Please tick box for preferred session

**Stream A  
Arbitration**

**Saturday 30 May 2009**

Session 1 10.00 am  
 Session 2 10.30 am  
 Session 3 11.15 am  
 Session 4 11.45 am  
 Session 5 12.15 pm  
 Session 6 2.30 pm  
 Session 7 4.15 pm

**Stream B  
Mediation/Other**

Session 1 10.00 am  
 Session 2 10.30 am  
 Session 3 11.15 am  
 Session 4 11.45 am  
 Session 5 12.15 pm  
 Session 6 2.30 pm  
 Session 7 4.15 pm

**Stream C  
Adjudication/Other**

Session 1 10.00 am  
 Session 2 10.30 am  
 Session 3 11.15 am  
 Session 4 11.45 am  
 Session 5 12.15 pm  
 Session 6 2.30 pm  
 Session 7 4.15 pm

**Sunday 31 May 2009**

Session 8 9.00 am  
 Session 9 9.30 am  
 Session 10 10.45 am  
 Session 11 11.15 am

Session 8 9.00 am  
 Session 9 9.30 am  
 Session 10 10.45 am  
 Session 11 11.15 am

Session 8 9.00 am  
 Session 9 9.30 am  
 Session 10 10.45 am  
 Session 11 11.15 am

**Payable by cheque/money order/credit card. Please make cheques payable to: The Institute of Arbitrators & Mediators Australia**

**Credit Card details:** (tick where applicable)  Mastercard  Visa (NB: AmEx and Diners Cards are not available)

Card Name: \_\_\_\_\_ Card Number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

**Please forward completed Conference Registration Form and payment to:**

The Institute of Arbitrators & Mediators Australia  
National Office  
PO Box 13064 Law Courts Victoria 8010 Australia  
Telephone: +61 3 9607 6908 Facsimile: +61 3 9602 2833  
Email: national@iama.org.au Website: www.iama.org.au