

VIAC – Questionnaire for Mediators

1. **Name:** Anthony Lo Surdo SC

2. **Nationality:** Australian

3. **Contact information**

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4. **Education and professional experience (original profession; where did you study?):**

Please add your CV!

Academic Qualifications

- 2021: Accredited Mediator, Instructor and Coach – Advanced Mediator Training, Papua New Guinea
- 2021: Resolution Institute, Registered Expert Determiner
- 2020: International and Domestic Arbitrator, National Court of Papua New Guinea;
- 2020: Resolution Institute, Grade 1 Arbitrator
- 2017: International Mediation Institute, Certified Mediator; Singapore International Mediation Institute, Certified Mediator
- 2013: Advanced Mediator
- 2010: Arbitrator; Expert Determiner
- 2008: National Accredited Mediator
- 1993: Accredited Mediator

Education

- 1993: Master of Laws, University of Sydney
- 1987: Bachelor of Laws, University of Sydney
- 1985: Bachelor of Arts, University of Sydney

5. **Core area of current professional activity:**

Mediator, Arbitra International

6. **Accreditation in the field of ADR (including relevant trainings and connected qualifications):**

7.

Anthony is accredited as an advanced mediator by Resolution Institute (formerly LEADR).

He is also accredited the New South Wales Bar Association under the National Mediator Accreditation System Standards (NMAS).

8. **Practical experience in mediation**

- How many (international) mediations have you participated in
 - as single/co-mediator/in a team? 50+

- administered by an institution; under which Rules? *n/a*
- in which areas/fields?

Banking, Finance & Fintech
Commercial Dispute Resolution
Conflict Avoidance Boards (CABs) & Corporate Diplomacy
Insurance & Reinsurance
Marine, Shipping & Superyachts
Mediation & Dispute Boards
Mergers, Acquisitions & Shareholder Disputes
Public International & Administrative
Sports

- how complex (*please provide examples, participation of lawyers/experts*)?
- How often have you acted in a different function (e.g. consultant, expert)?
n/a
- What other ADR-experience do you have?

Arbitrator in over 95 commercial disputes internationally and domestically.

9. Languages (including levels)

Mother tongue: *English*

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): *Italian*

Basic knowledge:

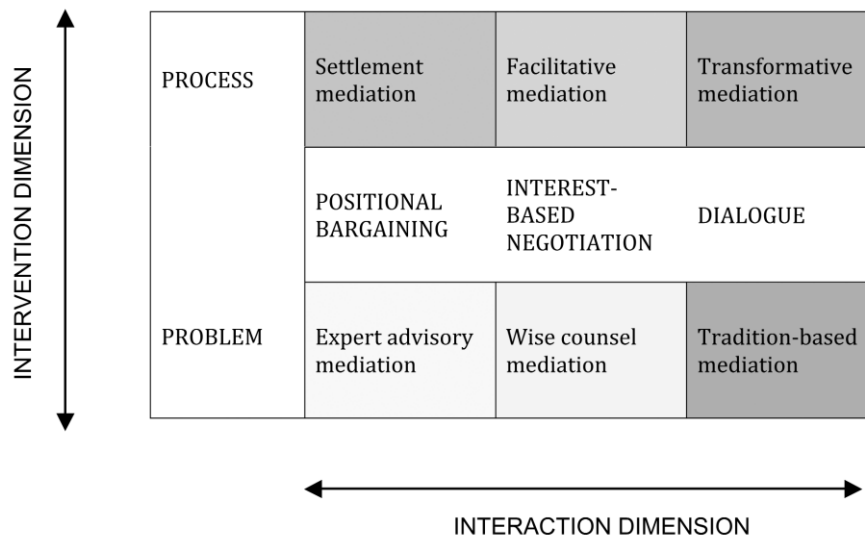
10. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.

Facilitative

Settlement

Expert Advisory



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

11. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

An active listener, calm, persistent and thoroughly engaged.

Testimonials include:

"Our confidence in Mr Lo Surdo proved to be well placed. Whilst the matter did not settle at mediation on the day, it settled shortly after. In my opinion the settlement of the dispute (which had been the subject of 2 previous rounds of difficult negotiations) occurred in consequence of Mr Lo Surdo's assistance as Mediator." (Partner of a National Law Firm).

"It was a pleasure working with a mediator who had obviously read the brief, was thoroughly prepared and was willing to engage with the issues." (A NSW Silk)

"Ability to quickly determine and articulate the issues in contention allowing parties considerable time to focus on achieving outcome...an experienced commercial negotiator who was able to challenge both parties in their thinking on their respective positions." (Head of Legal, National Charity)

"It was a difficult case. I thought settlement was unlikely. It was a long day, but through Mr Lo Surdo's perseverance and good advice, it settled. It helped that he was not shy in offering his opinion." (Junior Counsel, NSW Bar)

"...thanks to you for your excellent management of a complex and sometimes fractured day. I look forward to the next time you get to mediate one of my matters!" Senior junior barrister, NSW Bar

"Thanks for all your work today. It was a real pleasure to have a mediator who didn't give up and assisted the parties seeing the real issues." Senior junior barrister, NSW Bar

**12. Publications and other activities in ADR related matters
(e.g. training sessions, seminars, conferences, articles and others):**

Publications

- “Federal Court Casenotes” (co-authored with Theresa Power), Law Society Journal, NSW, Law Institute of Victoria Journal, “The Proctor” (Queensland Law Society), October 2020 (and continuing monthly)
- “Coronavirus and its impact on Football”, a Sports Law and Policy Centre and LawinSport Joint Survey (final report), released 16 December 2020
- “The Future of Alternative Dispute Resolution in Sport: The National Sports Tribunal”, Resolution Institute, “arbitrator and mediator”, September 2020
- “Coronavirus and its impact on Football”, a Sports Law and Policy Centre and LawinSport Joint Survey, released 7 June 2020
- “A guide to the new National Sports Tribunal”, Law Society Journal, April 2020
- “Settlement, Singapore Style”, Asian Jurist, November 2019
- “New Singapore Convention set to bring greater certainty to international arbitration”, NSW Law Society Journal, October 2019
- “Glencore International AG v Commissioner of Taxation”, Australian Civil Liability, September/October 2019
- “The costs of failing to attend a Court-ordered mediation”, NSW Law Society Journal, June 2017
- “The Scope of Advocates’ Immunity Affirmed” (with Lucy Robb Vujcic), NSW Law Society Journal, May 2017
- “Latest from the High Court on Performance Bonds”, NSW Law Society Journal, April 2017
- “The Contractual Effect of the Code of Banking Practice” NSW Law Society Journal, September 2016; Financial Services Newsletter, LexisNexis, September 2016
- “Exercising Powers of Advancement under a Trust”, NSW Law Society Journal, June 2016
- “Court recognises indirect or market-based causation in shareholder claims” (with Gregory Sirtes SC and Robert White), NSW Law Society Journal, June 2016
- “Fischer v Nemeske Pty Ltd [2016] HCA 11”, Australian Banking and Finance Law Bulletin, LexisNexis, May 2016
- “Should contracts of insurance be construed in favour of insurers when in doubt? Australian Civil Liability Bulletin, LexisNexis, May 2016
- “Insurers’ Liability to Third Parties: CGU Insurance Limited v Blakeley & Ors, NSW Law Society Journal, April 2016 and Insolvency Law Bulletin, April 2016
- “Civil Penalties: Everything Old is New Again” (with Conor Bannan), NSW Law Society Journal, March 2016
- “Litigation Funding Revisited”, NSW Law Society Journal, November 2015
- “Don’t let your claim for damages perish”, NSW Law Society Journal, October 2015
- “Perisher Blue Pty Ltd v Nair-Smith” Australian Civil Liability, September 2015
- “Reining in ICAC’s Powers: Are non-public officials off limits?” (with Dr Aruna Sathanapally), NSW Law Society Journal, May 2015
- “Ethical Obligations of parties to a mediation” Australian Civil Liability, May 2015
- “Grant Samuel Corporate Finance v Fletcher” Insolvency Law Bulletin, April 2015
- “Confidentiality, privacy and privilege in a mediation” Australian Civil Liability, April 2015
- “Agency, Fraud and Defeasibility: When can a registered interest in land be rendered defeasible?” (with Jocelyn Williams), NSW Law Society Journal, March 2015
- “Process and models of mediation, preparation for mediation and choice of mediator” Australian Civil Liability, March 2015
- “Liquidator’s Liens: the principle in Universal Distributing considered” Insolvency Law Bulletin, LexisNexis, June 2014 (2014. Vol 15 No 3)

- “Disclaimed Leases: Tenant Risk and Liquidation” (with Peter Agardy), NSW Law Society Journal, March 2014
- “Recent Developments in NSW – Offers of Compromise and Calderbank Offers”, Australian Construction Law Newsletter #153 November/December 2013
- “Mistaken discovery of privileged documents: Expense Reductions Analysts Group Pty Ltd v Armstrong Strategic Management and Marketing Pty Ltd” Australian Civil Liability, LexisNexis, November 2013 (2013. Vol 10 No 7 – 10)
- “Offers of Compromise: Whitney v Dream Developments”
- Australian Civil Liability, LexisNexis, September 2013 (2013. Vol 10 No 4); Australian Construction Law Newsletter, November/December 2013
- “Beware of Personal Costs Orders” NSW Law Society Journal, June 2012

Recent Presentations

- “Australia’s accession to the Singapore Convention on Mediation – what it means for lawyers and mediators”, William Forster Chambers, Darwin, 7 October 2021
- “Study and Research on International Sports Arbitration – Discrimination in Sport”, Japan Sports Law Association, 1 October 2021
- “Mediation Advocacy: Achieving Success”, Legal Wise Conferences, Sydney, 13 March 2021, Melbourne (online), 20 March 2021
- “An Overview of ADR Options and Strategies”, co-presented with the Hon. Robert McDougall QC, Far North Coast Law Society Annual Conference, Ballina, 20 February 2021
- “Study and Research on International Sports Arbitration – CAS Arbitration and the Role of the Arbitrator”, Japan Sports Law Association, 26 January 2021
- “ADR Options, Strategies and Insights”, Leo Cussen Centre for Law, Victoria, 4 November 2020
- “Ethics: How hard can it be?” Far North Coast Law Society Conference, 22 February 2020
- “Proposals to foster mediation for the resolution of international sports and sport-related disputes”, Court of Arbitration for Sport Conference, Budapest, Hungary, 24 October 2019
- “Outside of the Retainer: A Professional Indemnity Update” AILA Twilight Seminar Series, 10 July 2019
- “Gender in Sports Arbitration”; “Protection of Athletes against harassment, abuse and violence: an Australian Perspective”, Japan Sports Law Association Annual Symposium, Kyoto, Japan, 15 December 2018
- “Emergency Arbitration in South East Asia”, 6th Annual International Arbitration and Regulatory Summit, Jakarta, Indonesia, 7 December 2018
- “Ethical Obligations in litigation”, City of Sydney Law Society, 4 October 2018
- “Arbitration of Sports Disputes”, (Chair) New South Wales Bar Association ADR Conference, 11 August 2018
- “Avoiding wasted opportunity’: suggestions for implementing effective strategies to take parties towards settlement”, Resolution Institute, Newcastle, 10 August 2018
- “Whistleblower Reforms”, Law Society of NSW, Chair, 23 July 2018
- “Resolving Litigation”, ASIC, 3 May 2018
- “Ethical Duties of Legal Practitioners in the Resolution of Disputes”, 23 March 2018, Newcastle Law Society
- “North Coast Law Society Annual Conference”, 24 February 2018, Chair
- “Corporate Insolvency Seminar”, UNSW, Sydney, 25 October 2017, Chair
- “An introduction to International Arbitration”, Tonga, 19 & 20 September 2017
- “First Annual Sports Law Conference”, TEN, Melbourne, 19 May 2017, Chair
- “Dispute Resolution in Sport”, TEN, Melbourne, 19 May 2017
- “North Coast Law Society Annual Conference”, 25 February 2017, Chair (Day 2)
- “Alternative Dispute Resolution – Refining Skills for Early Resolution”, TEN, Armidale, 12 February 2017, Sydney, 22 March 2017; NSW Bar Association, 13 March 2017
- “International Arbitration in the Asia Pacific – Australia’s contribution to Regional Jurisprudence”, Maxwell Chambers, Singapore, 8 December 2016

- “Managing International Arbitration with a South East Asian Dimension: A Masterclass for Arbitration Users”, Singapore, 7 December 2016, Chair (a conference co-presented by 12 Wentworth Selborne Chambers, the ICC, Stephenson Harwood and Latham & Watkins)
- “Discovery in the Federal Court under the National Court Framework”, Chair, ASIC, 13 October 2016
- “Bird & Bird, Dispute Resolution in the Asia Pacific – Navigating international arbitration and litigation”, 24 May 2016
- “Mediating to Succeed”, Far North Coast Law Society Annual Conference, 20 February 2016
- “How to prepare effective pleadings”, ACCC, 8 September 2015
- “Alternate Dispute Resolution in Sports” NSW Bar Association, 31 March 2015
- “A Morning of Evidence with the 12th Floor – Privilege” The NSW State Legal Conference, 27 August 2014
- “Legal Professional/Client Legal Privilege” The Law Society of NSW, 15 July 2014
- “Emergency Arbitration Procedures” Arbitrating Disputes in South East Asia: A Masterclass for In-House Counsel and Business Representatives, Singapore, 2 June 2014
- “When to Mediate?” The NSW State Legal Conference, 31 March 2014
- “A Morning of Dispute Resolution with the 12th Floor”, Chair The NSW State Legal Conference, 31 March 2014
- “The Practical Implications of the New Disclosure Rules in the Equity Division” A paper presented in-house to law firms in Sydney and Melbourne, August/September 2013 and to the NSW State Legal Conference, 26 March 2014
- “Best Practice in International Commercial Mediation: Drafting an effective mediation clause: The new ICC model clauses for mediation” ICC Mediation Rules Launch Conference – Singapore, 17 March 2014
- “Mediation: Aspects of Practice” A paper presented in-house to two major Australian banks, August and November 2012
- “Preparation of written evidence, affidavits, and notices of intended oral evidence” Australian Securities & Investments Commission, 27 June 2012

13. Memberships in mediation institutions / functions in mediation institutions/organizations:

- Fellow, Chartered Institute of Arbitrators
- Fellow, Resolution Institute
- Fellow, Australian Centre for International Commercial Arbitration
- Asian International Arbitration Centre, Panel Member
- Dubai International Arbitration Centre, Registered Arbitrator
- London Court of International Arbitration, Panel Member
- Abu Dhabi Global Markets Arbitration Centre, Panel Member
- Shanghai Arbitration Commission, Panel Member
- Korean Commercial Arbitration Board, Panel Member
- DIFC-LCIA Arbitration Centre, Member
- Singapore International Arbitration Centre, Panel Member
- Hong Kong International Arbitration Centre, Panel Member
- Qatar International Centre for Conciliation and Arbitration, Panel Member
- Thailand Arbitration Centre, Panel Member
- Australian Centre for International Commercial Arbitration, Panel Member
- International Mediation Institute
- Singapore International Mediation Institute
- Australian and New Zealand Sports Law Association
- NSW Bar Association
- Victorian Bar Association
- Queensland Competition Authority, Mediator Panel

- Australian Communications and Media Authority register of bargaining code arbitrators

14. Special expertise or specializations (please list a maximum of three) in your ADR-practice:

Sports Law

Banking & Finance

Commercial Dispute Resolution

15. Soft Skills (e.g. intercultural competences):

16. How do you ensure your professional quality (e.g. coaching, practice supervision, etc)?

In recognition of his experience in mediation, in July 2021 Anthony was accredited as a mediator by the Mediator Accrediting Council of Papua New Guinea. He has also been accredited as a coach and instructor of advanced mediation training in Papua New Guinea.

17. Date of birth: 18/01/1984

VIAC offers mediation practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate a mediator of their choice and so is the VIAC Board when appointing a mediator. These presentations do not constitute recommendations but may assist the parties in choosing a mediator willing to conduct proceedings according to the Vienna Mediation Rules. The fact that a mediation practitioner appears on this list, does not authorize this person to use the title "VIAC-mediator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of mediators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information see our privacy statement at www.viac.eu.

Date: 27 July 2022



ANTHONY LO SURDO SC

Nationality: Australian

Languages: English. Italian (Conversational)

Anthony, an Australian Silk, is a leading international arbitrator and neutral with a particular expertise in commercial and sports-related disputes.

He has sat as both a sole and panel arbitrator including as Chair in over 95 arbitrations involving complex commercial, disciplinary and governance disputes.

Anthony is also accredited as an advanced mediator and expert determiner in high value multi-party disputes.

Anthony has acted as arbitrator and counsel in hundreds of disputes in diverse areas including commercial, equity, corporations, insurance law, professional indemnity, property and sports law.

Anthony is recognised as a leader in his field and works out of Australia, Asia & the UK.

SECTOR EXPERTISE

- Banking, Finance & Fintech
- Sports Law
- Commercial Dispute Resolution
- Insurance, Reinsurance & Bermuda Form
- Mediation & Dispute Boards
- Media & Entertainment

Banking, Finance & Fintech

Anthony has appeared for banks and other financial institutions in relation to diverse issues including in relation to the enforcement of security interests, financial instruments and banker/customer disputes.

Sports Law

In 2016, Anthony was appointed as a Mediator and Arbitrator of the Court of Arbitration for Sport (football and general lists). He has served the CAS with distinction in various procedures since that time as both the President of Panels and as co-arbitrator. In 2018, he served on the CAS Ad Hoc Panel for the Asian Games in Jakarta.

In 2019, Anthony was appointed to the International Panel of Sport Resolutions (UK).

In 2019, Anthony was also appointed as a member of the International Tennis Federation (ITF) International Panel for the Davis Cup and in 2020 to the same panel for the Fed Cup.

In 2020, he was appointed as Chair of an ITF Independent Tribunal Panel to determine a dispute between the ITF and a Member National Federation.

He was formerly on the panel of The Football Association (FA) UK and chaired three Regulatory Commission hearings for the FA, each of which concerned alleged breaches by participants of The FA Rules including the Association's safeguarding regulations.

Anthony is a member of the Football Australia (FA) Appeals Committee and has since 2008, determined both disciplinary and non-disciplinary disputes that have arisen between the FA, Member Federations, Clubs, and Players mostly involving players and coaches of international repute.

He is also a member of the FA Disciplinary and Ethics Committee since 2008 and has determined disciplinary issues arising from on-field incidents involving players and coaches of international repute competing in the A-League, Australia's Premier National football league.

As Chair of the Football NSW (FNSW) Appeals Tribunal since 2012, Anthony has determined appeals involving both disciplinary and non-disciplinary disputes that have arisen between FNSW, Members of FNSW, Clubs and Players.

Anthony is the acting Racing Appeals Tribunal of New South Wales and has determined appeals heard on a *de novo* basis from first instance decisions in the thoroughbred, harness racing and greyhound racing industries.

He is one of the inaugural members of the National Sports Tribunal (Australia).

Anthony has also been selected to serve on other sports tribunals including for Surf Life Saving Australia and Australian Sailing.

In July 2022 Anthony was also admitted to the Federation Court for the Commonwealth Games, Birmingham UK 2022.

Commercial Dispute Resolution

Anthony has over 35 years' experience appearing in a myriad of commercial disputes ranging from high-value banking, sale of goods, corporate insolvency, shareholder issues, property and financial markets regulatory matters to representing the interests of directors in relation to breach of duties and insolvent trading claims. He has also advised and appeared in relation to merger-related disputes.

Insurance, Reinsurance & Bermuda Form

Anthony has advised and appeared for insurers and reinsurers in relation to indemnity issues, and professional indemnity claims (including advising and appearing in defence of surveyors, architects, valuers, brokers, town planners, builders and lawyers) and product liability claims.

Mediation & Dispute Boards

Anthony is a highly regarded and sought-after mediator. He is particularly adept at manoeuvring the intricacies of complex multi-party disputes to focus on the real issues in dispute with a view to facilitating resolution. In January 2016, Anthony was appointed by the International Council of Arbitration for Sport (ICAS) as a mediator of the Court of Arbitration for Sport (CAS) and in February 2019 he was appointed to the mediation panel of Sport Resolutions (UK).

As part of his ongoing commitment to excellence in mediation, in 2017 Anthony attained certification as a mediator by the International Mediation Institute and the Singapore International Mediation Institute and in doing so joins a select number of mediators in Australia to achieve that qualification and the only Silk.

In June 2021, Anthony was appointed by the Government of the Northern Territory of Australia to an inaugural panel of mediators under the *Petroleum Regulations, 2020*.

In recognition of his experience in mediation, in July 2021 Anthony was accredited as a mediator by the Mediator Accrediting Council of Papua New Guinea. He has also been accredited as a coach and instructor of advanced mediation training in Papua New Guinea.

He has been ranked by Doyle's' Guide to the Australian Legal Profession as a leading mediator in NSW for the 5th consecutive year.

Anthony is also a member of the AIAC Mediation Panel, the ACICA Mediation Panel and the Resolution Institute Panel of Advanced Mediators. At its invitation, Anthony has also recently joined the inaugural mediation panel of the Abu Dhabi Global Market Arbitration Centre (ADGM).

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- *"Our confidence in Mr Lo Surdo proved to be well placed. Whilst the matter did not settle at mediation on the day, it settled shortly after. In my opinion the settlement of the dispute (which had been the subject of 2 previous rounds of difficult negotiations) occurred in consequence of Mr Lo Surdo's assistance as Mediator."* (Partner of a National Law Firm).
- *"This was a tough mediation. There were so many obstacles to settlement so the fact that the parties achieved a resolution is a credit to Anthony."* (Partner of a National Firm).
- *"It was a pleasure working with a mediator who had obviously read the brief, was thoroughly prepared and was willing to engage with the issues."* (A NSW Silk)
- *"Ability to quickly determine and articulate the issues in contention allowing parties considerable time to focus on achieving outcome...an experienced commercial negotiator who was able to challenge both parties in their thinking on their respective positions."* (Head of Legal, National Charity)
- *"Text book mediation! I really appreciate the balanced way you approached it. Hopefully we'll get to work together again one day."* (Head of Legal, Foreign Exchange Dealer)
- *"The mediator quickly identified the real issues in the Proceedings, informed all parties of the appropriate litigation risk that existed and assisted in negotiating an agreeable settlement for all parties involved."* (Partner of a National Firm)
- *"It was a difficult case. I thought settlement was unlikely. It was a long day, but through Mr Lo Surdo's perseverance and good advice, it settled. It helped that he was not shy in offering his opinion."* (Junior Counsel, NSW Bar)
- *"...thanks to you for your excellent management of a complex and sometimes fractured day. I look forward to the next time you get to mediate one of my matters!"* Senior junior barrister, NSW Bar
- *"Thank you very much...for your patient and skilful guiding of the matter to a resolution."* Senior counsel, NSW Bar
- *"...I have a high opinion of the way you conducted the mediation. It was exemplary. The savings to the parties and the public purse must be immense."* Senior junior barrister, NSW Bar
- *"Thanks for all your work today. It was a real pleasure to have a mediator who didn't give up and assisted the parties seeing the real issues."* Senior junior barrister, NSW Bar

Media & Entertainment

Anthony formed part of an arbitral panel concerning a high dollar value international media rights dispute.

Experience

As Arbitrator

- March 2022, Appointed as Sole Arbitrator in an Australian domestic commercial arbitration involving a dispute between joint venture partners with a value exceeding \$A7 million.
- July 2020, Anthony was appointed by a party in a commercial dispute.
- May 2020, Anthony was appointed as Sole Arbitrator in a commercial dispute.
- April 2020, Sole arbitrator in a domestic commercial dispute
- October 2019, Anthony was appointed President of a panel in a commercial dispute.
- August 2019, Anthony was appointed President of a panel in a good governance appeal.
- June 2019, Anthony was appointed as the sole arbitrator by parties in a disciplinary matter.
- February 2019, Anthony was appointed by a party in a commercial dispute.
- December 2018, Anthony presided over a hearing of a CAS Appeal Panel in a disciplinary matter arising in Asia.
- September 2018, Anthony was appointed as a sole arbitrator of an appeal to CAS from a determination of a single judge of the FIFA Players' Status Committee which was heard in Shanghai.

Sports-Related Arbitral Appointments

- Chair of a Football Australia Dispute Resolution Chamber Panel concerning a commercial/employment-related dispute, May 2022.
- Co-Arbitrator in a CAS arbitration concerning a commercial/employment-related dispute originating in South East Asia, April 2022.
- Sole Arbitrator in a CAS arbitration concerning a commercial/employment-related dispute originating in South East Asia, March 2022.
- Chair of a National Sports Tribunal (Australia) panel concerning member protection issues, November 2021
- President of a CAS panel in a commercial/employment-related dispute originating in the Middle East, November 2021.
- Co-Arbitrator of an independent panel established by Australian Sailing concerning code of conduct issues, March 2021
- President, CAS Appeal Panel (disciplinary appeal), January 2018.
- Ad hoc panel for the Commonwealth Games, Gold Coast, Australia, April 2018.

- Sole arbitrator (appeal from a determination of a single judge of the FIFA Players' Status Committee), May 2018.
- Ad hoc panel for the Asian Games, Jakarta, Indonesia, August/September 2018; President, Appeal Panel (eligibility appeal)
- President, CAS Appeal Panel (disciplinary appeal), November 2018
- Party appointment (commercial dispute), February 2019
- Sole arbitrator (disciplinary appeal), June 2019.
- Party appointment (commercial dispute), June 2019.
- President, Appeal Panel (good governance appeal), August 2019.
- Sole arbitrator (eligibility appeal), September 2019.
- Ad hoc panel for the FIBA World Cup, September 2019.
- Presidential appointment (commercial dispute), October 2019.
- Sole arbitrator (commercial dispute), May 2020.
- Party appointment (commercial dispute), June 2020.
- Chair, NSW Surf Life Saving Judiciary Committee (Member Protection), April 2020
- Co-arbitrator, Australian Sailing Independent Tribunal (Member Protection), July 2021
- Chair, Football Australia in an arbitral proceeding concerning a contractual claim by an international footballer, September 2021.

ITF Independent Tribunal

- Member, ITF Independent Tribunal, Davis Cup Finals Series, November 2019
- Chair, ITF Independent Tribunal (good governance dispute), February 2020.

FA Arbitral Appointments

- Panel Member, FA Disciplinary & Ethics Committee (DC), (disciplinary), December 2010.
- Panel Member, FA DC (disciplinary), January 2011.
- Panel Member, FA DC (disciplinary), December 2011.
- Chair, FA Dispute Resolution Chamber (DRC) (commercial), December 2012.
- Panel Member, FA DC (disciplinary), November 2013.
- Panel Member, FA DC (disciplinary), August 2014.
- Panel Member, FA DC (disciplinary), March 2015.
- Panel Member, FA DC (disciplinary), February 2016.
- Panel Member, FA Appeals Committee (AC) (disciplinary), May 2016.
- Panel Member, FA DC (disciplinary), February 2017.
- Chair, FA DC (disciplinary), February 2017.
- Panel Member, FA DRC (commercial), June 2017.
- Panel Member, FA DC (disciplinary), December 2017.
- Panel Member, FA DC (disciplinary), March 2019.
- Chair, FA DC (disciplinary), January 2020.
- Panel Member, FA DC (disciplinary), June 2020.
- Deputy Chair, FA DC (disciplinary), April, 2021.
- Chair, FA DC (disciplinary), May 2021.

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- Deputy Chair, FA DC (disciplinary), May 2021.
- Co-chair, FA DC (disciplinary), June 2021.
- Co-arbitrator, FA AC (Disciplinary), August 2021.
- Co-chair, FA DC (disciplinary), April 2022.
- Co-arbitrator, FA DC (disciplinary), May 2022.

Football NSW Appeals Tribunal Arbitral Appointments

- Chair, (disciplinary appeal), September 2012.
- Chair, (eligibility appeal), November 2012.
- Chair, (eligibility appeal), November 2012.
- Chair, (eligibility appeal), November 2012.
- Chair, (eligibility appeal), November 2012.
- Chair, (disciplinary appeal), August 2013.
- Chair, (disciplinary appeal), September 2014.
- Chair, (disciplinary appeal), December 2014.
- Chair, (disciplinary appeal), March 2015.
- Chair, (disciplinary appeal), May 2015.
- Chair, (disciplinary appeal), August 2015.
- Chair, (disciplinary appeal), December 2015.
- Chair, (disciplinary appeal), January 2016.
- Chair, (disciplinary appeal), February 2016.
- Chair, (disciplinary appeal), June 2016.
- Chair, (disciplinary appeal), July 2016.
- Chair, (disciplinary appeal), August 2016.
- Chair, (disciplinary appeal), October 2016.
- Chair, (disciplinary appeal), July 2017.
- Chair, (disciplinary appeal), August 2017.
- Chair, (disciplinary appeal), September 2017.
- Chair, (disciplinary appeal), November 2017.
- Chair, (disciplinary appeal), May 2018.
- Chair, (disciplinary appeal), October 2018.
- Chair, (disciplinary appeal), February 2020.
- Chair, (disciplinary appeal), May 2020.
- Chair, (disciplinary appeal), April 2021.
- Chair, (disciplinary appeal), May 2021.

Racing Appeals Tribunal

- Sole arbitrator, harness racing appeal (stay application), June 2019.
- Sole arbitrator, harness racing (leave to withdraw appeal), June 2019.
- Sole arbitrator, harness racing (stay application), June 2019.
- Sole arbitrator, harness racing (hearing de novo, breach rules of racing/sanction), July 2019.
- Sole arbitrator, thoroughbred racing (application to extend time to appeal), September 2019.

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- Sole arbitrator, thoroughbred racing (hearing de novo, breach rules of racing/sanction), December 2019.
- Sole arbitrator, harness racing (leave to withdraw appeal), January 2021.
- Sole arbitrator, thoroughbred racing (hearing de novo, breach of rules of racing/sanction – conduct alleged to be prejudicial to the image, interests and integrity of racing), March 2021.
- Sole Arbitrator, harness racing (animal welfare), July 2021
- Sole Arbitrator, harness racing (disciplinary), August 2021
- Sole Arbitrator, (disciplinary) September 2021
- Sole arbitrator, (disciplinary), March 2022

As Counsel

Anthony has advised and/or has appeared for:

- Appeared at the Supreme Court of the NT for a solicitor appealing against a decision of the Law Society of the NT to cancel her practising certificate.
- Appearing for two prominent national and international building companies in proceedings brought in the Federal Court of Australia by liquidators which include claims for the recovery of in excess of \$A30 million. The liability aspect of the proceedings was heard in April 2022.
- Australian Securities and Investments Commission in relation to breaches of continuous disclosure provisions, breaches of market manipulation requirements, misleading and deceptive conduct and unconscionable conduct, and disciplinary proceeding involving insolvency practitioners.
- Banks and other financial institutions in relation to the enforcement of security interests and banker/customer disputes.
- Creditors of insolvent companies and individuals.
- Directors in relation to breach of directors' duties and insolvent trading claims.
- Insolvency administrators (voluntary administrators, receivers, trustees in bankruptcy and liquidators).
- Insurers in relation to indemnity issues generally, professional indemnity (including advising and appearing in defence of surveyors, architects, valuers, brokers, town planners, builders and lawyers) and product liability.
- Lessors (including major shopping centre proprietors) and lessees in relation to disputes which have arisen between them (including proceedings for possession and for relief against forfeiture).
- Vendors and purchasers of land, builders and developers.
- Corporations and individuals in relation to contractual disputes (including share sale agreements and agreements for the sale of interests in other personal property).
- Professional Sportspersons, Clubs and Associations including for Triathlon Australia in 2012 in an arbitration hearing which concerned an appeal by World Champion Emma Snowsill against her non-inclusion in the Australian Olympic Team, for athletes charged with breaches of the world anti-doping regulations and for Kurtley Beale in a code of conduct hearing brought by the Australian Rugby Union (ARU) in the ARU Code of Conduct Tribunal.

As Mediator

Anthony is accredited as an advanced mediator by Resolution Institute (formerly LEADR). He is also accredited the New South Wales Bar Association under the National Mediator Accreditation System Standards (NMAS). He is ranked by “Doyle’s Guide to the Australian Legal Profession” as a leading mediator in New South Wales, 2018-2021.

Anthony has acted as mediator in a vast array of matters since he was first accredited over 28 years ago. He has mediated hundreds of complex disputes and uses his experience as both Senior Counsel and as a mediator to quickly identify the issues and to gain an understanding of the position of each party in the mediation to assist in facilitating a fair and efficient resolution to a dispute.

Anthony’s work as a mediator includes:

- Banking disputes
- Contractual disputes
- Claims arising from the sales of goods
- Corporations law disputes including claims arising from insolvency
- Partnership disputes
- Franchise disputes
- Disputes between joint venturers
- Disputes between lenders and valuers involving allegations of negligent property valuation
- Medical negligence
- Claims for compensation by victims of institutional abuse
- Claims involving the negligence of lawyers
- Claims involving the negligence of town planners
- Claims involving the negligence of accountants
- Claims against investment advisors including financial planners
- Claims against directors and officers
- Employment disputes
- Claims involving restraints of trade
- Claims involving damages for personal injury
- Shareholder disputes
- Succession claims
- Planning disputes
- Building and construction claims
- Property disputes
- Sports disputes

As Expert Determiner

- Dispute between shareholders/directors of a private company, February 2020
- Dispute between a landlord and tenant of premises concerning force majeure arising from covid-19, April 2022.

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Professional & Academic Qualifications

Academic Qualifications

- 2021: Accredited Mediator, Instructor and Coach – Advanced Mediator Training, Papua New Guinea
- 2021: Resolution Institute, Registered Expert Determiner
- 2020: International and Domestic Arbitrator, National Court of Papua New Guinea;
- 2020: Resolution Institute, Grade 1 Arbitrator
- 2017: International Mediation Institute, Certified Mediator; Singapore International Mediation Institute, Certified Mediator
- 2013: Advanced Mediator
- 2010: Arbitrator; Expert Determiner
- 2008: National Accredited Mediator
- 1993: Accredited Mediator

Education

- 1993: Master of Laws, University of Sydney
- 1987: Bachelor of Laws, University of Sydney
- 1985: Bachelor of Arts, University of Sydney

Professional Associations & Recognitions

- Fellow, Chartered Institute of Arbitrators
- Fellow, Resolution Institute
- Fellow, Australian Centre for International Commercial Arbitration
- Asian International Arbitration Centre, Panel Member
- Dubai International Arbitration Centre, Registered Arbitrator
- London Court of International Arbitration, Panel Member
- Abu Dhabi Global Markets Arbitration Centre, Panel Member
- Shanghai Arbitration Commission, Panel Member
- Korean Commercial Arbitration Board, Panel Member
- DIFC-LCIA Arbitration Centre, Member
- Singapore International Arbitration Centre, Panel Member
- Hong Kong International Arbitration Centre, Panel Member
- Qatar International Centre for Conciliation and Arbitration, Panel Member
- Thailand Arbitration Centre, Panel Member
- Australian Centre for International Commercial Arbitration, Panel Member
- International Mediation Institute
- Singapore International Mediation Institute

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- Australian and New Zealand Sports Law Association
- NSW Bar Association
- Victorian Bar Association
- Queensland Competition Authority, Mediator Panel
- Australian Communications and Media Authority register of bargaining code arbitrators

Publications, Articles & Thought Leadership

- *"Federal Court Casenotes"* (co-authored with Theresa Power), Law Society Journal, NSW, Law Institute of Victoria Journal, "The Proctor" (Queensland Law Society), October 2020 (and continuing monthly)
- *"Coronavirus and its impact on Football"*, a Sports Law and Policy Centre and LawinSport Joint Survey (final report), released 16 December 2020
- *"The Future of Alternative Dispute Resolution in Sport: The National Sports Tribunal"*, Resolution Institute, "arbitrator and mediator", September 2020
- *"Coronavirus and its impact on Football"*, a Sports Law and Policy Centre and LawinSport Joint Survey, released 7 June 2020
- *"A guide to the new National Sports Tribunal"*, Law Society Journal, April 2020
- *"Settlement, Singapore Style"*, Asian Jurist, November 2019
- *"New Singapore Convention set to bring greater certainty to international arbitration"*, NSW Law Society Journal, October 2019
- *"Glencore International AG v Commissioner of Taxation"*, Australian Civil Liability, September/October 2019
- *"The costs of failing to attend a Court-ordered mediation"*, NSW Law Society Journal, June 2017
- *"The Scope of Advocates' Immunity Affirmed"* (with Lucy Robb Vujcic), NSW Law Society Journal, May 2017
- *"Latest from the High Court on Performance Bonds"*, NSW Law Society Journal, April 2017
- *"The Contractual Effect of the Code of Banking Practice"* NSW Law Society Journal, September 2016; Financial Services Newsletter, LexisNexis, September 2016
- *"Exercising Powers of Advancement under a Trust"*, NSW Law Society Journal, June 2016

- *“Court recognises indirect or market-based causation in shareholder claims”* (with Gregory Sirtes SC and Robert White), NSW Law Society Journal, June 2016
- *“Fischer v Nemeske Pty Ltd [2016] HCA 11”*, Australian Banking and Finance Law Bulletin, LexisNexis, May 2016
- *“Should contracts of insurance be construed in favour of insurers when in doubt?”* Australian Civil Liability Bulletin, LexisNexis, May 2016
- *“Insurers’ Liability to Third Parties: CGU Insurance Limited v Blakeley & Ors*, NSW Law Society Journal, April 2016 and Insolvency Law Bulletin, April 2016
- *“Civil Penalties: Everything Old is New Again”* (with Conor Bannan), NSW Law Society Journal, March 2016
- *“Litigation Funding Revisited”*, NSW Law Society Journal, November 2015
- *“Don’t let your claim for damages perish”*, NSW Law Society Journal, October 2015
- *“Perisher Blue Pty Ltd v Nair-Smith”* Australian Civil Liability, September 2015
- *“Reining in ICAC’s Powers: Are non-public officials off limits?”* (with Dr Aruna Sathanapally), NSW Law Society Journal, May 2015
- *“Ethical Obligations of parties to a mediation”* Australian Civil Liability, May 2015
- *“Grant Samuel Corporate Finance v Fletcher”* Insolvency Law Bulletin, April 2015
- *“Confidentiality, privacy and privilege in a mediation”* Australian Civil Liability, April 2015
- *“Agency, Fraud and Defeasibility: When can a registered interest in land be rendered defeasible?”* (with Jocelyn Williams), NSW Law Society Journal, March 2015
- *“Process and models of mediation, preparation for mediation and choice of mediator”* Australian Civil Liability, March 2015
- *“Liquidator’s Liens: the principle in Universal Distributing considered”* Insolvency Law Bulletin, LexisNexis, June 2014 (2014. Vol 15 No 3)
- *“Disclaimed Leases: Tenant Risk and Liquidation”* (with Peter Agardy), NSW Law Society Journal, March 2014
- *“Recent Developments in NSW – Offers of Compromise and Calderbank Offers”*, Australian Construction Law Newsletter #153 November/December 2013

- *“Mistaken discovery of privileged documents: Expense Reductions Analysts Group Pty Ltd v Armstrong Strategic Management and Marketing Pty Ltd”* Australian Civil Liability, LexisNexis, November 2013 (2013. Vol 10 No 7 – 10)
- *“Offers of Compromise: Whitney v Dream Developments”* Australian Civil Liability, LexisNexis, September 2013 (2013. Vol 10 No 4);
- Australian Construction Law Newsletter, November/December 2013
- *“Beware of Personal Costs Orders”* NSW Law Society Journal, June 2012

Recent Presentations

- *“Australia’s accession to the Singapore Convention on Mediation – what it means for lawyers and mediators”*, William Forster Chambers, Darwin, 7 October 2021
- *“Study and Research on International Sports Arbitration – Discrimination in Sport”*, Japan Sports Law Association, 1 October 2021
- *“Mediation Advocacy: Achieving Success”*, Legal Wise Conferences, Sydney, 13 March 2021, Melbourne (online), 20 March 2021
- *“An Overview of ADR Options and Strategies”*, co-presented with the Hon. Robert McDougall QC, Far North Coast Law Society Annual Conference, Ballina, 20 February 2021
- *“Study and Research on International Sports Arbitration – CAS Arbitration and the Role of the Arbitrator”*, Japan Sports Law Association, 26 January 2021
- *“ADR Options, Strategies and Insights”*, Leo Cussen Centre for Law, Victoria, 4 November 2020
- *“Ethics: How hard can it be?”* Far North Coast Law Society Conference, 22 February 2020
- *“Proposals to foster mediation for the resolution of international sports and sport-related disputes”*, Court of Arbitration for Sport Conference, Budapest, Hungary, 24 October 2019
- *“Outside of the Retainer: A Professional Indemnity Update”* AILA Twilight Seminar Series, 10 July 2019
- *“Gender in Sports Arbitration”; “Protection of Athletes against harassment, abuse and violence: an Australian Perspective”*, Japan Sports Law Association Annual Symposium, Kyoto, Japan, 15 December 2018
- *“Emergency Arbitration in South East Asia”*, 6th Annual International Arbitration and Regulatory Summit, Jakarta, Indonesia, 7 December 2018

- *“Ethical Obligations in litigation”*, City of Sydney Law Society, 4 October 2018
- *“Arbitration of Sports Disputes”*, (Chair) New South Wales Bar Association ADR Conference, 11 August 2018
- *“Avoiding wasted opportunity: suggestions for implementing effective strategies to take parties towards settlement”*, Resolution Institute, Newcastle, 10 August 2018
- *“Whistleblower Reforms”*, Law Society of NSW, Chair, 23 July 2018
- *“Resolving Litigation”*, ASIC, 3 May 2018
- *“Ethical Duties of Legal Practitioners in the Resolution of Disputes”*, 23 March 2018, Newcastle Law Society
- *“North Coast Law Society Annual Conference”*, 24 February 2018, Chair
- *“Corporate Insolvency Seminar”*, UNSW, Sydney, 25 October 2017, Chair
- *“An introduction to International Arbitration”*, Tonga, 19 & 20 September 2017
- *“First Annual Sports Law Conference”*, TEN, Melbourne, 19 May 2017, Chair
- *“Dispute Resolution in Sport”*, TEN, Melbourne, 19 May 2017
- *“North Coast Law Society Annual Conference”*, 25 February 2017, Chair (Day 2)
- *“Alternative Dispute Resolution – Refining Skills for Early Resolution”*, TEN, Armidale, 12 February 2017, Sydney, 22 March 2017; NSW Bar Association, 13 March 2017
- *“International Arbitration in the Asia Pacific – Australia’s contribution to Regional Jurisprudence”*, Maxwell Chambers, Singapore, 8 December 2016
- *“Managing International Arbitration with a South East Asian Dimension: A Masterclass for Arbitration Users”*, Singapore, 7 December 2016, Chair (a conference co-presented by 12 Wentworth Selborne Chambers, the ICC, Stephenson Harwood and Latham & Watkins)
- *“Discovery in the Federal Court under the National Court Framework”*, Chair, ASIC, 13 October 2016
- *“Bird & Bird, Dispute Resolution in the Asia Pacific – Navigating international arbitration and litigation”*, 24 May 2016
- *“Mediating to Succeed”*, Far North Coast Law Society Annual Conference, 20 February 2016
- *“How to prepare effective pleadings”*, ACCC, 8 September 2015

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- *“Alternate Dispute Resolution in Sports”* NSW Bar Association, 31 March 2015
- *“A Morning of Evidence with the 12th Floor – Privilege”* The NSW State Legal Conference, 27 August 2014
- *“Legal Professional/Client Legal Privilege”* The Law Society of NSW, 15 July 2014
- *“Emergency Arbitration Procedures”* Arbitrating Disputes in South East Asia: A Masterclass for In-House Counsel and Business Representatives, Singapore, 2 June 2014
- *“When to Mediate?”* The NSW State Legal Conference, 31 March 2014
- *“A Morning of Dispute Resolution with the 12th Floor”*, Chair The NSW State Legal Conference, 31 March 2014
- *“The Practical Implications of the New Disclosure Rules in the Equity Division”* A paper presented in-house to law firms in Sydney and Melbourne, August/September 2013 and to the NSW State Legal Conference, 26 March 2014
- *“Best Practice in International Commercial Mediation: Drafting an effective mediation clause: The new ICC model clauses for mediation”* ICC Mediation Rules Launch Conference – Singapore, 17 March 2014
- *“Mediation: Aspects of Practice”* A paper presented in-house to two major Australian banks, August and November 2012
- *“Preparation of written evidence, affidavits, and notices of intended oral evidence”* Australian Securities & Investments Commission, 27 June 2012

Directories & Testimonials

- Leading Australian Arbitration Silk, Doyles Guide to the Australian Legal Profession, 2019, 2020, 2021 & 2022.
- Leading Mediator, Doyles Guide to the Australian Legal Profession, 2018, 2019, 2020, 2021 & 2022.
- Leading Insolvency and Reconstruction Silk, Doyles Guide to the Australian Legal Profession, 2011, 2015, 2016, 2017, 2018, 2019 & 2020.
- Leading Arbitration Counsel, Doyles Guide Australia, 2019, 2020, 2021, 2022.

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