

# The Honourable Roger Gyles AO KC

Tenth Floor Chambers, Sydney

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Maxwell 42 Chambers, Singapore

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## Alternative Dispute Resolution

### Professional Appointments (Current)

Life member - New South Wales Bar Association

Fellow - Australian Centre for International Commercial Arbitration (ACICA)

Member - Asia International Arbitration Centre (Panel of Arbitrators)

Mediation Panellist - Australian Disputes Centre (ADC)

Member - ACICA Mediation Panel

Prescribed Authority under pt. III division 2 ASIO Act 1979

### Qualifications

Bachelor of Arts (Sydney) Bachelor of Laws (HI) (Sydney)

## Prior Appointments

### Judicial and related appointments

- **2013-2016:** Member - Victorian Judicial Panel
- **September 2008-December 2008:** Judge of Appeal, New South Wales Supreme Court (Acting)
- **1999-August 2008:** Judge of the Federal Court of Australia (Member of New South Wales panels for corporations, taxation, competition, patents, intellectual property and industrial relations in addition to the usual constitutional, administrative and commercial cases)
- **2001-August 2008** Additional judge Supreme Court of the Australian Capital Territory
- **2003-August 2008:** Deputy President - Australian Competition Tribunal
- **2005-August 2008:** Presidential member, Administrative Appeals Tribunal
- **1989:** Judge - New South Wales Supreme Court (Acting)
- **1975:** Master in Equity - Supreme Court of New South Wales (Acting)

### Other Appointments

- **1973-1980:** Director, Counsel's Chambers Ltd (Chairman 1979-1980)
- **1975-1981:** Member, Council of the Ku-ring-gai College of Advanced Education
- **1976-1985:** Member, Commonwealth Administrative Review Council

- **1980–2013:** Code of Conduct Commissioner - New South Wales Cricket Association
- **1982–1987:** Member, Council of the New South Wales Bar Council  
Vice president 1984-1985  
President 1986-1987
- **1984 -1987:** Member of Law Council of Australia
- **1987:** President, Australian Bar Association
- **2000:** Officer, Order of Australia
- **2008–2015:** Member – Singapore International Centre Panel of Arbitrators
- **2009–2015:** External Member of Australian Taxation Office Panels
- **2011–2015:** Chair, Transparency International Australia
- **2014–2015:** Member UNCITRAL Coordination Committee
- **2014–2016:** Commonwealth Independent Monitor of Security Legislation (INSLM)
- **2016–2017:** Chair, ICAC Nominations Panel
- **1999–2018:** Member - Court of Arbitration for Sport
- **2017–2022:** Independent Assurer of Settlements for Australian Taxation Office

## **Prior Professional Career**

- **1961-1964:** Admitted as a solicitor, having graduated in law with First Class Honours from Sydney University and having served Articles of Clerkship with Sly & Russell (now Deacons) - practised as a solicitor with Bartier Perry and Purcell.
- **1964-1975:** Admitted to the Bar of New South Wales, reading with R.J. Ellicott and T.R. Morling and practised thereafter as junior counsel
- **1972:** Visiting Fellow - Faculty of Law, University of Papua New Guinea
- **1975–1999:** Appointed Queens Counsel and practised as such until appointed to the Bench. Appeared as counsel in the Privy Council, the High Court of Australia, in all States and Territories of Australia and in the Courts of Singapore, Papua New Guinea, Fiji and the Solomon Islands. Appeared as counsel in many official inquiries.
- **1982-1984:** Commonwealth Special Prosecutor into "bottom of the harbour" tax frauds
- **1990-1992:** Royal Commission into the Building Industry of New South Wales

## **ADR and related experience**

### **Arbitration/Referee**

- Acted in many arbitrations as solicitor or counsel - predominantly in building or engineering matters, but including other commercial disputes
- Conducted a number of Court of Arbitration for Sport arbitrations, as sole arbitrator, co-arbitrator and presiding arbitrator
- Conducted substantive matters as a Deputy President of the Australian Competition Tribunal with lay members akin to arbitration
- 2009: Co-arbitrator in an ad hoc commercial arbitration concerning natural gas prices
- 2010: Sole arbitrator of a dispute re port charges for the export of minerals
- 2010-2011: Determining a construction dispute referred by the Supreme Court of New South Wales

- A party-nominated arbitrator of an ICC arbitration of a dispute concerning the price of minerals under contract
- A party-nominated arbitrator of an SIAC arbitration concerning an Indonesian joint venture
- 2012: Sole arbitrator of a dispute under a long-term waste management contract
- Arbitration of claims arising out of a company takeover ordered by the Takeover Panel
- 2013: Co-arbitrator in an energy pricing arbitration
- 2013-2014: Chair of ICC Arbitration Panel deciding oil and gas operational dispute
- 2013–2014: Party-appointed member of Arbitration Panel deciding a contractual dispute as to a major construction project
- 2015–2017: Sole arbitrator of an engineering dispute
- 2016: Party Appointed Arbitrator as to construction of long-term lease
- 2019: Chair – ICC Arbitration as to commodity export contract
- 2019-2020: Party appointed arbitrator in an ACICA international arbitration as to a dispute arising out of a share sale agreement
- 2019-2020: Sole arbitrator in ACICA arbitration of aspects of a major construction dispute
- 2019-2020: Party appointed co-arbitrator of SIAC arbitration concerning an Indonesian construction project
- 2019-2020: Court appointed referee to determine a dispute between a firm of solicitors and a client
- 2020-2022: Court appointed referee to determine damages for breach of charter party and joint venture
- 2020-2022: Sole arbitrator of an ACICA arbitration of disputes between an Australian seller and a Singaporean buyer of a commodity
- 2022: Arbitrator of issues ancillary to an ACICA arbitration of a construction dispute
- 2022-2023: Arbitrator of an ADC arbitration between vendor and purchaser of an accounting practice
- 2023: Ad hoc Arbitrator of a dispute between entities connected with a major organisation.
- 2023: Appointed to Australian Energy Regulator pool of arbitrators and mediators for access dispute resolution

## **Mediation**

- Has mediated hundreds of disputes since January 2009 across many subjects including general contractual; banking and financial; insurance; building and construction; resources; commodities; intellectual property and confidential information; insolvency; corporations including shareholder class actions; partnership; property; administrative and taxation; family provision and estate; employer and employee; trade practices and competition; planning and local government; damages claims including professional negligence, product liability and class actions

## **Evaluation**

- Independent evaluation of claims against a major financial institution
- Independent adjudicator under a court-approved claims resolution process relating to Lehman Brothers Australia Ltd (in liq)
- Engaged to evaluate a product liability compensation scheme
- Expert determination as to the interpretation of a construction contract
- Expert determination of disputes under a long-term contract for information technology services
- Expert determination of a dispute under a construction contract
- Expert determination of disputes arising out of a long-term management agreement
- Expert determination of a lessor/lessee dispute
- Neutral evaluation of a claim against the government

## **Inquiries, Commissions etc.**

- 2008: Conducted a Review of the Management of the Conservatorium of Music for the University of Sydney
- Inquired into an allegation of impropriety in a professional firm
- 2009: Inquired into alleged conflict of interest in the management of a statutory corporation
- Conducted an inquiry into the protocol for the appointment of Senior Counsel for the New South Wales Bar Association
- 2010-2011: Conducted a Commission of Inquiry into events in HMAS Success by the Chief of the Australian Defence Force
- 2011: Chair of a Leadership Tribunal in Papua New Guinea appointed by the Chief Justice to determine allegations of misconduct against the Prime Minister
- 2012: Appointed Chair of a Panel to hear appeals by residents of a university college
- 2013: Inquiry into and reporting upon a dispute between a public company and a third party
- 2014–2015: Chair, Review of Live Performance Association Code of Conduct
- 2015: Expert evidence as to Australian law in an international investor/state arbitration
- 2015-2016: Chair, Compliance Review Committee concerning Fraud allegations as to a corporate group
- 2017: Member Papua New Guinea Court Craft Workshop
- 2017: Chair – NSW ICAC Nominations panel
- 2018-2019: Appointed by the Australian Bar Association to report on opportunities for barristers in International Arbitration