



## ***CURRICULUM VITAE***

***PROFESSOR BRUCE WILKIE COLLINS QC***

***FCI Arb. BA LLB (Hons) (Sydney), LLM (Melbourne)***

***Senior Counsel and Independent International Arbitrator***

### ***EDUCATION:***

Taree High School (School Captain, Dux of the School, Captain of Cricket), 1965. Australian Lions Club Youth of the Year Scholarship to the United States (1966). Open Commonwealth Scholarship to University of Sydney and Cadetship in the Research Department of the Reserve Bank of Australia. (1966-1967) (studying Economics within the degree of Bachelor of Arts). St Paul's College, University of Sydney BA (1970), LLB (Hons) (1973). University of Sydney, Captain of Hockey, University of Sydney First Grade Cricket, University Blue in hockey and University Gold in cricket, Vice-Captain Australian Universities in hockey Test matches against Combined Indian Universities and Combined New Zealand Universities

Articles of Clerkship with Messrs. Stephen Jaques & Stephen (Mallesons Stephen Jaques now King Wood Mallesons) (1971-72)

1973-1974 - Associate to Sir Garfield Barwick, Chief Justice of Australia, working during the sittings of the High Court of Australia in the various

Australian States, at the Privy Council in London and the International Court of Justice in The Hague where the Chief Justice was a Judge Ad hoc in the French Nuclear Testing Case.

Master of Laws Degree Melbourne University

I.C.C. Court of Arbitration, Arbitrators' Master Class Paris 2011

Degree of Barrister-at-Law, The King's Inns, Dublin 1989

## **PRACTICE**

Admitted to the Bar of New South Wales, age 24, reading with Mr Theo Simos QC (the late Mr Justice Simos) 1974. Chambers, 11<sup>th</sup> Floor Wentworth Chambers, Sydney. Admitted to the Bars of Queensland, South Australia, Western Australia, Northern Territory, Australian Capital Territory, Fiji, the Republic of Ireland and England and Wales. Called to the Bar of England and Wales by the Honourable Society of Lincoln's Inn. Appointed Queens Counsel in 1989 aged 41.

## **Equity and Commercial Cases**

Practising regularly in the Commercial List of the Supreme Court of New South Wales, the Companies List of the Supreme Court of New South Wales, Equity, Probate and Common Law Divisions. Testators' Family Maintenance cases<sup>1</sup>, fiduciary duty claims, partnership disputes, company and shareholder disputes, engineering and construction cases, will construction, partnership disputes, first instance bankruptcy and appeals<sup>2</sup>, taxation, receiverships and trusts. Landlord and tenant cases for the Public Solicitor of New South Wales. Professional negligence cases for engineers, solicitors, accountants and veterinary surgeons. Land and environment cases, Trade Practices Act s.52 cases (misleading and deceptive conduct), contract disputes, insurance, sale of goods, native title, defamation, constitutional (s.92<sup>3</sup>), copyright, Workers

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<sup>1</sup> *Goodman v Windeyer* (noting the error regarding counsel) (1980) 144 CLR 490.

<sup>2</sup> *Gye v McIntyre* (1991) 171 CLR 609.

<sup>3</sup> *Carah Coaches Pty Ltd v Boyd* (1979) 145 CLR 78

Compensation (jurisdictional disputes), energy market analysis and electricity pricing, Mining Warden's Court, NSW Industrial Commission,(former s.88F and s.106), defence of WorkCover prosecutions. Practise in the Federal Court of Australia particularly in Trade Practices and competition cases. He has a special interest in the exercise of contractual powers and good faith in the law of contract. Numerous breach of contract cases involving the purported exercise of contractual and common law powers. Instructed as prosecuting counsel by the Australian Institute of Chartered Accountants in disciplinary proceedings against accountants. Advising the Australian Institute of Chartered Accountants and drafting amendments to the rules of the Institute and new rules. Instructed by the Federal Trade Practices Commission in a nationwide series of s.52 (misleading and deceptive conduct) cases. Vendor and purchaser cases and will construction cases. Bank guarantees and performance bonds.

## **EXPERIENCE IN PRACTICE**

### **Complex engineering and construction litigation for Principals, Contractors and Subcontractors, Government Departments, Governments and State and Federal instrumentalities.**

Flood cases, hydrology, aluminium smelting, electricity sale and power generation, oil, gas and petroleum infrastructure, grain and materials bulk handling and storage, iron ore mining (the Savage River in Tasmania)<sup>4</sup>, tunnelling cases in Auckland and in Sydney. Buildings in the marine environment, high rise building failures, mechanised abattoirs, storage dams, hydro-electric power stations, coal fired power stations, gas fired power stations, drainage, bulk materials handling systems (coal, wheat, iron ore), quarrying, drilling operations, defence supply (armaments) contracts for the Australian Federal Government (Defence Department) (international

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<sup>4</sup> *Queensland Mines v Hudson* (1978) 52 ALJR 399 in the Privy Council in London. On this large international project, iron ore mined at the Savage River in Tasmania, was pelletized and transported in bulk by a uniquely designed elevated conveyor system, many miles from the mine site, to specially designed and constructed port and loading facilities at Port Latta on the Bass Strait coast of Tasmania.

arbitration in California against an Israeli arms company), oil and gas explorations, gas delivery/transportation and storage, high rise buildings, shopping centres, mechanical plant and equipment of all types, metallurgy, technology parks, extensive land fill cases and land and environment cases, airports and runways, complex programming analyses, steel design and fabrication and construction, concrete manufacturing plants, concrete technology, large scale civil engineering and energy projects, demolition and the use of explosives, power supply, electricity marketing and distribution, agriculture, oceanography and coastal erosion, gold mining, coal mining, excavation, quarrying, mineral sands mining (New South Wales and Western Australia), multistorey car parks, boats and boat building, mechanical engineering projects, harbour gantry cranes, railway rolling stock and railway infrastructure, highways, blast finances (Port Kembla and Whyalla), expressways and the analysis of suites of commercial and technical documents and drawings associated with all such projects. Close familiarity with the various suites and forms of tender documentation, Government Contracts, specifications and drawings and Australian Standard Contracts and bespoke contracts and the suite of New South Wales, other States and Australian Government Procurement System for Construction and Procurement Practice Guides. A number of the longer engineering cases in which he has been retained, have been concerned with notices to show cause and the exercise of contractual powers. Expert determinations, mediations as counsel and on numerous occasions as appointed mediator.

### **Technical Cases and Expert Evidence**

Collins has had a long experience in the reading and interpretation of technical specifications, detailed construction programmes, architectural, mechanical, steel fabrication, engineering and other technical drawings and the conduct of cross examination involving such drawings and expert evidence generally including critical path programming. Collins has lectured, taught and written on the subject of expert evidence particularly engineering evidence. Collins' experience in construction and engineering disputes has been for principals

and contractors in equal measure and for government and government instrumentalities. Such cases have involved detailed analysis of tender invitations, the tender itself and the record keeping and project monitoring systems on all sides of the project. He has made a detailed study of the FIDIC suite of contracts and the Dispute Board Resolution systems in Australia, the United States and the United Kingdom and has lectured upon the utility of those systems in engineering and infrastructure projects.

### **Crime**

Including murder, manslaughter, armed robbery, robbery, assault, culpable driving. Coroners' inquests.

### **Sport**

New South Wales Rugby League Judiciary, rugby league appeals to the Rugby League Appeals Committee, rugby union, fencing, golf, soccer, rowing, kayaking and athletics and appeals to the Court of Arbitration for Sport. Drug cases before the Court of Arbitration for Sport (pro bono) and the Cricket Australia Appeals Committee. Sporting appeals in kayaking, sailing, rowing, cricket, rugby union, sitting as a CAS arbitrator in the Ad Hoc Panel appointed for the Asian Games 2014, South Korea, Panel for the Asian Cup (Soccer) Sydney and the Panel appointed to resolve, if necessary, eligibility disputes involving participants in the English Premier Division Cup, the Panel to resolve, if necessary, broadcasting disputes arising during the European Games in Baku, Azerbaijan.

Appeals to the New South Wales Court of Appeal and the Full Court of the Federal Court.

Appearances in the Privy Council in London, the High Court of Australia, Full Federal Court, New South Wales Court of Appeal, Court of Criminal Appeal, Supreme Courts of Western Australia, South Australia, Queensland, Australian Capital Territory, Northern Territory and Fiji.

Clients include many of the top 50 public companies including BHP Billiton, Leighton, Westpac, NAB, Woolworths, Brambles, Boral, Western Mining<sup>5</sup>. Principal legal adviser to the Australian Federal Government (with Mr David Crawford) concerning the legal status, characterisation and disposition of the several billion dollar Australia Post – Telecom Superannuation Fund (Project Parkes).

### **Inquiries and Royal Commissions**

Senior Counsel for the liquidator in the H.I.H. Royal Commission, junior counsel (with A.M. Gleeson QC) for Chief Magistrate Briese in the Australian Senate Inquiry into the Conduct of Mr Justice Murphy, a Justice of the High Court of Australia, Senior Counsel for the NSW Roads and Traffic Authority in the Independent Commission Against Corruption Inquiry into Drivers' Licensing, counsel in the Fine Cotton Inquiry (horse racing). Chairman of the New South Wales Government Independent Inquiry into Insolvency in the Construction Industry (the Collins Report to the New South Wales Government can be accessed on the web).

### **LEGAL APPOINTMENTS**

**1990** – Appointed by the New South Wales State Government as an Independent Commissioner against Corruption to inquire into certain affairs of the New South Wales Police Department and to report thereon to the Parliament of New South Wales.

**1991** – Appointed by the NSW State Government as an Independent Commissioner against Corruption for the purposes of an inquiry into certain aspects of the conduct of the Planning Department of South Sydney City Council and to report thereon to the New South Wales State Government.

**1992** – Appointed by the NSW State Government as an Independent Commissioner against Corruption to inquire into certain matters concerning

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<sup>5</sup> In the High Court of Australia.

the conduct of the Kyogle Shire Council and to report thereon to the Parliament of New South Wales.

**1990** – New South Wales Supreme Court Referee.

**1990-1991** – New South Wales Supreme Court Neutral Evaluator.

**1995-1996** – Chairman New South Wales Rugby League Appeals Committee.

**2000-2001** – Chairman 11<sup>th</sup> Floor Wentworth Limited (Barristers' Chambers).

**2000-2011** – numerous appointments as mediator.

**2008** – Australian Olympic Committee, Australian Olympic Appeals Consultant.

**2010** – Australian Olympic Committee, Australian Olympic Appeals Consultant.

**2011** – Appointed by the International Olympic Committee as a Member of the Court of Arbitration for Sport (CAS).

**2011** – Australian Olympic Committee, Australian Olympic Appeals Consultant.

**2011** – Appointed Fellow of the Chartered Institute of Arbitrators (FCI Arb) (United Kingdom).

**2012-2018** – appointed as the Australian Member of the International Court of Arbitration of the International Chamber of Commerce, Paris.

**2012** – Appointed by the New South Wales Government to Chair and Conduct an Inquiry into Insolvency in the Construction Industry and report to the Minister for Finance & Services, hearing of evidence including 100 witnesses.

**2012** – Appointed as Counsel to advise the Australian Federal Government in the World Trade Organisation proceedings in Geneva commenced by Ukraine, Honduras and Dominican Republic alleging that the Australian Plain Cigarette Packaging Legislation, breaches Australia's trade law obligations.

**2013** – Appointed Australian Olympic Appeals Consultant for the Winter Olympics.

**2013** – Appointed by the International Olympic Committee to sit on the ad hoc panel of CAS Arbitrators for the Asian Games in South Korea in 2014.

**2014** – Appointed to the London Panel of Arbitrators for Sport Resolutions Ltd.

**2014** – Appointed to the Panel of Arbitrators of the Kuala Lumpur Regional Commercial Arbitration Centre.

**2014** – Appointed to the Panel of Arbitrators of the Nepal International Alternative Dispute Centre.

**2014** – Advising the solicitors for a State Respondent in ICSID Annulment proceedings

**2014** – Appointed to the Board of Advisors of the Indonesian Arbitrators Association.

**2014** – **2015** Acting as Senior Counsel for a number of State owned enterprises in the People’s Republic of China in energy related disputes giving rise to several sets of proceedings before different international arbitral tribunals.

**2014** – Appointed to the Panel of Arbitrators for the Hong Kong International Arbitration Centre.

**2014** – Appointed to the List of Arbitrators for the Mauritius International Arbitration Centre.

**2014** – Appointed as Chairman of the International Arbitral Tribunal established to hear and determine broadcasting rights disputes for the 2015 European Games in Baku, Azerbaijan.

**2015** – Appointed to the Court of Arbitration for Sport ad hoc Panel of Arbitrators for the Asian Football Cup in Sydney.

**2015** – Appointed by Sport Resolutions in London to a Standing Arbitral Panel to resolve FA issues in the United Kingdom<sup>6</sup>

**2015** – Appointed to the Panel of CEITAC Panel of Arbitrators in Beijing.

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<sup>6</sup> This panel was not required to sit.



**2016** - Appointed Conjoint Professor of Law at the University of Newcastle with the special task, amongst others, of devising and presenting the Undergraduate and Post Graduate courses in International Commercial Arbitration.

**2016** – Appointed as the Australian Olympic Appeals Consultant for the 2016 Olympic Games.

**2016** – Elected to the Arbitrators’ Panel for CIMA (La Corte Civil y Mercantil de Arbitraje (Madrid)) to hear appeals against arbitral awards.

**2016** – Invited by the US Department of Commerce to participate in the Commercial Law Development program, Foreign Aid.

**2016** – Invited by the University of Western Australia to becoming a guest lecturer and visiting scholar in numerous programs relating to international commercial arbitration.

**2016** – Member of the teaching program at the Pericles Institute for Western Law (Moscow)

**2016** – Paper to the Russian Arbitration Association in Moscow (commentary on the Inquisitorial versus Common Law Models of Arbitral Procedure)

**2017** – Arbitration Association of Belorussia Paper (Minsk) (papers on the Weight of the Evidence and a Comparison of the Inquisitorial and Common Law Models of Arbitration)

**2017** – Paper to the conference in Beijing of the International Construction Law Association, Cross-Jurisdiction Comparisons

### **NEW SOUTH WALES BAR ASSOCIATION**

- Lectures to the Bar Readers’ (new barristers) Course, Use of Documents in Cross Examination 1984-2012 (paper now awaiting publication).
- Other Readers’ Lectures on evidence, admissibility of documents, the 1995 Evidence Act and ethics.

- Advocacy instructor, mock trial instructor, New South Wales Bar Association.
- Member of the Education and Ethics Committee of the New South Wales Bar Association 1998-2000.
- Member of the Advocacy Sub-Committee of the New South Wales Bar Association 1999.
- Member of the Human Rights Sub-Committee of the New South Wales Bar Association 2006.
- Member of Professional Conduct Committee of the New South Wales Bar Association 2002.
- Member of Professional Conduct Committee of the New South Wales Bar Association 2010.
- Instructor, “Train the Trainer” Workshop conducted by the Australian Advocacy Institute 1998.
- Advocacy instruction, the New South Wales Bar Association 1998-2000.
- New South Wales Bar Association representative on the University of Wollongong Faculty of Law Advisory Committee 2005-2012.

### **Other**

- Co-chairman and presenter at the International Arbitration Conference in Beijing in 2012.
- Member of the teaching faculty in Cross Examination in International Arbitration Courses in Beijing and Shanghai in 2012.
- A principal presenter to the 2013 International Arbitration Conference in Hong Kong where he spoke on challenges to arbitrators.
- Member of the London Court of International Arbitration (LCIA) Panel in Dubai in 2013.

- Member of the London Court of International Arbitration (LCIA) Panel in Lagos, Nigeria in 2013.
- For the last several years Collins has made an extensive study of the civil law and in particular its application in international arbitration. He has extensively researched the French Civil Code and has attended a number of conferences in South American and other civil law countries, for the purposes of developing greater familiarity with civil law principles.
- Since delivering the Independent Report on Insolvency in the Construction Industry, Collins has been invited to deliver lectures on that subject in New Zealand, Victoria and New South Wales.
- Invited by the Nepalese Arbitration to prepare and deliver the first comprehensive arbitration course to NIAC Kathmandu 6 and 7 November 2014.
- Taipei International Conference on Arbitration Designing a Fair and Efficient Arbitration Using International and Bespoke Protocols.
- Hong Kong Society of Construction Law Management of Expert Evidence in Complex Arbitrations.
- International Arbitration Summit, Kiev “Award Set Aside at the Seat: Bridges Burnt?” (Panel with Lord Hoffman)

## **RECENT LECTURES AND PAPERS**

### **2014**

- Series of lectures on the Structure of Arbitration and Expert Evidence to the Indonesian Association of Arbitrators: Jakarta.
- Transcontinental Trusts: Shaping the Global Agenda of the Off-Shore World: Geneva

- The Remedial Constructive Trust: Do They Exist and How Do They Work?
- Asia Pacific Dispute Resolution Summit in Hong Kong: How to Avoid, Settle and Win Cross Border Disputes: Electronic Evidence in International Arbitration.
- Arbitration Summit in Istanbul: Challenges to the Appointment of Arbitrators.
- Arbitration Summit in Tokyo prior to the I.B.A: Challenges to the Appointment of Arbitrators.
- Series of Arbitration Lectures at Request of the Nepalese International Arbitration Centre (November 3-5, 2014)
- Arbitration Summit Seoul, South Korea: Aspects of Evidence and Expert Evidence in International Arbitration.
- ICC International Arbitration Conference in Singapore, Paper on “The Special Problems of Oil and Gas Arbitrations”.

## **LEGAL TEACHING**

- Lectures to the Readers Course on the Use of Documents in Cross Examination of the New South Wales Bar Association 1984-2013.
- Lecturer in Equity, University of Sydney, Solicitors and Barristers Admission Course, 1975-1979.
- Tutor in law St Andrew’s College, University of Sydney, 1974.
- Lecturer in Trusts and lecturer in Trial Process, University of New South Wales, 1978-1979.
- Lectures in Evidence and Ethics to the New South Wales Bar Association Readers Course (variously).
- 2012 – Appointed Adjunct Professor of Law at the University of Technology, Sydney.

- 2013 – Appointed Course architect and lecturer in International Commercial Arbitration at the University of Technology, Sydney.
- A member of the faculty for the Justice Advocacy Africa program lecturing in trial practice in Botswana in 2013.
- Appointed Conjoint Professor at the University of Newcastle to devise and deliver the course in International Commercial Arbitration.
- Invited by the University of Western Australia to become a Guest Lecturer in International Commercial Arbitration.

#### **OTHER APPOINTMENTS\***

- Founding Chairman of the Bradman Museum Trust and the Bradman Foundation – 1985- end 1993.
- Establishment of the Bradman Trust, establishment of educational scholarships for men and women to Oxford University and Australian universities, acquisition of the Museum Collection, making films and recordings (with Sir Donald Bradman), establishment of the Museum library, overseeing and planning the design and construction of the Museum, establishment of the State-wide, live-in Bradman Cricket Coaching Clinics, the renovation of Bradman Oval and the organisation and conduct of first class and international cricket matches at Bradman Oval, all in close consultation with Sir Donald Bradman.
- Board member St James Ethics Centre 1995-1999.<sup>7</sup>
- Chairman Sydney Cricket Association 2000-2006 (presiding over various disciplinary, selection and eligibility appeals).
- President of the Primary Club of Australia 2000-2009, a sporting charity, the sole purpose of which is to raise funds and to provide for the sporting and recreational needs of Australians with disabilities.

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<sup>7</sup> The St James Ethics Centre is Australia's first and pre-eminent public ethics centre which operates as a public charity stimulating interest in and advising private and public individuals and corporations upon a full range of ethical considerations.

- Director of Cricket New South Wales (Chairman of six sub-committees) 2000-2006.
- Director, Cricket Australia, 2004-2005 (audit sub-committee).
- President Sydney University Cricket Club 2004-
- Patron Sydney University Cricket Club Foundation 2004-
- \*Voluntary part time appointments.
- Chairman of the New South Wales Rugby League Appeals Committee

### **PUBLICATIONS AND LECTURES (BY INVITATION) (A SELECTION)**

- The Man at Your Door: Statutory Powers of Entering and Inspection, the Commercial Law Association of Australia.
- The Role of Expert Evidence in Commercial Proceedings (Continuing Legal Education) (repeated). \*
- The Law and Practice of Commercial Arbitration, Awards, Interim Awards and Directions, the Institute of Arbitrators Australia at Sydney University, 1985.
- Addresses to the Institute of Arbitrators Australia: Arbitration.
- Lecture on law of expert evidence to the Regional Continuing Legal Education Program at University of New England.
- Lecture on recent developments in contract at University of New England. Continuing Legal Education.
- Lecture to the Newcastle Bar – Use of Documents in Cross Examination.\*
- Lecture on the New South Wales Evidence Bill, the University of Sydney, 1991.
- Section 52 of the Trade Practices Act, an Australian Noumenon, Continuing Legal Education.

- Claims for Extension of Time and Acceleration Claims, the Australian Institute of Arbitrators.
- Recent developments in the Law of Contract, Law Society of New South Wales Annual Conference.
- Recent developments in the Law of Contract, Law Society of New South Wales Annual Conference, Bowral.
- Recent developments in Contract Law, Good Faith in Contract\* (Continuing Legal Education).
- The Role of Expert Evidence: ensuring experts reports are admissible (delivered on several occasions).
- Conference on International Sports Arbitration organised by Sydney University Law School at Gonville and Caius College, University of Cambridge, “Bringing Sport into Disrepute”, 2009.
- 16<sup>th</sup> World Sports Law Association Conference, Seoul, South Korea, “Bringing Sport into Disrepute”.
- The Use of Documents in Cross Examination, lecture to Commonwealth Prosecuting Lawyers, 2008.<sup>8</sup>
- Various other Continuing Legal Education Lectures.
- Paper to the 19<sup>th</sup> World Conference of Sports Law Association, Moscow 2011: “The Ethical Component of Sport: Administrators should be subject to the same standards as the players”.
- Paper presented to the 4<sup>th</sup> Asian Sports Law Conference in Seoul, South Korea 2011: “Integrated legal approaches to athlete selection in international sport”.
- Paper presented to practitioners, representatives of State Government Departments and construction contractors, 22 March 2012 “Common Issues in Construction Disputes – Delays and Expert Evidence”.

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<sup>8</sup> Based upon the author’s lectures to the New South Wales Bar Association Readers’ Courses from 1985 to 2011.

- Paper presented to the Hong Kong Society of Construction Law and the Chinese Arbitration Association, in Taipei “Using Existing International Protocols and the Rules of Arbitral Institutions to Design a Fair and Efficient Arbitration”.
- Paper presented on 31 May 2012 in Moscow for the Russian Olympic Committee and Russian Ministry of Sport Conference “The Structure of Olympic Selection Appeals”.
- Mr Collins is invited to give lectures in numerous cities around the world. In November and December 2012 he delivered guest lectures in Beijing and Shanghai on arbitration subjects and lectured to groups of English speaking Chinese lawyers on cross examination and procedure in international commercial arbitration.
- In 2014 he was invited to give guest lectures to the Korean Arbitration Community, the Portuguese Arbitration Association, the Chinese University of Hong Kong, the Korean Commercial Arbitration Board and to the legal practitioners of Botswana, as part of the Justice Advocacy Africa programme and further lectures in Beijing. Collins’ report into Insolvency in the Construction Industry in New South Wales is now the basis of a programme of legislative reform and he has lectured on that subject in New South Wales and in New Zealand where he gave advice to the Department of Construction. He has lectured on the same subject in the Construction Law Masters Course in the University of Melbourne.
- Collins is invited annually to sit as a panellist for the Vis International Mooting Program conducted annually in Hong Kong and Vienna.
- In November 2013 Collins presented a paper on a panel with Lord Hoffman at the Kiev Bar Association Arbitration Conference. (“An Award Set Aside in the Seat of the Arbitration: Are the Bridges Burned.”)



## Chapter Headings

### In “Essays in Arbitration”<sup>9</sup>

1. Can an arbitrator ever make his own enquiries? What are the consequences of doing so?
2. The I.B.A. Rules on the Taking of Evidence in International Arbitration: some selected problems and a comparison with the rules of particular Arbitral Institutions.
3. The required nature and character of the arbitrator’s reasons for the award: *Oil Basins Ltd -v- B.H.P. Billiton* (2007) 18 V.R. 346 and *Westport Insurance Corporation -v- Gordian Runoff* (2011) 85 A.L.J. 1188 (High Court of Australia).
4. The public policy exception to the enforcement of awards under the New York Convention.
5. *Dallah Real Estate -v- Ministry of Religious Affairs of the Government of Pakistan* (2011) A.C. 763 and *Aviation Solutions Pty Ltd -v- Altain Khuder LLC* (Victorian Court of Appeal, 22 August 2011): enforcement of an award, what is the Court entitled/required to examine?
6. Cross cutting issues in public international law: the growth of common principles in international arbitration, procedure, the Court of Arbitration for Sport and the World Trade Organisation<sup>10</sup>
7. The Adverse Inference in International Commercial Arbitration: What does it mean and what does it permit an Arbitrator to do?
8. “Not Disembodied Spirits on Mars”: Challenges to Arbitrators.
9. The Arbitrability of Disputes: the Coverage of the Arbitration Clause after the House of Lords decision in *Fiona Trust*.
10. Using existing international and bespoke protocols to design a fair and efficient arbitration (this paper has been extended substantially and will shortly be translated into Chinese and utilised in lectures in commercial

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<sup>9</sup> To be published in a single volume.

<sup>10</sup> Based on the international law colloquium held at Geneva in 2010.

arbitration in Hong Kong, the People's Republic of China and the Republic of China).

11. The Special Problems of Oil and Gas Arbitrations.
12. The Power of the ICC International Court of Arbitration to "Review" Draft Arbitral Awards.

## **MASTER OF LAWS COURSE, UNIVERSITY OF MELBOURNE**

*WTO Law and dispute settlement*: two 10,000 word research papers: "Proof in WTO Law: three unnecessary and correctable errors (the burden of proof, adverse inferences and expert evidence)" and "What's in the Average Tool Box: that vexing distinction between fact and law in the Appellate Body of the World Trade Organisation".\*

*International Commercial Arbitration Workshop*: 10,000 word research paper "Not 'disembodied spirits dwelling on Mars': Challenges to the appointment of arbitrators upon the grounds of proven doubts as to impartiality."\*

*International Commercial Arbitration*: 10,000 word research paper "The Arbitrability of Disputes: Fiona Trust and Holding Corporation & Ors v Privalof & Ors (2007) 4 All ER 951 Further or less 'room for movement'".\*

*International Investment Law and Arbitration*: 10,000 word research paper "The powers of the ad hoc Committee to annul arbitral awards made under the International Convention for the Settlement of Investment Disputes: an extended principle".\*

*Sports Law and Commerce*: 10,000 word paper "Athlete Personality Rights Post-Perkins: Is a right of personality needed?"\*

*US Sports Law*: 10,000 word research paper: "Nostalgia ain't what it used to be: The 1919 White Sox and Joseph Jefferson Jackson's Encounters with the Law". \*

*Sports Marketing Law*: "Bringing the Game into Disrepute after D'Arcy's case: A curious but balanced equation". 10,000 word research paper. \*

*Comparative Law*: “Good Faith in the Performance of Contracts in French and English Law”. 10,000 word research paper.\*

**SPECIAL FIELDS OF INTEREST (THOSE WHERE RESEARCH PUBLICATION MATERIALS ARE PENDING PUBLICATION)**

- The fiduciary obligation in English Law.
- The ‘Lex Mercatoria’ and the growth of transnational legal principles (a member of the ICC Task Force on the ‘Lex Mercatoria’).
- Forensic procedures including a study of the trial and the use of documents in cross examination.
- The ‘Lex Petrolea’.
- The exercise of contractual powers.
- The review of ICSID Awards, WTO decisions (Panels and the Appellate Body) and international arbitral awards including awards of the Court of Arbitration for Sport, (current doctoral dissertation, University of Melbourne Law School).
- The unsafe and unsatisfactory ground in criminal law.<sup>11</sup>
- Expert evidence: preparation, admissibility and the cross-examination of experts.
- Sports law.

Collins has practised as an advocate, extensively and particularly in the field of arbitration, engineering, construction and commercial law for 40 years. In that time he has appeared in all types of commercial cases and has made a speciality of all types of engineering, construction, infrastructure and commercial disputes.

As an arbitrator he is interested in the proper, fair and efficient management of expert evidence, including critical path programming, to ensure that

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<sup>11</sup> Based on appearance as senior counsel in *M v The Queen* (1994) 181 CLR 487, in the High Court of Australia.

arbitration proceedings are conducted expeditiously and in a cost efficient manner. As an advocate he has specialised in the cross examination of expert witnesses and the preparation of legal argument in complex technical cases.

For the last several years Collins has been studying, researching and lecturing in the field of arbitration and has prepared numerous papers for publication based on public lectures he has given.

In 2014 and 2015 Collins was a full member of Chambers in XXIV Old Buildings Lincoln's Inn<sup>12</sup> in London and resided in Lincoln's Inn. This enabled him to pursue his international legal practice and his interest in work in Europe and the Mena region from London. He is a foundation member of Arbitration Chambers in Hong Kong. He is now again based in Australia and Hong Kong and travels widely in his practice as an International Arbitrator and as counsel.

## **PROFESSIONAL ASSOCIATIONS AND APPOINTMENTS**

- International Chamber of Commerce (I.C.C.) (Arbitration)
- I.C.C., A.D.R. Task Force, Asia
- I.C.C. Task Force, New York Convention
- I.C.C. Task Force, The Lex Mercatoria
- Chartered Institute of Arbitrators (Fellow)
- Australian and New Zealand Sports Law Association
- International Bar Association (Arbitration Section)
- New South Wales Bar Association
- Member London Court of International Arbitration
- CEITAC panellist in Beijing, Government approved Panel of Arbitrators, Chinese Arbitration Association, Taipei, Nansha Panel of Arbitrators (Peoples' Republic of China), the KLRCA and the Nepalese Arbitration

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<sup>12</sup> Which also has chambers in Geneva.

Association, the Hong Kong International Arbitration Centre and the Mauritius Arbitration Centre.

- Member of the Panel of Arbitrators Kuala Lumpur International Arbitration Centre
- International Law Section, Law Council of Australia
- Member, Dispute Resolution Board Australasia
- Member, Society of Construction Law Australia
- Member of Justice, London
- Member, Swiss Arbitration Association.
- Member, Dispute Resolution Board Foundation, Seattle, Washington
- Collins is a Member of the Oversight Committee which advises the organisation responsible for 90% of construction and engineering adjudications in Australia. He has been appointed a platinum adjudicator along with Professor John Sharkey for the purpose of hearing complex high value adjudications.
- Collins was called to the Bar of England and Wales by the Honourable Society of Lincoln's Inn of which he is a Member.
- Collins has presided over numerous hearings and inquiries, disciplinary appeals and hearings including as a Supreme Court Referee, a common procedure in New South Wales and Victoria in which technical cases are referred out to experienced construction and engineering counsel.
- Collins has been recently appointed to chair a London Court of International Arbitration Tribunal involving contractual disputes between the international buyers and sellers of crude oil.
- Collins was recently appointed to a Tribunal appointed under the aegis of the Stockholm Chamber of Commerce concerning international licensing agreements.

- Collins recently delivered a paper on expert evidence and the management of complex technical arbitrations to the Hong Kong Legal Training Institute (June 2016).
- In June 2016 he was appointed to the ICC Task Force on Maximising the Probative Value of Witnesses' Evidence in International Arbitration.
- Appointed to the London Panel of Sports Resolutions

### **Recent Activities**

- Collins spoke by invitation in Moscow and in Minsk at the Russian and Belorussian arbitration conferences which centred upon the development of a new set of arbitration rules for use in Russia and Belorussia.
- He has been invited to speak again in 2018 at the Eastern European Dispute Resolution Forum upon the subject of the interaction and comparison of civil law and common law influences in international commercial arbitration.
- He spoke recently by invitation at the International Construction Law Association Conference in Beijing which was devoted to the worldwide Chinese One Belt One Road initiative which involves some 60 countries and 40% of the world's population.
- The Chinese organisers of the Beijing colloquium have invited him to deliver a short series of lectures on international commercial arbitration at the Peking University Law School.
- Collins has been invited to join the ICC International Court of Arbitration Committee formed to deal with and report on the implications of the Chinese One Belt One Road initiative.
- Collins was recently appointed to the five member World Sailing Judiciary.
- He has been invited to again prepare and deliver a series of teaching lectures to the Nepalese Arbitration Association in Kathmandu.

- He has been invited to deliver papers to the Romanian Arbitration Association in Bucharest.
- He has been invited to speak in Stuttgart in Germany to the German Chapter of the International Construction Law Association.
- He has been appointed as arbitrator in an ICC arbitration in Singapore.
- He has been invited to speak to the judiciary and the legal profession in Armenia upon the subject of modern developments in civil procedure.
- He has been invited to again deliver arbitration lectures at the Pericles Institute of Western Law in Moscow.
- He has been invited to deliver lectures on civil procedure and international commercial arbitration to the legal profession in Myanmar.

Collins divides his time between his home outside Sydney and his chambers in Arbitration Chambers in Hong Kong and in the Inner Temple in London.

November 2017

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