

**ANTHONY LO SURDO SC**  
**12 WENTWORTH SELBORNE CHAMBERS, SYDNEY**  
**LONSDALE CHAMBERS, MELBOURNE**  
**CURRICULUM VITAE**

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**Appointed Senior Counsel (QC equivalent):** 6 October 2011

**Admissions**

Barrister: 9 August 1996

Solicitor: 3 July 1987

**Jurisdictions**

Throughout Australia and internationally

**Educational and Professional Qualifications**

Bachelor of Arts (University of Sydney, 1985)

Bachelor of Laws (University of Sydney, 1987)

Accredited Mediator (LEADR) (1993)

Master of Laws (University of Sydney, 1996)

**Additional Professional Qualifications**

National Accredited Mediator (2008)

Arbitrator (2010)

Expert Determiner (2010)

Advanced Mediator (2013)

Fellow, Australian Centre for International Commercial Arbitration (2016)

Fellow, Resolution Institute (2016)

International Mediation Institute, Certified Mediator (2017)

Singapore International Mediation Institute, Certified Mediator (2017)

Fellow, Chartered Institute of Arbitrators (2020)

Grade 1 Arbitrator, Resolution Institute (2020)

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**Anthony Lo Surdo SC**

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**12** WENTWORTH  
SELBORNE  
CHAMBERS

## Practice Areas

Administrative law	Equity
Alternative dispute resolution (including mediation & arbitration)	Insurance
Banking, finance & securities law	Insolvency
Commercial (including contract law)	Partnerships
Consumer protection	Professional indemnity
Corporations law	Product liability
	Property
	Representative proceedings
	Sports law

## Biographical Summary

Anthony has a broad practice both at trial and appellate level spanning diverse areas including commercial, equity, corporations, insurance law, professional indemnity, property and sports law. He has a particular interest in banking and insolvency in respect of which he has written extensively and has been named in “*Doyles Guide to the Australian Legal Profession*” in 2011 and again in 2015-2020 as one of Australia’s leading insolvency and restructuring barristers.

Anthony is accredited as an advanced mediator, arbitrator and expert determiner. He is regularly retained as a mediator in complex multi-party disputes. He has also been ranked by “*Doyles Guide to the Australian Legal Profession*” as a leading mediator in New South Wales in 2018-2020.

He is also often appointed as an arbitrator in commercial and sports-related disputes both domestically and internationally. He has been recognised by “*Doyles Guide to the Australian Legal Profession*” in 2019 and 2020 as one of Australia’s leading Senior Counsel in Arbitration.

## Advisory and Advocacy

Anthony has advised and/or has appeared for:

- ASIC 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.

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- 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 Sportspeople, 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.

## **Mediation**

### *Mediation Panel Appointments*

Court of Arbitration for Sport  
International Mediation Institute  
DIFC-LCIA Mediation Panel  
Singapore International Mediation Institute

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AIAC Mediation Panel  
ACICA Mediation Panel  
Resolution Institute Panel of Advanced Mediators  
Supreme Court of NSW Mediation Panel  
District Court of NSW Mediation Panel

### *Experience*

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 “*Doyles Guide to the Australian Legal Profession*” as a leading mediator in New South Wales, 2018-2020.

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

In recognition of his specialist knowledge of mediation and sports law, 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).

Anthony has acted as mediator in a vast array of matters since he was first accredited in 1993. He has mediated hundreds of complex disputes since 2009. He 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 so as to assist in facilitating a fair and efficient resolution to a dispute.

Anthony’s work as a mediator includes:

- Banking disputes
- Contractual disputes
- Corporations law disputes including claims arising from insolvency
- Partnership disputes
- Disputes between joint venturers
- Disputes between lenders and valuers involving allegations of negligent property valuation

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- Medical negligence
- Personal injuries
- Claims involving alleged negligence by lawyers
- Claims involving the alleged negligence of town planners
- Claims involving the alleged negligence of accountants
- Claims against investment advisors including financial planners
- Claims against directors and officers
- Employment disputes
- Claims involving restraints of trade
- Building disputes
- Claims involving damages for personal injury
- Shareholder disputes
- Succession claims
- Planning disputes
- Building and construction claims
- Property disputes
- Sports disputes

### **Arbitration**

Anthony is an accredited arbitrator, a Fellow of the Chartered Institute of Arbitrators and registered in the Australian Register of Practising Arbitrators as a Grade 1 Arbitrator.

#### *Arbitral Panel Appointments*

Court of Arbitration for Sport (General and Football Lists)  
DIFC-LCIA Arbitration Panel  
AIAC Arbitration Panel  
THAC Arbitration Panel  
ACICA Arbitration Panel  
Sport Resolutions (UK), International Panel of Arbitrators  
National Sports Tribunal, Australia  
Acting Racing Appeals Tribunal, NSW  
Football Federation Australia (FFA) Appeals Committee  
FFA Dispute Resolution Chamber  
FFA Disciplinary and Ethics Committee

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FNSW Appeals Tribunal  
District Court of NSW  
Local Court of NSW

*Experience*

Having regard to his experience in international arbitration, in June 2016, Anthony was appointed a Fellow of the Australian Centre for International Commercial Arbitration and a Fellow of Resolution Institute. In 2020, he was appointed as a Fellow of the Chartered Institute of Arbitrators.

In recognition of his specialist knowledge of arbitration and sports law:

- in January 2016, Anthony was appointed by the International Council of Arbitration for Sport (ICAS) as an arbitrator of the Court of Arbitration for Sport (CAS) and his name appears on both the general list and the football list;
- in January 2019, he was appointed as the Acting Racing Appeals Tribunal (NSW)
- in February 2019, he was appointed to the International Panel of Arbitrators maintained by Sport Resolutions (UK); and
- in March 2020, he was appointed as one of the inaugural part-time members of the National Sports Tribunal.

He has sat as both a sole and panel arbitrator including as Chair in over 60 domestic and international arbitrations involving commercial, disciplinary and governance disputes.

CAS

In January 2018, Anthony presided over a hearing of a CAS Appeal Panel in Lausanne, Switzerland.

In April 2018, he was appointed to the CAS ad hoc panel for the Commonwealth Games, Gold Coast, Australia.

In May 2018, Anthony was appointed to the CAS ad hoc panel for the Asian Games, Jakarta, Indonesia in August/September 2018.

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In 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.

In December 2018, Anthony presided over a hearing of a CAS Appeal Panel in a disciplinary matter arising in Asia.

In February 2019, Anthony was appointed by a party in a commercial dispute.

In June 2019, Anthony was appointed as the sole arbitrator by parties in a disciplinary matter.

In August 2019, Anthony was appointed President of a panel in a good governance appeal.

In September 2019, Anthony was appointed to the Ad hoc panel for the FIBA World Cup.

In October 2019, Anthony was appointed President of a panel in a commercial dispute.

In May 2020, Anthony was appointed as Sole Arbitrator in a commercial dispute.

In July 2020, Anthony was appointed by a party in a commercial dispute.

#### Sport Resolutions (UK)

In 2019, Anthony was 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, Anthony was appointed as Chair of an ITF Independent Tribunal Panel to determine a dispute between the ITF and a Member Federation.

#### FFA

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

As a member of the FFA Dispute Resolution Chamber since 2008, Anthony has determined commercial disputes and appeals that have arisen between the FFA, Member Federations, Clubs, and Players under the FFA Grievance Resolution Regulations, some of which have involved players and coaches of international repute.

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

#### Football NSW

As the Chairman of the Football NSW 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 under the FNSW Grievance and Disciplinary Regulations.

#### Acting Racing Appeals Tribunal

As the Acting Racing Appeals Tribunal, Anthony has determined appeals heard on a *de novo* basis from first instance decisions in the thoroughbred and harness racing industries.

#### Other Arbitral Appointments

Anthony has been nominated by the President of Resolution Institute as a sole arbitrator in a domestic commercial dispute and by Surf Life Saving New South Wales to preside over a Judiciary Committee hearing in a code of conduct matter.

#### **Expert Determiner**

Anthony is accredited as an expert determiner.

#### **Academic Appointments**

General Editor, *Banking and Finance Law of Australia* (LexisNexis) (2014 - )  
 Editorial Panel of the *Insolvency Law Bulletin* (LexisNexis Butterworths) (1992 - )  
 Editorial Panel of the *Australian Banking & Finance Law Bulletin* (LexisNexis Butterworths) (1990-2013) (2016- )  
 Editorial Panel of the *Australian Civil Liability Bulletin* (LexisNexis Butterworths 2008 - )

#### **Other Appointments**

Manly Warringah Football Referees Association  
 Vice-President, Football Operations, Mosman Swans Junior Australian Rules Football Club (2011-2013)

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### Professional Memberships

NSW Bar Association

Victorian Bar Association

Queensland Bar Association

International Mediation Institute

Resolution Institute

Australian Centre for International Commercial Arbitration

Australian and New Zealand Sports Law Association

Chartered Institute of Arbitrators

Former Member of the NSW Bar Association Bar News, Equal Opportunity, Health, Sport and Recreation and ADR Committees

### Significant Cases – A Selection

- *ASIC v Wily and Hurst* [2019] NSWSC 521
- *Leafs Gully Farm Pty Limited v Mitchell* [2016] NSWCA 92
- *Leafs Gully Farm Pty Limited v Mitchell* [2015] NSWSC 1460
- *In the matter of Renovation Boys Pty Ltd (admins apptd)* [2014] NSWSC 340
- *In the matter of Fishinthenet Investments Pty Ltd and Coastal Waters Seafood* [2014] NSWSC 260
- *Carter, in the matter of Spec FS NSW Pty Ltd (in liq) & Ors* [2013] FCA 1027
- [Webuildem Pty Limited v Arab Bank of Australia Limited](#) [2013] FCA 37
- *Snowsil v Triathlon Australia* (2012)
- [Nguyen v Australian Securities and Investments Commission](#) [2012] AATA 156
- [Napier Constructions Pty Limited v Honey](#) [2012] NSWSC 762

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- [\*In the matter of Webuildem Pty Limited\* \[2012\] NSWSC 708](#)
  - [\*Vertical Australia Pty Ltd v Air Company Vertical-T LLC\* \[2012\] NSWSC 719](#)
  - [\*Prosperity Advisers Pty Limited v Secure Enterprises Pty Ltd\* \[2012\] NSWCA 192](#)
  - [\*Westpac Banking Corporation v Munk\* \[2012\] NSWSC 504](#)
  - [\*Klusman v Australian Securities and Investments Commission\* \[2011\] AATA 150](#)
  - [\*In the matter of Hunter Bulk Materials Pty Limited\* \[2011\] NSWSC 2011](#)
  - [\*Prosperity Advisers Pty Limited v Secure Enterprises Pty Limited\* \[2011\] NSWSC 35](#)
  - [\*Cityview Corporation Limited v Australian Securities and Investments Commission\* \[2010\] AATA 503](#)
  - [\*Reliance Developments \(NSW\) Pty Ltd v Lumley General Insurance Limited\* \[2008\] NSWSC 172](#)
  - [\*A Little Company Limited v Peters\* \[2007\] NSWSC 833](#)
  - [\*Goyal v Chandra\* 68 NSWLR 313; \[2006\] NSWSC 239](#)
  - [\*Grossman v E Katz Manufacturing Jewellers \(ACT\) Pty Ltd and Ors\* \(2004\) 52 ACSR 198; \[2004\] NSWSC 1224](#)
  - [\*Sutherland Re; French Caledonia Travel Service Pty Ltd \(in liq\)\* \(2004\) 59 NSWLR 361; NSWSC 1008](#)
  - [\*Dean-Willcocks v Yeshiva Properties No. 1 Pty Ltd \(prov liq appted\) & Ors\* \(2004\) 48 ACSR 525.](#)
  - [\*Southern Cross Interiors Pty Limited v Deputy Commissioner of Taxation\* \(2001\) 39 ACSR 305; \(2001\) 19 ACLC 1513; \(2001\) 53 NSWLR 213; and \[2001\] NSWSC 621](#)
  - [\*Anderson Group v Davies and Others\* \(2001\) 53 NSWLR 401 & \(2001\) 19 ACLC 1112;](#)

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[\[2001\] NSWSC 356](#)

- *In the matter of Ricon Constructions Pty Limited (in liquidation) and the Corporation Law* (1997) 43 NSWLR 174

### Recent Publications

“*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

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*“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

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*“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**

*“Ethics”*, Far North Coast Law Society Annual 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”*, 6<sup>th</sup> 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

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*“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

*“Far 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

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*“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 12<sup>th</sup> 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 12<sup>th</sup> 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

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**Personal Interests**

- Reading
- Walking
- Football (Soccer) (including as a qualified NSW Referee (FFA 3))
- Rugby League and AFL

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