



## ROBERT HEATH KC

**SILK: 2017 | CALL: 1999 (VICTORIA, AUSTRALIA)**



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## Overview

Robert has more than 24 years' experience in legal practice. He is recognised for his oral advocacy and paperwork, as well as for his client skills, versatility and commerciality. He is an experienced advocate in all types of applications, trials and appeals. He has a wide-ranging practice with particular expertise in arbitrations, class actions, infrastructure disputes, civil/commercial fraud, equity and trusts, and professional negligence. His recent cases include (i) acting for subsidiaries of a Hong Kong listed company pursuing equitable fraud claims, (ii) acting for Fonterra Australia in a substantial class action, and (iii) acting for Hydro Tasmania in an action relating to the failure of the Basslink sub-sea electricity cable.

Robert has had involvement in arbitrations under the Australian Centre for International Arbitration (**ACICA**), UNCITRAL and SIAC Rules. Recently, he was appointed to a panel of arbitrators in an arbitration under the ACICA Rules (between joint venture partners working on an infrastructure project in Sydney); he sat as the sole arbitrator in an arbitration under the ACICA Rules (between joint venture partners working on the Melbourne Metro Rail Project); and he sat as the sole arbitrator in an *ad hoc* arbitration (between local government bodies in relation to land remediation disputes).

Robert is an experienced mediator; and he is a member of the National Sports Tribunal, a statutory tribunal.

## **Education**

- University of Melbourne (1995), BA (Hons); LLB (Hons)
- Diploma Certificate in International Arbitration, CIArb (2019).

## **Professional Memberships**

- Member of the Victorian, Tasmanian and Western Australian Bars (Australia)
- Associate Member, Bankside Chambers Singapore
- Registered practitioner, Dubai International Financial Centre Courts
- Fellow of the Chartered Institute of Arbitrators (FCIArb); and Fellow of ACICA
- Member of the List of Arbitrators – HKIAC
- Member of the Reserve Panel of Arbitrators – SIAC
- Member of the Panel of Arbitrators – AIAC and THAC
- Accredited Mediator (Level 2), Singapore International Mediation Institute

## **Current Positions**

- Code of Conduct Commissioner, Cricket Australia
- Member of the National Sports Tribunal (Australia)
- Chair of the Appeals Board, Football Victoria
- Chancellor, Anglican Diocese of Melbourne
- Accredited Mediator, National Mediator Accreditation System (Australia)
- Director, Arbitration Victoria

## **Professional Experience – example cases**

- Sitting as a member of a panel in a substantial ACICA arbitration seated in Sydney, Australia
- Acting for subsidiaries of a listed Hong Kong company pursuing equitable fraud claims in the Federal Court of Australia
- Acting for a major electricity generator in an arbitration, seated in Melbourne, relating to the Basslink sub-sea electricity cable, and acting for the same generator in related proceedings in the Federal Court of Australia
- Acting for Fonterra Australia in a substantial class action concerning the farmgate milk price paid to Australian dairy farmers

- Siting as the sole arbitrator in an *ad hoc* domestic arbitration concerning land remediation issues.
- Acting for the harbour master of the Port of Apollo Bay in proceedings in the Supreme Court of Victoria
- Acting for a defendant in a class action in the Supreme Court of Victoria relating to aviation courses provided by a tertiary education institution
- Acting for the State of Victoria in a dispute concerning organochlorine contamination on a school property
- Providing advice to a multi-national construction company in respect of a substantial solar farm in New South Wales, Australia
- Acting in substantial oppression proceedings in the Federal Court of Australia
- An action in the Federal Court of Australia relating to the appropriation of confidential information concerning systems for producing microencapsulated bioactive compounds at a processing plant in Wangnamyen, Thailand
- Acting for the Project company in disputes relating to the construction of the new Royal Adelaide Hospital
- Acting for Merck Sharpe & Dohme in the Vioxx class action in the Federal Court of Australia
- Acting as an expert witness in a SIAC proceeding involving questions of Australian law
- Acting for the State of Victoria in a case relating to catastrophic injuries sustained by a prisoner
- Prosecuting medical practitioners on behalf of the Chinese Medicine Board of Australia

## Languages

- English
- Robert is learning Bahasa Indonesia

## Recommendations

- Chambers & Partners, Asia-Pacific, Dispute Resolution (Australia) – The Bar (nine years ranked)
- Chambers & Partners, Global 2024: Dispute Resolution – The Bar.
- Chambers & Partners, sample referee comments:
  - *"Robert Heath is praised for a variety of valuable qualities, one source identifying him as 'technically excellent', a source of 'quality legal advice and a good sounding board for strategic matters', while another stresses that he is 'very bright and good on his feet'."*

- *"Robert is a very thorough, incisive and persuasive advocate based on substance, not bluster."*
- Doyle's Guide, Leading Arbitration Barrister Rankings – Australia (2022)
- Best Lawyers, "Lawyer of the Year" award – Class action litigation in Melbourne (2023)

## Other matters

- Robert is the honorary legal adviser to the Royal Historical Society of Victoria Inc.
- In 1999, Robert compiled & edited a book titled *"COACH! Inspiration & Perspiration"* (Information Australia, Melbourne, 2000)
- In 2016, Robert was one of the producers and directors of a feature length documentary titled "The Galahs" (which film documents the world tour of a team of Australian Rules footballers in 1967)
- Robert is a producer and director of a feature length documentary relating to Ferenc Puskás, Ange Postecoglou and the South Melbourne Hellas Football Club