



香港仲裁事務所

ARBITRATION CHAMBERS  
HONG KONG



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Gavin specialises in commercial dispute resolution, with significant experience in international and domestic arbitrations across the Asia-Pacific region, including, Hong Kong, Mainland China, Singapore, the Philippines, India and Australia. From 2009 to 2010 Gavin was based in Beijing where he undertook his Masters in Chinese law at Peking University (北大), while also working as an arbitrator. Having completed his LL.M. in November 2010 Gavin relocated to Hong Kong to establish Arbitration Chambers Hong Kong. Gavin is admitted to practice in Hong Kong, England, and Australia.

### Qualifications

- Masters in Chinese Law (LL.M.)(Peking University, 2010)
- Program on Negotiation: Basic Negotiation Course & Advanced Negotiation 'Deal Design & Implementation' (Harvard University, June 2007)
- Graduate Diploma in Legal Practice (Australian National University, 1997)
- Bachelor of Laws (LL.B.)(Murdoch University, Australia 1997)
- Bachelor of Business (Edith Cowan University, 1990)

### Principal areas of practice

- International Arbitration, Mediation & Negotiation
- International Sales of Goods/Trade Law
- Contract Law / Chinese Law / Construction

### Nationality

- Australian

### Admitted

- Hong Kong (2006); England & Wales (2003); Australia (1997)

### Professional work experience

- Head of Arbitration Chambers Hong Kong (2012) – present
- Arbitration Asia (2007) – present (Managing Partner, Hong Kong)
- Minter Ellison Lawyers April 2004 – August 2006 (Hong Kong) (Senior Associate)
- Minter Ellison Lawyers October 1999 – April 2004 (Melbourne & Shanghai)
- Legal and Constitutional Committee, Senate, Federal Parliament of Australia 1998 – 1999

## Appointments as Arbitrator

- Appointed as Presiding Arbitrator in an SIAC arbitration in relation to a dispute arising under a Sales and Purchase Agreement for biodiesel fuel. The arbitration is seated in Singapore and is governed by the laws of Singapore.
- Appointed as sole arbitrator in two related HKIAC administered arbitrations in relation to disputes arising under a Sales and Purchase Contract and a Guarantee for iron ore fines. The matters are seated in Hong Kong under the laws of Western Australia.
- Appointed as a co-arbitrator in an HKIAC administered arbitration in relation to a US\$110 million shareholder dispute. The arbitration is seated in Hong Kong and governed by the laws of Victoria, Australia.
- Appointed as sole arbitrator in an ICC arbitration between two companies based in the Philippines. The dispute arises in relation to purported breaches of a Management Agreement. The seat of the arbitration is Hong Kong and the substantive law of the contract is the law of the Philippines.
- Appointed as Chairman of an HKIAC administered arbitration between a US and Chinese entity relating to a Manufacturing and Supply Agreement. The arbitration is seated in Hong Kong and governed by Hong Kong law.
- Appointed as a co-arbitrator in an SIAC administered arbitration under the UNCITRAL Arbitration Rules (2010) in relation to disputes arising under a Sale and Purchase Agreement. The arbitration is seated in Singapore and governed by Singaporean law.
- Appointed as co-arbitrator in two related HKIAC arbitrations between a UK entity and a Mongolian entity for non-payment of consultants fees. The arbitrations are seated in Hong Kong and are governed by Hong Kong law.
- Appointed as sole arbitrator in an ad hoc arbitration governed by the UNCITRAL Arbitration Rules (2010) in relation to a Sale of Goods dispute. The matter is seated in Hong Kong and governed by Hong Kong law.
- Appointed as the sole arbitrator in an HKIAC matter involving disputes arising under a Patent and Technology License Agreement. The matter is governed by Mainland Chinese law and seated in Hong Kong.
- Appointed as the sole arbitrator in two SIAC arbitrations arising out of an Agency Agreement between a German, Korean and Chinese company. The arbitrations are seated in Singapore and governed by Singaporean law.
- Appointed as a co-arbitrator in an arbitration between two BVI companies in a dispute involving Letters of Credit and International Sale of Goods. The dispute is seated in Hong Kong and governed by Hong Kong law.
- Appointed as co-arbitrator in an ICC arbitration between a Mainland Chinese and a Hong Kong company relating to the sale of goods. The dispute is seated in Hong Kong and governed by Hong Kong law.
- Appointed as a co-arbitrator in an HKIAC arbitration relating to the sale and purchase of iron ore between a Mainland Chinese and Hong Kong registered company. The dispute is seated in Hong Kong and governed by Hong Kong law.
- Appointed as a co-arbitrator in an HKIAC arbitration relating to disputes arising under a Distribution Agreement between a French retailer and a Chinese entity. The dispute is seated in Hong Kong and governed by Hong Kong law.
- Appointed as a sole arbitrator in an ICC arbitration relating to the automotive industry between a Middle Eastern and a Chinese entity. The sum in dispute is over US\$120 million. The matter is governed by Mainland Chinese law.

- Appointed as co-arbitrator in an ICC arbitration relating to disputes arising under a Share Purchase Agreement and an Asset Purchase Agreement. The arbitration is seated in Hong Kong and governed by Hong Kong and Chinese Law. The sum in dispute is over US\$30 million.
- Appointed as the sole arbitrator in an HKIAC arbitration relating to a Licence Agreement between a Korean and a U.S. party. The arbitration is seated in Hong Kong and is governed by English law.
- Appointed as the sole arbitrator in an SIAC arbitration between a Mainland Chinese company and a Singapore commodities trading firm. The seat of arbitration was Singapore and the dispute involved issues related to breaches of contract under a sales contract for the supply of Indian iron ore fines.
- Appointed as the sole arbitrator in an ICC arbitration seated in Singapore between a Swiss company and a Chinese company relating to the sale/purchase of iron ore.
- Appointed as a co-arbitrator in an ad hoc arbitration under the UNCITRAL Rules between a Chinese state-owned enterprise and a German company. The dispute involves a hotel leasing arrangement entered into for the Beijing Olympics and is governed by Chinese law.
- Appointed as the sole arbitrator in an ICC arbitration in Hong Kong. The dispute involved a contract for the sale and purchase of oil between a Singaporean and a Chinese company
- Appointed as a co-arbitrator in an ad hoc arbitration under the UNCITRAL Arbitration Rules in Hong Kong. The dispute related to the sale and purchase of beverages between a US and a Chinese company.
- Appointed as the sole arbitrator in an ICC arbitration in Hong Kong. The dispute related to a contract for the sale and purchase of silicon metal products between an English company and a Chinese company.
- Appointed as the sole arbitrator in an ICC arbitration in Sri Lanka. The dispute related to claims involving a breach of lease agreement.
- Appointed as the sole arbitrator in an ICC arbitration in Hong Kong, involving the sale of steel between a Mainland Chinese and BVI company.

### Specific project involvement

#### *Commercial dispute experience:*

- A major commercial arbitration between a leading Indian media company and a US multi-national involving the distribution of sports broadcasting rights in India. The issues in dispute included breach of a Licence Agreement, including breach of payment terms. The arbitration was conducted under the SIAC Rules and the amount in dispute was approximately US\$220 million.
- Acting for the State Government of Victoria in a major commercial arbitration with a private infrastructure developer to construct and operate an eco-tourism facility. This involved drafting pleadings, witness statements, opening and closing statements, briefing counsel and attending a 160 day hearing. The amount in dispute was approximately AUD\$400 million.
- Acting for a major Japanese contractor in summary judgment proceedings before the English Courts in relation to the NAIA3 airport dispute in the Philippines. The matter required numerous trips to the Philippines and the quantum of the dispute was approximately US\$100 million.
- Representing a leading broadcasting company against a leading Asian sporting body in an ad hoc arbitration in Malaysia. The dispute was primarily about breach of payment terms and wrongful termination. The sum in dispute was approximately US\$8 million.
- Mandatory injunction proceedings before the Commercial Court of the Queen's Bench Division of the High Court of Justice in London. The injunction was granted, ensuring the provision of European football rights for a major sports broadcaster in South Africa.
- Working with the Thai Arbitration Institute on behalf of the Centre for Democratic Institutions (an AusAid funded project).

### *Construction experience:*

- Representing a global engineering and construction company in arbitration proceedings arising from the design and construction of a nickel and cobalt processing plant in Australia. The matter was one of the largest arbitrations ever conducted in Australia and the amount in dispute was approximately AUD\$1.5 billion.
- Acting for a major Hong Kong sub-contractor in arbitration proceedings for the recovery of outstanding sums in relation to interim payments, retention money and variations due under a sub-contract.
- The Hong Kong Housing Authority in two arbitrations involving issues of prolongation, time bars, liquidated damages and variations.

### **Arbitration Panels**

Gavin has been appointed to the following panels:

- Hong Kong International Arbitration Centre (HKIAC)
- China International Economic and Trade Arbitration Commission (CIETAC)
- Singapore International Arbitration Centre (SIAC)
- Korean Commercial Arbitration Board (KCAB)
- Beijing Arbitration Commission (BAC)
- Japan Commercial Arbitration Association (JCAA)
- Australian Centre for International Commercial Arbitration (ACICA)
- Kuala Lumpur Regional Centre for Arbitration (KLRCA)
- Shenzhen Court of International Arbitration (SCIA)

Gavin is also a member of ICC Australia, ICC Hong Kong and the London Court of International Arbitration (LCIA)

### **Professional activities and qualifications**

- Vice Chairman of ICC Australia's Arbitration Committee
- Fellow of the Chartered Institute of Arbitrators
- Fellow of the Hong Kong Institute of Arbitrators
- Chairman, HK Arbitration Charity Ball
- Member of ICC Hong Kong's Arbitration Committee
- Past Committee Member of the Chartered Institute of Arbitrators (East Asia Branch)
- Accredited mediator