

# (David) Scott Ellis

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## Present positions

Arbitrator, mediator, mediator, barrister  
Acting Commissioner, Corruption and Crime Commission (WA)  
Senior Sessional Member, State Administrative Tribunal (WA)  
Member, Anti-dumping Review Panel (Comm.)  
Presiding Member, Western Australian Electricity Review Board (WA)



## Professional qualifications

Barrister and Solicitor of the Supreme Court of Western Australia (1983)  
Chartered Arbitrator, Chartered Institute of Arbitrators (UK/Aust)  
Grade 1 Arbitrator, Resolution Institute  
Registered adjudicator under the *Construction Contracts Act, 2004* (NT) and *Construction Contracts (Security of Payments) Act, 2004* (NT)  
Mediator accredited to NMAS standards.

## Professional standing

Fellow, Chartered Institute of Arbitrators  
Fellow, Australian Centre for International Commercial Arbitration  
Fellow, Resolution Institute  
National Councillor of Institute of Arbitrators and Mediators Australia (now Resolution Institute) from 2008 to 2014.  
Chair, Law Society of Western Australia ADR Committee  
Member, Law Society of WA and Law Council of Australia Joint Committee on Construction and Infrastructure  
Member, WA Bar Association  
Founding Member, Society of Construction Law Australia

## Educational qualifications

Bachelor of Jurisprudence (UWA), 1982  
Bachelor of Laws (UWA), 1983  
Master of Laws (UWA), 1994  
Professional Certificate in Arbitration, General & Advanced (University of Adelaide), 2003  
Diploma in International Commercial Arbitration (Queen Mary College, University of London) 2007

## Experience

### *Private arbitration/expert determination*

Appointed as arbitrator in more than 150 arbitrations, including 'ad hoc' arbitration proceedings and proceedings under the UNCITRAL, ACICA and JCAA Rules.

Disputes in which I have been appointed as arbitrator have commercial disputes, mainly contract and building/construction matters. I have conducted contested hearings in relation to final and interlocutory relief.

I am a member of the panels of arbitrators of:

- Australian Centre for International Commercial Arbitration
- World Intellectual Property Organisation
- Asian International Arbitration Centre
- Law Society of Western Australia
- Resolution Institute
- Essential Services Commission of South Australia
- Economic Regulation Authority (WA), under Part 23 of the *National Gas Rules* and under the *Railways (Access) Code 2000*.

I have also:

- been appointed as an expert determiner in a range of commercial disputes, including corporate disputes, valuation exercises and construction disputes.
- dealt with domain name disputes under the auDRP process

### *Mediation*

I have acted as mediator in more than 100 disputes, including private mediation of commercial disputes, including, by agreement of the parties, disputes that were before the Supreme Court. The disputes range from employment and disciplinary matters to commercial disputes worth about \$15 million.

I have conducted mediations as a member of the State Administrative Tribunal, in construction and planning and valuation matters.

### *Legal Practice*

I practised as a lawyer at Freehills (now Herbert Smith Freehills) from 1983 to 2005:

- Consultant and private ADR consultancy, 1 January 2004 to October 2005
- Partner, 1 July 1990 – 31 December 2003.
- Solicitor at Muir Williams Nicholson (which became Freehills) 1983 – 1990
- Articled Clerk - 1983

My practice has focused on commercial disputes resolution principally building and construction law.

I have appeared as counsel in the Supreme Court, the Federal Court of Australia, the District Court of Western Australia and the Federal Circuit Court, including on applications for judicial review.

I have represented parties in arbitrations, mediations and adjudications.

### *Adjudication*

I have acted as adjudicator in more than 75 adjudications under the *Construction Contracts Act, 2004* (NT) and *Construction Contracts (Security of Payments) Act, 2004* (NT) with amounts in dispute ranging from \$100,000 to about \$50 million. I was a nominated adjudicator in the contracts relating to the Gorgon project and various other constructions projects in Western Australia.

I have delivered seminars and courses relating to adjudication for the Law Society of Western Australia, Francis Burt Chambers and private CPD providers. For many years, I delivered training for adjudicators on behalf of Resolution Institute.

In my legal practice, I have appeared in the Supreme Court in proceedings for judicial review of adjudication determinations and the State Administrative Tribunal

### *Acting Commissioner, Corruption and Crime Commission*

I have been the Acting Commissioner of the Commission since 1 July 2016. I have:

- presided over private examinations
- been responsible for the preparation of Commission reports to Parliament
- exercised the powers of the Commission under the *Criminal Property Confiscation Act, 2000*

### *Statutory decision making*

I hold the following statutory positions.

*State Administrative Tribunal, Senior Sessional Member* (2010 and ongoing). This work focusses on commercial and construction disputes, and vocational regulation.

*Anti-dumping Review Board, Member* (ADRP) (Commonwealth) (2015 and ongoing). The ADRP reviews decisions of the Minister and the Anti-Dumping Commissioner under Part XVB of the *Customs Act, 1901* connected with the imposition of anti-dumping and countervailing duties on goods exported to Australia. The Part implements Australia's obligations under the *General Agreement on Tariffs and Trade, 1994*.

*Western Australian Electricity Review Board* (WA) – I am a member of the Legal Panel and have presided at proceedings involving contraventions of the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* and reviews of decisions of the Economic Regulation Authority. I am currently presiding over proceedings seeking penalties of \$180 million.

### *Government Employees Superannuation Board*

I was a director of the Government Employees Superannuation Board, a statutory superannuation fund with assets of more that \$27 billion from 1 November 2011 to 31 October 2019.

**Contact details**

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**Personal details**

Nationality: Australian  
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