

The Hon Robert McDougall QC

Robert graduated with Honours in Arts in 1967, and with Honours in Law in 1971. He practised as a solicitor from 1972 to 1974, and commenced practice at the Bar in 1975. He was appointed Queen's Counsel in 1990.

Robert's major practice areas at the Bar included insurance law, construction law, equity and commercial law, and trade practices litigation. He appeared in some of the most significant commercial and construction disputes, both in Court and in arbitrations, decided over the years 1990 to 2003.

Robert was appointed a Judge of the Supreme Court of New South Wales in August 2003. He sat principally in the Commercial, Technology and Construction, and Arbitration Lists, hearing and deciding many major commercial and construction cases. Many of his judgments dealt with challenges to the awards of arbitrators. They include one explaining and applying the "arb-med" and waiver provisions (ss 27D, 4 respectively; s 27D, unlike s 4, has no equivalent in the Model Law) of the *Commercial Arbitration Act (2010) NSW*¹.

Robert retired from the Court in January 2019 and returned to private practice as an Arbitrator, Referee, Expert Determiner and Mediator, principally in the areas of commercial and construction law. He is a Fellow of the Australian Centre for International Commercial Arbitration, a Fellow of the Resolution Institute, and a member of (among others) the panel of arbitrators maintained by the Singapore International Arbitration Centre. He holds current appointments as sole or presiding arbitrator in domestic and international arbitrations, including arbitrations conducted under the ACICA and ICC Rules, as a referee, and as an expert determiner, in multi-billion or million dollar disputes in Australia and elsewhere.

Robert holds the position of Adjunct Professor, School of Law at the University of Technology, Sydney. He has lectured in equity and commercial law. He has delivered numerous papers on a wide variety of topics, ranging from court architecture and design to expert evidence, at national and international conferences. A list of those papers may be found on the Supreme Court's website.

¹ *Ku-ring-gai Council v Ichor Constructions* [2018] NSWSC 610. An application for leave to appeal was dismissed: [2019] NSWCA 2.