

**RESUME**

**THE HONORABLE NEIL  
ANTHONY BROWN, Q.C.**

## **CONTACTS**

**Melbourne, Victoria, Australia**

And

**London, United Kingdom**

### **INTRODUCTION:**

The Hon. Neil Brown, QC, is an arbitrator, mediator and conciliator.

He had a long and distinguished career in Government and the law. He was actively involved in government as a Minister, Shadow Minister, Member of Parliament and as a delegate to the General Assembly of the United Nations and other international organisations.

He was Minister in four portfolios in the Federal Government of Australia and a Member of the Australian Parliament. He was actively involved in the carriage of the International Arbitration Amendment Bill in 1988.

He first went to the Bar in 1964 in Australia, was appointed a Queen's Counsel in 1980 and has practised in virtually every area of the law, mainly in commercial, governmental, intellectual property, administrative law, alternative dispute resolution (ADR), town planning, employment and industrial relations law.

Building on that experience, he is now qualified and experienced as an arbitrator, mediator and conciliator.

## **CURRENT APPOINTMENTS:**

Member of the Panel of Conciliators at the International Centre for the Settlement of Investment Disputes (ICSID) in Washington, USA.

Member of the World Intellectual Property Organisation (WIPO) Arbitration and Mediation Center's List of Neutrals and the Center's Domain Name Panel.

Panellist for the Resolution of Domain Name Disputes at the Regional Centre for Arbitration, Kuala Lumpur, Malaysia.

Committee Member of The Institute of Arbitrators and Mediators, Australia, Victorian Chapter.

Speaker at meeting of The Institute of Arbitrators and Mediators, Australia, New South Wales Chapter, 2004.

Speaker at LAWASIA conference and Australian Law Convention, 2005, on 'Arbitration: A viable alternative to judicial resolution?'

Speaker at function of The Institute of Arbitrators and Mediators, Victorian Chapter, 2005 on 'Recent Arbitration Cases.'

Speaker at Commercial Litigation Masterclass, 2005, on Expert Evidence.

Chair and Speaker at Workshop on Mediation, 2005.

Writer of articles and case notes on arbitration and mediation .

## **INVOLVEMENT IN ALTERNATIVE DISPUTE RESOLUTION:**

Mr Brown has had a long-term interest and involvement in all forms of ADR, particularly mediation and arbitration.

Mr Brown:

- \* is a graded arbitrator and a mediator accredited by The Institute of Arbitrators and Mediators Australia;
- \* an accredited Mediator with the Victorian Bar Dispute Resolution Scheme;
- \* is a Member of The Chartered Institute of Arbitrators, having successfully completed the Institute's course and examination on arbitration;
- \* holds the Practitioner's Certificate in Mediation and Conciliation of the Institute of Arbitrators and Mediators Australia;
- \* is an Associate Member of the Australian Centre for International Commercial Arbitration Limited;
- \* has completed the course leading to Fellowship of the Chartered Institute of Arbitrators; and
- \* has taken part in virtually every type of ADR.

In recent years he has also conducted two significant inquiries for the Australian Government.

The first was an inquiry into the claims of a 'whistleblower' against a bank. The Inquiry became a quasi-arbitration of a seemingly intractable 12-year, involving evidence, submissions and the writing of a report. However, all parties accepted Mr Brown's recommendations and the dispute was resolved.

In the second inquiry, Mr Brown was appointed by the Prime Minister as Chairman of the Consultative Group on Constitutional

Change which assessed public opinion on certain proposals to reform the Australian Constitution.

He recently conducted a successful mediation in a building dispute in Sydney and has a lengthy interest in the building industry, stemming from appearing in a government inquiry and many industrial relations cases in the industry.

He has also recently conducted successful mediations of commercial disputes.

In addition, he has conducted several proceedings on domain name disputes for WIPO and has a particular interest in intellectual property.

Mr Brown now works in mediation, arbitration and the conduct of inquiries in many fields, notably intellectual property, commercial, construction and communications.

This Curriculum Vitae sets out the details of Mr Brown's long career and then gives some detail of his background in Alternative Dispute Resolution.

## **SUMMARY OF PROFESSIONAL CAREER:**

- 1964 – present. Barrister and Solicitor in Australia
- 1980 – present. Queen’s Counsel
- 1969 – 1972 Member of Federal Parliament
- 1975 – 1983 Member of Federal Parliament
- 1984 – 1991 Member of Federal Parliament
- 1981 – 1982 Minister for Employment and Youth Affairs
- 1982 Minister for Business and Consumer Affairs
- 1982 – 1983 Minister for Communications, and  
Minister Assisting the Attorney-General
- 1985 – 1987 Deputy Leader of the Opposition  
Shadow Minister for Employment and Industrial Relations  
Shadow Minister for Foreign Affairs
- 1988 – 1990 Shadow Attorney-General  
Shadow Minister for Justice
- 1990 – 1991 Shadow Minister for Communications
- 2003 Appointed by Australia to the Panel of Conciliators at the  
International Centre for the Settlement of Investment  
Disputes (ICSID) in Washington , USA.
- 2003 Awarded the Centenary Medal by the Commonwealth of  
Australia
- 2004 Appointed as a member of the World Intellectual Property  
Organisation (WIPO) Arbitration and Mediation Center’s  
List of Neutrals and the Center’s Domain Name Panel.

## **PROFESSIONAL QUALIFICATIONS:**

1964 Barrister and Solicitor of the Supreme Court of Victoria  
1980 Appointed as Queen's Counsel

**PERSONAL AND EDUCATION:**

Born 22 February 1940 in Melbourne, Australia.

Educated at Moonee Ponds Central School, and the University of Melbourne – Graduated with Bachelor of Law – 1963.

Resident Tutor in law at International House and Ormond College, University of Melbourne – 1963 – 1968.

**RECENT ACTIVITIES:**

1. In 2002, Mr Brown was appointed by the Prime Minister of Australia to conduct an Inquiry into the claims of a 'whistleblower' against a bank and its subsequent owners. The Inquiry became a quasi - arbitration of this seemingly intractable 12 year old dispute. Mr Brown's recommendations were accepted by all parties and the dispute was resolved.
2. From October 2003 until February 2004, Mr Brown was the Chairman of the Federal Government's Consultative Group on Constitutional Change, which has been examining certain proposals to amend Section 57 of the Australian Constitution. This has involved public and private hearings, considering written submissions and writing a report.

## **PROFESSIONAL EXPERIENCE:**

### ***LEGAL CAREER:***

1963            Articled Clerk

1964            Admitted to practice as a Barrister and Solicitor of  
the Supreme Court of Victoria.

1964 – 2005 Practised as a Barrister and a Queen's Counsel in the  
fields of:

- Commercial and Company Law
- Town Planning and Local Government Law
- Building and Construction Law
- Administrative Law and Alternative Dispute  
Resolution (ADR)
- Industrial Relations and Employment Law
- Criminal Law

Involvement in professional organisations in  
planning, arbitration and Industrial Relations.

Extensive experience in Alternative Dispute  
Resolution, including mediation and arbitration.

***PARLIAMENTARY CAREER IN THE FEDERAL  
PARLIAMENT AND THE GOVERNMENT OF AUSTRALIA***

1969 – 1972 1975 – 1983	Member for Diamond Valley in the Federal Parliament
16.4.1981 to 7.5.1982	Minister for Employment and Youth Affairs
20.4.1982 to 7.5.1982	Minister for Business and Consumer Affairs
7.5.1982 to 5.3.1983	Minister for Communications and Minister Assisting the Attorney-General
14.9.1982 to 17.12.1982	Acting Attorney-General
1984 – 1991	Member for Menzies in the Federal Parliament
1984 – 1985	Shadow Attorney-General
5.9.1985 to 11.7.1987	Deputy Leader of the Opposition, Shadow Minister for Employment and Industrial Relations and Shadow Minister for Foreign Affairs
1987 – 1991	Member for Menzies in the Federal Parliament

16.9.1988                      Shadow Attorney-General and  
to                                      Shadow Minister for Justice  
11.4.1990

1990 – 1991                      Shadow Minister for Communications

Since then, Mr Brown has maintained an active involvement in public affairs, served on government committees and conducted two Inquiries at the request of the Federal Government of Australia.

***COMPANY DIRECTOR AND BOARD MEMBER:***

At various times, Mr Brown has held the following positions:

- Director of Meridian Communications Pty. Ltd., a private company actively involved in the tendering process for the introduction of satellite TV into Australia.
- Member of the Advisory Board of the Commonwealth Rehabilitation Service (CRS) responsible for the running of the CRS at the time of its restructuring and preparation for conversion to a company.
- Director of Life Insurance Complaints Service Limited, a company overseeing an alternative disputes resolution structure for the Life Insurance industry.
- Chairman of selection panels to recommend appointments to Federal agencies.
- Appointed by the Federal Government as Leader of the Australian National Observer Group, an election observing group.

Detailed information can be provided on these appointments.

***INTERNATIONAL EXPERIENCE:***

- Australian Institute of International Affairs  
Study and Travel Grant for a study of the Indian Ocean region.
- Represented Australia as a Minister at a meeting of Labour Ministers at the Organisation for Economic Co-operation and Development (OECD) – Paris.
- South Pacific Labour Ministers’ Conference – Kiribati.
- Represented Australia as Minister at International Labour Organisation – Geneva.
- Delegate to the General Assembly of the United Nations - New York.
- Leader of the Australian National Observer Group observing independence elections in Zimbabwe.
- Member of the Australian delegation to independence celebrations – Zimbabwe.
- Inter-Parliamentary Union Conference – Guatemala.
- International Conference on issues in the Asian Region - South Korea.
- Bilderberg Group Meeting - Belgium.
- Numerous parliamentary delegations and private study visits to Europe, Asia, Africa and the Americas.

## **SPECIALIST INTERESTS AND EXPERTISE:**

- \* Arbitration, mediation and conciliation, both domestic and international in intellectual property, all commercial matters, construction and communications.
  
- The procedures, protocols and structures of Government, encompassing the development and review of legislation and the operation of statutory bodies.
  
- Factors guiding Government decision-making and issues relating to public and commercial representation and advocacy.
  
- Legal and political factors attendant to democratisation and free and fair elections.
  
- Employment and labour relations issues, including Federal and State systems of individual contracting, bargaining, conciliation and arbitration.
  
- The principles of law and general conduct of public inquiries, including administrative and constitutional factors relating to appointments and composition, procedural fairness and judicial review.
  
- Legal, regulatory and commercial factors relating to the telecommunications industry.

## **ALTERNATIVE DISPUTE RESOLUTION:**

Neil Brown has been involved in the debate on Alternative Dispute Resolution (ADR) and its practical application since the 1960s.

His commitment to ADR has come about as the result of his experiences in 3 major areas of his professional life:

- \* as a practising lawyer;
- \* as a Member of Parliament and a Minister in the Federal Government; and
- \* as a business person involved in commercial life.

### ***AS A PRACTISING LAWYER:***

As a lawyer, Mr Brown became an early advocate of ADR in appropriate cases, as he was aware, as were others, that the traditional court process was often time-consuming, costly and hardly appropriate to modern times. At professional meetings and conferences, he advocated the wider examination and adoption of ADR methods.

As a young Barrister, he read in the chambers of the then Mr Ninian Stephen and the first case to which he was exposed was a building case that was heard not in the Courts but in an arbitration. He was struck by the concentration on the facts rather than legal procedures and the informal and practical way in which the case proceeded.

When he started his own practice, his early experience was in Town Planning appeals which were alternative dispute resolution matters. He later developed a practice in industrial conciliation and arbitration, also coming under the heading of alternative dispute resolution. So, although he practiced in the Courts, he was able to compare, from his own practical experience, the traditional court procedures with the alternative methods that were available and which were, in many cases, a better means of resolving the

dispute. He has continued to do that through proceedings of such bodies as The Chartered Institute of Arbitrators.

Mr Brown has therefore had an active practice that has involved working in and acquiring an understanding of many ADR structures and their methods of operation. This experience includes:

- \* appearing in Town Planning matters;
- \* sitting as a member of Town Planning appeals panels;
- \* appearing in proceedings before:

The Industrial Relations Commission and the former Conciliation and Arbitration Commission, the Small Claims Tribunal; the Real Estate Agents Board; the Anti-Discrimination Tribunal, and the Victorian Civil and Administrative Tribunal (VCAT); the Equal Opportunity Commission and in mediation proceedings conducted by that Commission.

An interesting development in ADR has been how the traditional courts have adopted ADR mediation procedures to hasten and simplify the resolution of disputes. In this regard, Mr Brown has presided as a mediator over mediation proceedings in the Supreme Court of Victoria; and has been involved in mediation proceedings in the Supreme Court of Victoria and the County Court of Victoria as a lawyer representing parties.

***AS A MEMBER OF PARLIAMENT AND MINISTER:***

Mr Brown has also had a wider experience of ADR as a result of his experience as a Federal Member of Parliament and as a Minister in the Federal Government.

During his time in the Federal Parliament, Mr Brown was Minister Assisting The Attorney-General, Acting Attorney-General and Shadow Attorney-General. With each position he was necessarily

involved in a continuous examination of the administration of justice, how the Courts functioned, how their efficiency could be improved and how ADR in appropriate cases could be used as a more effective means of resolving disputes and as a better alternative to the traditional court process.

He therefore took an active part in the debate on ADR as it began to unfold.

A significant stage in that process was the International Arbitration Amendment Bill 1988. Mr Brown had carriage of that Bill for the then Opposition and was an important contributor to the debate. This work involved:

- \* a detailed consideration of the commercial arbitration system being established by the Bill;
- \* discussion and liaison with the parties closely involved, such as Sir Lawrence Street and the Australian Centre for International Commercial Arbitration, leading to amendments to improve the Bill;
- \* formulating party positions on the ADR scheme and contributing to the debate.

The Bill was passed and was a milestone in Australia's adoption of major ADR processes.

This, however, was only one of the ADR matters with which Mr Brown was involved during his time in the Parliament. He was involved in discussions with officials, judges and practitioners on different forms of ADR, their value and their appropriateness for resolving disputes.

#### ***AS A BUSINESS PERSON:***

Since leaving the Parliament, Mr Brown has developed an active commercial life as a Company Director and consultant and, at the

same time, he continued to conduct his law practice, representing small businesses, both Corporate and individual.

This experience – and in particular the difficulties that small businesses have in finding prompt and cheap means of dispute resolution – kept him in contact with the needs of small business.

One particular activity of Mr Brown's brought all of this experience into sharper focus and that was his appointment by the Federal Government to represent consumers on the Board of the Life Insurance Complaints Service Limited (LICS). This company, comprising industry, consumer and government representatives, presided over the panel arbitration system for the resolution of disputes in the life insurance and related industries. The system was established to provide a non-litigious means of settling these disputes. The Board's responsibility was to ensure that the system operates efficiently.

Mr Brown was an active Board member and:

- \* successfully advocated a new system of reporting to the Board, so that it had accurate and up-to-date information on the time that each dispute took until it came before a panel and was resolved;
- \* took part in the debate on the Wallis Committee recommendation of a single gateway for the referral of all disputes in the finance and related industries;
- \* was appointed by the Board to a special sub-committee to re-draw the Terms of Reference of LICS (adopted by the Company) to ensure that the system was modern, efficient and prompt; this work involved a comparison with other ADR mechanisms in Australia and overseas;
- \* adopted the important practice of reporting to consumer organisations on the functioning of the scheme; and
- \* kept abreast of development in all other areas of ADR.

As a result of all this accumulated experience, Mr Brown has been involved in, has been a practical user of, and has been an administrator of, an extremely wide range of ADR mechanisms.

He now practices in arbitration, mediation, conciliation and all other forms of Alternative Dispute Resolution.