

Curriculum Vitae of Derek Michael Minus

Contact Details

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Summary

I have extensive experience as a litigator and dispute resolver, tribunal member, arbitrator and mediator. I am a member of Mediation & Arbitration Chambers, a specialist practice based in Sydney for the mediation and arbitration of disputes.

I am a barrister and have been in private practice at the NSW Bar for over 25 years, hold an unrestricted practicing certificate and have experience in commercial law, contract, intellectual property, family and personal injury disputes.

I am a BSc, LLB, LL.M, Arbitrator and Mediator. Before being called to the Bar, I worked for sixteen years as a business executive for US/UK multinationals in the information technology industry. I hold accreditation as variously: a Nationally Accredited Mediator, Chartered Arbitrator, Expert Determiner and Family Dispute Resolution Practitioner.

Called to the Bar in 1992, I was an early adopter of mediation and have conducted over 3,000 mediations and conciliations for all types of disputes. I mediate matters as diverse as commercial contract disputes, family law disputes, partnership problems and bullying and harassment complaints for governments and organisations. I have served on numerous NSW Government mediation panels, including variously the NSW Farm Debt mediation panel, the Supreme and District Court mediation panels and the Hospital Complaints Commission panel.

I am approved by various Bar Associations as an arbitrator, expert determiner, advanced mediator and Nationally Accredited Mediator (under the National Mediator Accreditation system). I am also accredited as a commercial arbitrator with the Australian Institute for Commercial Arbitration (AICA). I have been appointed an arbitrator by the World Intellectual Property Organisation (WIPO) based in Geneva, Switzerland and the Australian auDA organisation to provide written determinations (on the papers) of Australian and international intellectual property and domain name disputes.

I have taught the undergraduate law course in *Commercial Dispute Resolution* in 2015 and 2016 at the University of Sydney Law School as a one semester program for undergraduate and *juris doctor* students offering instruction in various ADR processes, including: negotiation, mediation, arbitration, family dispute resolution, tribunal decision making, dispute resolution management and trade practices Codes and is heavily orientated to practical skills.

I am frequently engaged to resolve commercial disputes and in particular partnership breakdowns where there is significant disharmony. Over the past 20 years I have developed an advanced process of transformative mediation (based on the Harvard University Program on Negotiation model) but uniquely involving the practice of the Japanese art of Ai-ki-do (the art of Harmony which I teach to Australian lawyers for Legalwise Seminars as a one-day "*Minus on Mediation*" programme. From July 2016, I have been approved as a panel Investigator by the Federal Government to conduct the Investigation of Misconduct Allegations in the public service.

I have been qualified as an Arbitrator since 1997. I completed the formal qualifications of The Chartered Institute of Arbitrators (UK) and was graded a Chartered Arbitrator (C.Arb) their highest qualification, in 2002. I was a former president of the Australian branch of The Chartered Institute of Arbitrators (CIArb) the largest dispute resolution membership body in the world, at the time when Australia revamped its domestic and international arbitration laws. I have participated as a tutor in international commercial arbitration training for the CIArb and I am a panel member of the Japan Commercial Arbitration Association.

As an arbitrator I am one of only 10 arbitrators appointed by the NSW Government to conduct land access arbitrations directly for the New South Wales State government as a member of the *Mining Act 1992* Panel. From 2000, I was appointed as an Arbitrator to the District in New South Wales and have conducted over 100 Philadelphia arbitrations of personal injury and commercial disputes delivering written decisions in over half of the matters. I am appointed an arbitrator to various Local Courts throughout NSW by the Chief Magistrate, including at Sydney, Albury, Armidale, Bathurst, Coffs Harbour, Goulburn, Katoomba, Lismore, Moss Vale, Newcastle, Port Macquarie, Queanbeyan, Tamworth, Tweed Heads, Wagga Wagga and Wollongong.

I have spent over 12 years as an arbitration and mediation member of various New South Wales government Tribunals, including the NCAT (formerly CTTT) and the Workers Compensation Commission (WCC) doing consumer claims and workers compensation matters. I am also a specialist in the practice of combined mediation/conciliation–arbitration processes and I am graded as an expert determiner.

I am accredited as a Family Dispute Resolution Practitioner (FDRP) by the federal Attorney-General's department and able to issue s60I certificates and was a member of

the Relationships Australia mediation panel from 1993-1999. I am a member, arbitrator and mediator with the Australian Institute of Family Law Arbitrators and Mediators (AIFLAM).

I have been appointed by the federal Minister for Agriculture, the Hon Barnaby Joyce to an advisory group of banks, farmers' organisations and state governments, developing a national scheme for a Farm Debt mediation programme for farmers and agricultural producers.

I am a promoter of ADR and the publisher of various websites of ADR practitioner lists, including:

- ADR www.adr.org.au
- CONFLICT CONNEXUS www.conflictconnexus.com
- MEDIATION & ARBITRATION CHAMBERS www.medarb.com
- MEDIATION & ARBITRATION CENTRE www.medarbcentre.com
- AUSTBAR CHAMBERS www.austbar.com.au
- AUSTBAR ADR www.austbaradr.com.au
- DISPUTE RESOLVERS www.disputeresolvers.com.au
- DISPUTE RESOLUTION www.disputeresolution.com.au

Education and Professional Qualifications

Bachelor of Science

University of Sydney, Sydney, Australia, 1974

Securities Industry Diploma

Securities Institute of Australia, 1987

Bachelor of Laws

University of Sydney, 1989

LL.M (with Distinction) major in Dispute Resolution,

University of Technology, Sydney, 1998

Chartered Arbitrator

Fellow of The Chartered Institute of Arbitrators, 2002

Nationally Accredited Mediator

Recognised Mediator Appointing Body (RMAB) qualified, 2008 (originally 1992)

Membership of Professional Bodies

Former President, The Chartered Institute of Arbitrators (Australian Branch)

Former Member of the Australian National Committee, The Chartered Institute of Arbitrators from 1998 to 2010.

Fellow, The Chartered Institute of Arbitrators by Mediation FCIArb (Mediation)

Fellow, The Chartered Institute of Arbitrators by Arbitration FCIArb (Arbitration)

Member, New South Wales Bar Association from 1992 to present

Member, Victorian Bar Association from 2005 to present

Admitted to Practice

Supreme Court of New South Wales, 1991

High Court of Australia, 1992

Federal Court of Australia, 1992

Professional Training

Queen Mary, University of London

International Diploma in Mediation London (incomplete)

Transformative Mediation Conference,

University of Santa Barbara, USA 24-26 August 2008

Accredited Mediator under the National Mediator Accreditation Scheme,

July 2008

Appointed a Fellow of the CIArb by Mediation

May 2008

ICC Amicable Dispute Resolution (ADR)

Paris, 14-16 April 2008

Ritsumeikan University, Japanese Law Course

Tokyo, 14-22 February 2008

Appointed a Fellow of the CIArb by Arbitration

December 2002

Associate of The Chartered Institute of Arbitrators

February 1998

Relationships Australia,

Mediator training course in family
breakdown, 1995

Advanced Mediator Training

NSW Law Society, 1993

Lawyers Engaged in Alternative Dispute Resolution (LEADR),

Mediator Training and Accreditation Program, 1992

Conflict Resolution Workshop

Macquarie University,
Centre for Conflict Resolution, 1992

Professional Skills Course

Conflict Resolution Network, 1991

Employment History

UNIVERSITY OF SYDNEY 2015 – present

Lecturer, 2015 and 2016 for the *Commercial Dispute Resolution* course for fourth year undergraduate and *juris doctor* law students at the University of Sydney Law School.

DISPUTE RESOLUTION ASSOCIATES 2009 – present

Established Australia's first "virtual chambers" for Dispute Resolvers, in the Sydney CBD using computerised branch telephone exchange software (Asterisk) and 100 telephone in-dials, providing digitised voice recording and instantaneous delivery of messages over the internet.

Assembled group of previous tribunal colleagues with significant legal, arbitration and mediation experience to provide a "team" of independent providers of national dispute resolution services. See: disputeresolvers.com.au. Build dispute resolution "authority site" for the dissemination of information, techniques and knowledge regarding the resolution of disputes in Australia. See: disputeresolution.com.au.

Conducted training in negotiation and "mediative mindset" skills for corporate organisations, including the NSW Farmers Association (providing negotiation training for dairy farmers and advising on their milk supply contracts; advice on arbitration and conciliation of farm access disputes under the NSW Petroleum and Mining Acts; advice on egg cage legislation in NSW and conduct of disputes arising from the Egg Sections AGM; advice re labelling laws and resolution of disputes under the Horticulture Code. Skills courses for major property development organisations including Westfield, Stockland, Canberra Airport and the NSW Property Council.

MEDIATION & ARBITRATION CHAMBERS 2005 – present

Established own chambers in the Culwulla Chambers Building in the Sydney CBD, to specialise in Dispute Resolution services. Practise by myself and with other members of chambers as a Barrister, Arbitrator, Mediator and Expert Determiner, especially providing integrated mediation-arbitration processes. See: medarb.com

Assessed as an Arbitrator, and have been appointed to the panel of District Court arbitrators, panel list of Local Court arbitrators, approved as an Expert Determiner and Nationally Accredited Mediator and appointed to the NSW Supreme Court list and the District Court list of mediators for 2011-13 and by the Victorian Bar Association as an Advanced mediator. Accredited as a Family Dispute Resolution Practitioner by the federal Attorney Generals Department, Registered Family Dispute Resolution practitioner.

ARBITRATOR and TRIBUNAL MEMBER 2001 – present

Qualified as a Chartered Arbitrator and International Commercial Arbitrator by The Chartered Institute of Arbitrators (UK). Appointed an Arbitrator to the District and Local Courts in New South Wales. Conducted over 100 Philadelphia arbitrations of motor vehicle injury, personal injury and commercial disputes delivery written decisions in over half of the matters. Appointed an arbitrator by the World Intellectual Property

Organisation (WIPO) based in Geneva, Switzerland and the Australian auDA organisation. Provide written determinations (on the papers) of Australian and international intellectual property and domain name disputes.

Over ten years continuous experience as a part time Member of NSW Government administrative decision tribunals, from 1999 to 2010. Part-time Member of the Consumer Trader and Tenancy Tribunal (CTTT) and Strata Titles Board 1999 to 2002. Experience in making administrative decisions and conciliating disputes under statutory criteria in Fair trading, residential tenancy and strata ownership disputes.

Arbitration and Mediation Member (part-time) of the NSW Workers Compensation Commission (WCC) from 2002 to 2010. Significant experience in the conciliation and arbitration of personal injury and workers compensation matters and the Mediation of Work Injury Damages claims. In 2015, appointed as an Arbitrator for NSW Farm Access Disputes.

Significant experience in conducting administrative law hearings (over 3,000) and timely preparation of written legal decisions and awards to required legislative standards (over 300 since 2002). Effectively managed the ongoing workload, conducting conferences with disputing parties, setting matters down for hearing, issuing directions, holding arbitrations, making a decision according to law and issuing a written determination. All decisions were published and subject to appeal. Able to communicate decisions and reasons in plain English, written and verbal. Sensitivity to the needs of indigenous people and of parties who lack fluency in English or have difficulty understanding court procedures.

BARRISTER-AT-LAW and MEDIATOR **1991 – present**

Admitted as a Barrister of the New South Wales Supreme Court, August 1991. Completed the NSW Bar Association Bar Readers Course, February 1992. Practice as a barrister-at-law full-time at the NSW Bar in commercial litigation, trade practices, administrative law, property, employment, family and personal injury law.

Member of Culwulla Chambers, advice and appearances in Local and Supreme Courts. Since 2008, direct access briefs in Federal Circuit Court conducting employment (Fair Work Act) and Family Law matters.

Lecturer in Trade Practices law, contract law and dispute resolution skills for the Centre for Agency Licensing, University of Western Sydney. Conducted corporate seminars on Unconscionable Conduct and the Franchising Code for; AMP, Byvan, Stocklands, Chestertons, Knight Frank, Harvey Norman, the Business Brokers Association, the Australian Property Institute and others.

Specialist disputer resolution practice, appearing as counsel in mediation and as Court appointed mediator. Member of the NSW Law Society "Settlement Week" mediation panels in 1992 and 1993. Member of the Relationships Australia family resolution panel from 1994 -1999. Supreme Court mediation panel since 1995, Land and Environment Court mediation Panel, the Health Care Complaints panel, Office of the Franchising Mediation Advisor panel and others.

MILLICOM (Australia) Managing Director 1990 – 1991

Employed in New York by US multinational venture capital organisation operating in the telecommunications industry. Managed their retail paging operation in Auburn, Sydney established to market pagers and phones to tradespeople and negotiate investments in Australian mobile phone spectrum.

COMPUTALK PTY LTD Managing Director 1989 – 1990

Employed by construction company, Girvan to head its computer systems company. Responsibility included the development of internal computer services to satellite divisions using a centralised IBM 3400 mainframe, training and data protection services. Computalk was a technology management company associated with Total Assets Protection (TAP) a Texas, USA based firm of consultants which specialised in the protection of mainframe sites and the development of intelligent building services.

TNT COMMUNICATIONS National Manager 1987 – 1988

Set up a division of TNT Australia to sell an integrated range of business communication services utilising advanced voice and data distribution technology. Negotiated national marketing partnership agreement with Telecom (Telstra) to sell their electronic paging systems. Established mobile phones business providing NEC hand held mobile phones retailing for \$6,500 (in 1988 prices) under “rental” agreements to major Australian corporations, with financing from Bank of SA.

TNT AIR COURIERS Business Development Manager 1985 – 1986

Hired by the transport company’s, Air Freight Courier division to develop electronic products to replace physical delivery of documents in satchels. Introduced one of the first Australian “call centres” for pickup and dispatch using integrated telephone system (NEC PABX) and mini-computer technology.

RANK XEROX (AUSTRALIA) 1976 – 1985

National Business Development Manager Copy Centres Business development and administrative management for a national instant printing chain with revenues of \$10 million from twenty stores Australia-wide and a staffing of over 100 people. Responsible for pricing and marketing.

Marketing Planning Analyst Analyst for business planning, reporting to the monthly national management. Developed from scratch first segmented reporting system driven by IBM 3600 machine running on APL, IBM internal database language. Led to purchase of internal IBM mainframe to run planning system after trialling worlds first IBM computer system.

Personal Information & Interests

Nationality: Australian

Date and Place of Birth: 17 November 1951 Sydney, Australia

Marital Status: Married 29 years, two sons aged 20 and 18 years

INSTRUCTOR of AIKIDO (the Way of Harmony)

Internationally accredited instructor in the Japanese martial art of Aikido. Graded 6th Dan by Aikikai Japan. Practitioner for 40 years and former student of Morihiro Saito 9th dan Ibaragi Dojo, Iwama a direct student of the Founder of Aikido, Morihei Ueshiba.

Chief Instructor of the Ku-ring-gai Aikido Dojo since 1981, www.aikido.com.au

Vice President of Aikido Australia Pty Ltd and the Takemusu Aiki Association Inc. a not for profit organisation with the aim of promoting and conducting training in Aikido.

BUSHWALKING and CLIMBING

Member of Sydney University Bush Walkers club (SUBW)

Since December 2015 have completed:

- 6 foot track walk 43 kms
- 3 Capes track 42 kms
- traverse of Mt Solitary (Blue Mts) 46 kms
- Overland Track 70 kms

HOT AIR BALLOON PILOT

President NSW Hot Air Balloon Club 1985-1988. Convenor National Hot Air Balloon Championships - Canowindra Bicentennial Festival, 1988.

INTERNET & INFORMATION TECHNOLOGY

Former President of APLUG (APL User Group 1978-1982). APL or "A Programming Language" was developed by Kenneth Iverson, IBM Fellow.

DISPUTE RESOLUTION PROMOTOR AND PUBLISHER

Developer and Publisher of Internet based websites for the provision of dispute resolution services.