

Curriculum Vitae

Michael J F Sweeney
LLB, FIAMA, FCIArb, Chartered Arbitrator

Barrister, Arbitrator & Mediator

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Arbitrator

- Chartered Institute of Arbitrators (UK), Fellow and Chartered Arbitrator
- Australian Centre for International Commercial Arbitration; Fellow
- Resolution Institute (Australia) formerly, The Institute of Arbitrators & Mediators Australia, Grade 1 Arbitrator and Fellow
- Fellow or Member of arbitral bodies and panels including, ICC, ICDR (AAA)
- Nationally Accredited Mediator

Arbitration experience

- As Arbitrator in ICC administered international arbitration. Multi-national energy development joint venture dispute with New York seat subject to the laws of New York. Amount in dispute involved several hundred million US dollars

- As Arbitrator in international arbitration involving Chinese and Australian parties regarding international resources export sales agreement dispute
- As Counsel in ICSID international investment treaty dispute involving a South East Asian nation and an electrical power development corporation for the establishment of national power generation and distribution network. Amount in dispute in excess of US\$400 million
- As Counsel in major national long terms gas supply contract disputes over prices to be applied under contractual provisions for re-pricing. Complex multi-national corporation disputes involving amounts, in each arbitration, in the order of 100 million
- As Arbitrator in many domestic arbitrations involving contractual disputes over a range of issues, including construction disputes, partnership disputes, sports disputes and domain name disputes
- As Member of the Victorian Civil and Administrative Tribunal, hearing and writing decisions in hundreds of proceedings

Arbitration strength

- Commercial arbitration particularly concerned with international joint ventures, resources and energy exploration and development, oil and gas, gas transmission pipelines, sales contracts, infrastructure contracts, utilities, access disputes. This strength developed from both the international legal and international commercial perspectives
- International commercial experience, includes as the senior managing executive of the Mitsubishi Corporation and Mitsui & Co interests (and as legal general counsel) in the Australian North West Shelf (NWS) Gas Joint Venture from 1986 to 1996 - a pioneering world scale LNG development. Responsible for setting strategic direction and implementation in a complex multinational energy joint venture with BHP Billiton, Chevron, Shell, Woodside and BP. Also, Board level management of the North West Shelf LNG Shipping Company for a fleet of 8 LNG tankers. Executive member of the Tokyo based Operating Committee responsible for the overseeing Mitsubishi and Mitsui's investments in Australia.

- International legal experience as General Counsel with the NWS Venture, prior to above executive appointment. In addition, experience advising Mitsubishi Corporation on sovereign risk investment exposure

Barrister

Barrister, Victorian Bar, Melbourne, with expertise in commercial and contract law generally; energy and resources law; competition law, particularly access regimes. Specialises in alternate dispute resolution both as an arbitrator and as counsel in energy/resources arbitrations and commercial mediations, including major gas pricing dispute arbitrations.

Advisory practice especially in the energy, utilities and regulatory areas. General practice includes migration law.

Appointments

Victorian Civil and Administrative Tribunal Sessional Member hearing civil disputes;

Commonwealth Superannuation Complaints Tribunal Legal Member (to 2015);

National Broadband Network Co Limited - NBN Co access dispute pool member

World Intellectual Property Organisation - WIPO Arbitration & Mediation Centre, Geneva: member, WIPO panel of arbitrators and mediators;

Australian Centre for International Commercial Arbitration: arbitration panel member;

Australian International Disputes Centre/ACDC: arbitration and commercial mediation panel member;

Shenzhen Arbitration Commission - Arbitration panel member;

Kuala Lumpur Regional Centre for Arbitration – Panel member for Arbitration, Mediation and Domain Name dispute resolution;

American Arbitration Association – ICDR panel member for Arbitration

Energy Review Board of Western Australia: Legal member from 2005. The Board is the designated merits review appellate body in Western Australia from decisions of the regulator under the National Gas Access Regime and the National Gas Law;

Non Executive Director – MEO Australia Limited (to 2015): ASX listed oil and gas exploration and development company with interests in Indonesia, Timor Sea and Carnarvon Basin, offshore Western Australia.

Additional Experience Detail

Barrister: Returned to the Victorian Bar (2004) following 18 years as both an executive and advisor in the energy, natural resources and utilities businesses. Provision of advice in contractual matters generally and in respect of exploration and development, pipeline and utility disputes including Competition and Consumer Act (Part IIIA), the National Third Party Access Code and National Gas Law. Appearances as counsel in national gas re-pricing arbitrations conducted under the uniform Commercial Arbitration Act in respect of markets in New South Wales, Victoria, South Australia and Queensland. Conduct of large commercial mediations in areas of contract, energy, infrastructure and sales generally.

Commercial: Following the North West Shelf Joint Venture, from 1997, an independent commercial and legal advisor to major corporations and joint ventures in Australia and Asia in the energy, oil, gas and utilities sectors. Provision of advice for gas industry privatisations in Victoria (Department of Treasury – Energy Projects Division) and in South Australia. Together with KPMG, provision of advice to Council of Australian Governments, Energy Markets Review panel and the Ministerial Council on Energy on upstream competition; pipeline access; market reforms generally, including establishment of a short term gas trading market in NSW and SA. In Western Australia, advised in respect of contractual issues associated with the Dampier to Bunbury gas transmission pipeline system. Provision of advice to corporations on sovereign and political risk and associated fiscal exposures for investments made in the Timor Sea region; provision of report on asset quality and risks associated with oil and gas interests located in East Kalimantan and Sumatra, Indonesia. Acting in conciliation and arbitration concerning gas transmission pipeline access.

Education

- Bachelor of Laws, University of Melbourne 1976; admitted as a Barrister & Solicitor of the Supreme Court of Victoria and High Court of Australia 1976
- Stanford Executive Program, Graduate School of Business, Stanford University, California, USA, 1995
- Professional Certificate in Arbitration, University of Adelaide, 2003

- Chartered Institute of Arbitrators (United Kingdom), Fellow (FCIArb); Chartered Arbitrator, 2008
- Institute of Arbitrators & Mediators Australia, Grade 1 Arbitrator & Fellow (FIAMA), 2008
- Mediator (Certificate, Institute of Arbitrators and Mediators, Australia); Nationally Accredited Mediator; Victorian Bar Accredited Mediator

Professional memberships

Member of the Victorian Bar (Chair, Arbitration sub committee; Member International Arbitration Committee).

Chartered Institute of Arbitrators, UK.

Australian Centre for International Commercial Arbitration

Resolution Institute (former Victorian Chapter, deputy chair).

Law Council of Australia - Resources, Energy & Environment Law Committee member; formerly National Chair.

International Bar Association (to 2016).

Australian Mining & Petroleum Lawyers Association.

Australian Institute of Company Directors, Member.

Recent publications

The Arbitrator & Mediator (2012) Vol 31 Pg15: The paramount object in the context of party autonomy – the new uniform Commercial Arbitration Act.

LexisNexis Australian Concise Legal Dictionary; Australian Encyclopaedic Legal Dictionary, 4th edition, 2011, contributing editor.

The Arbitrator & Mediator (Institute of Arbitrators & Mediators Australia) (2010) Vol 29 Pg83: Contesting appointments of arbitrators/expert determiners/mediators.

The Arbitrator & Mediator (Institute of Arbitrators & Mediators Australia) (2008) Vol 27 Pg2: Mega litigation – Opportunities for domestic arbitration.

Australian ADR Reporter of the Chartered Institute of Arbitrators No.5, December 2007: An examination of Federal Court judicial criticism in the C7 case of the costs of large scale litigation and opportunities for commercial arbitration.

The Arbitrator & Mediator (Institute of Arbitrators & Mediators Australia) (2007)
Vol 26 Pg1: Paper analysing the effectiveness of third party discovery procedures in international arbitration in the United Kingdom, Australia, Canada and other nations.

Australian Resources and Energy Law Journal (2006) 25 ARELJ 132: Critique of the Australian national gas pipelines access regime and the decision of the Ministerial Council on Energy for the Council of Australian Governments.

Honorary

Honorary positions include:

- Legal member, Royal Melbourne Hospital, Behavioural and Psychiatric Human Research Ethics Committee
- Former President, involved for over 30 years, with an overseas charity
- Other community organisations, including past member of school education board