



RUNDELL, John Warwick

BE, B Ec, MBA, LL.M, DipICarb, FHKICPA, FCPA, CPA, CA, FCI Arb, FIAMA

Professional Qualifications:

Registered Accountant Hong Kong
Fellow of the Hong Kong Institute of Certified Public Accountants
Chartered Accountant, Member of the Institute of Chartered Accountants in Australia
Certified Practising Accountant, Fellow Australian Society of Certified Practising Accountants
Fellow of the Chartered Institute of Arbitrators
Fellow of the Institute of Arbitrators and Mediators Australia
Registered Tax Agent, Australia
Professional Engineer, Australia

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35 Collins Street
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Date of Birth: 24 April 1958

Academic Qualifications:

Bachelor of Engineering, the University of Adelaide
Bachelor of Economics, the University of Adelaide
Masters of Business Administration, the University of Melbourne
Masters of Global Law, La Trobe University
Professional Certificate in Arbitration, University of Adelaide Law School
Diploma in International Commercial Arbitration, The Chartered Institute of Arbitrators/Oxford University

Dispute Resolution Training and Experience:

Training

- Professional Certificate in Arbitration Advanced (with Distinction)
University of Adelaide Law School
- Diploma in International Commercial Arbitration
Oxford University with the Chartered Institute of Arbitrators
- Professional Mediator Training Parts 1 and 11
Accord Group in HK meets training requirements of HKIAC
- The Institute of Arbitrators and Mediators Australia Workplace Relations ADR Training April 2006
- 2005 Master Class in Arbitration, The Institute of Arbitrators and Mediators Australia

Arbitration and Mediation Experience

Panels

- Graded Arbitrator, The Institute of Arbitrators and Mediators Australia

- Accredited Mediator, The Institute of Arbitrators and Mediators Australia
- Hong Kong International Arbitration Centre, accepted to Panel of Arbitrators (November 2006)
- Panel of Arbitrators Kuala Lumpur Regional Centre for Arbitration
- Cairo Regional Centre of International Arbitration
- IAMA Workplace Relations Panel of ADR Providers for Arbitration of Workplace Disputes
- IAMA Workplace Relations Panel of ADR Providers for Mediation and Conciliation of Workplace Disputes
- Panel Mediator, Australian Industrial Relations Commission.

Relevant Arbitral Experience

- Arbitration involving the partnership dissolution of a major second-tier Chartered Accounting firm. Multiparty 3 equity (partners) dispute involving over 30 points of claim. The dispute related to transfer of clients, tax matters, trust distributions, property, and the amount in dispute exceeded \$1 million. Duration to completion 12 months with multiple directions hearings and subsequent consent orders. **Role:** Sole Arbitrator **Value of Claim:** \$1 million
- Arbitration of a dispute over an exiting shareholder of an IT company. The dispute related to arbitrability under shareholders deed; value of the company; payment and obligations under shareholders deed; and timing of exit of a director and significant shareholder. **Role:** Sole Arbitrator **Value of Claim:** Dispute value in excess of \$1 million.
- Tax Assessor Arbitration of a GST payments liability under a long term non-reviewable contract (Long-Term Non Reviewable Contracts Act 2005). The amount of rent was in dispute under a long term lease between a major Australian retailer and Shopping Centre group, in a suburban shopping complex. **Role:** Assessor Arbitrator **Value of Claim:** contract in dispute with annual rental exceeding \$5 million per annum.
- Technical Expert to 6 major Arbitrations known as the “Casualties of Telecom Case”, one of Australia’s most protracted arbitration processes over 3 years in which I ran an Expert Resource Unit which carried out all technical evaluations for The Telecommunications Industry Ombudsman and presented findings in a suitable form for their use by the Arbitrators in their deliberations.

Relevant Mediation Experience

- A Mediation in relation to relief regarding termination of employment under S.170 CE(1) of The Workplace Relations Act 1996 (Commonwealth). Successfully Mediated with a Deed of Resolution signed. Role: Mediator (Industrial Relations Employment Related) Sole Mediator Nominated by: Australian Government-Australian Industrial Registry **Value of Claim:** not applicable as Employment Related Issues.
- Mediation of a dispute as to scope, variations and interface responsibilities for an IT software development covering a Core Systems Replacement and upgrade. The project involved a major Government Department and an International listed Systems Development and Consulting Group. Development costs exceeding \$50 million Australian over 3 years. Successfully mediated and resolved with project continuing to completion. Sole Mediator **Value of Claim:** approximately \$2 million of variations and issues, as to scope of deliverables. Successful resolution was achieved.
- Mediation of shareholder dispute as to value and exit of a 50% shareholder in a long established family owned Plumbing and Construction Group. The matter involved disputes as to the value of the Company having regard to (Work in Progress, future prospects, litigation and construction disputes pending, and method of valuation), trust distributions, sale of shares in associated companies, settlement and repayment of shareholder loans. The matter was resolved with a comprehensive mediation. Settlement Agreement signed by the parties. Sole Mediator. **Value of Claim:** Under \$2 million
- A significant mediation between two major International Banks. The mediation was associated with the sale of a major Asian/Indian bank and the ongoing requirements for use of the selling Bank’s core banking applications and IT infrastructure. Sole Mediator. **Value of Claim:** \$100 million, being \$35 million per annum over a three year contract and as part of a \$1,800 million USD bank acquisition. Successful resolution achieved.

- A Mediation involving the delivery of HR training services by an external service provider to a major bank, and a dispute as to the selection, operation and performance of the services across a number of divisions of the bank. Sole Mediator. **Value of Claim:** approximately \$2 million.
- Other mediations in the Banking sector associated with Outsourced and Services agreements between Banking divisions and External Service Providers

Expert Determination

- Determination of a dispute in relation to the completion accounts of a Sale and Purchase of Shares Agreement for airport ground handling operations at two major international airports and involving divisions of two major international companies, both listed on the London Stock Exchange.

Career:

2003 to present	Managing Partner, John Rundell & Co. Executive Director, Stratica International Pty Limited, Strategic Infrastructure, and Risk Advisers Managing Partner and Executive Director, Brown Rundell CMA Services Limited, Hong Kong (Co No. 919815) Managing Partner, John Rundell and Co, Chartered Accountants, Arbitrator, and Mediator
2001 to 2002	Vice President Gartner, Consulting Practice Leader Asia and Pacific Solution Executive Strategic Sourcing
1995 to 2001	Joined KPMG becoming a Partner and Practice Leader globally for Strategic Sourcing Advice. Managing Director Consulting, Director KPMG Information Solutions
1990 to 1995	Associate Director Ferrier Hodgson and Co Chartered Accountants and Corporate Advisers
1987 to 1990	Capel Court Investment bank/Dominion Securities a joint venture of Royal Bank of Canada and National Mutual (now AXA)
1985 to 1987	Assistant to CEO, Burnham Merchant Bank and completed MBA at the University of Melbourne
1980 to 1985	Various roles with head office Johns Perry Limited (now Boral Ltd)

Areas of Expertise:

Banking and Finance sector, risk reviews, Information Technology and Systems Integration, Major Infrastructure and Outsourcing Services Agreements, Business Process Outsourcing, and Shared Services in both the public and private sector.

Languages:

Fluent written and spoken English

Some French and German

APEC card holder: allows visa free access to most countries in Asia including China