



Professor Khory McCormick

FCIARB, FACICA

DOCTOR OF UNIVERSITY (D Univ) (GRIFFITH)
BACHELOR OF ARTS, MASTER OF LAWS

Area of Practice

International and Domestic Disputes and Strategic Advisory

Grade 1 Arbitrator; Accredited Mediator

General Background

With key roles across a range of alternative/appropriate dispute resolution bodies and with sector recognised expertise confirmed by independent publications Khory McCormick is a recognised market leader in the field of dispute and conflict resolution in the Australasian market and beyond.

In 2018 Khory has focused on his regional and target market(s) presence in the area of conflict and dispute strategic advisory, neutral work (across all areas of conflict and dispute resolution) and a number of public engagements including through Board appointments, and engagements with substantial public institutions and educational groups.

After 40 years of practice as a partner at the top end of the commercial, public and private sector markets Khory's opinion is widely sought across a broad spectrum of industry sectors. Peer rankings regularly ranking as a 'go to' adviser and a thought leader in terms of the future of dispute resolution particularly in cross border and cross cultural contexts. He was for example selected by the Canadian Government and the parties to undertake the OECD Convention facilitation/mediation of the Porgera dispute after selection from a global field of in excess of 30 candidates.

Khory currently represents Australia in UNCITRAL Working Group II: Dispute Resolution which is working on the possibility of a model law and or convention on the recognition and enforcement of conciliated settlements. He is also an ICC Australia Board Member and active across a broad range of national Chambers of Commerce in the Australian market.

He has been an institutional representative for entry into cooperation agreements in the ADR and arbitration spaces with both ICADR (India) and BANI (Indonesia) as well as spoken throughout the region in Korea, Taiwan, China, India, Indonesia and elsewhere. He is regularly a speaker on panels including judicial officer such as at RAIF

He is believed to be the only Australian practitioner listed both in Chambers Asia Arbitration (Australia) and in the International Who's Who ranking for International Commercial Mediators.

He is also active in the educational space receiving a Doctorate of the University of Griffith University in acknowledgement to his commitment to public contribution and lifelong learning and is a member of its Foundation Board.

He has worked with a range of students across a variety of universities in Australia and China in relation to different dispute resolution competencies. He is a regular sounding board for educational sector bodies when attempting to introduce new models and programs into the tertiary legal education space. He has been a speaker in that space on the question of globalisation/internationalisation of educational service provision

Khory is in tune with global and regional dispute resolution education, design and service delivery from all stakeholder perspectives.

Professional Qualifications

- Professor (Strategic Law) Griffith University
- Doctor of the University, Griffith University (D Univ)
- Arbitrator (Grade 1)
- IMI Certified Accredited Advanced Practitioner (Mediator)
- Court Accredited Mediator National Alternative Dispute Resolution Advisory Council (NADRAC), Queensland Law Society, Australian Centre for International Commercial Arbitration (ACICA)
- Fellow, Australian Centre for International Commercial Arbitration (ACICA)
- Fellow, Chartered Institute of Arbitrators (CI Arb)

Professional Appointments

- Vice President, Australian Centre for International Commercial Arbitration (ACICA)
- Deputy Chair Singapore International Dispute Resolution Academy (SIDRA)
- Chair, Northern Australia Infrastructure Facility (NAIF) (AUD\$5b concessional development credit

facility)

- Committee Member, International Chamber of Commerce Australia (ICC Australia)
- Member, International Mediation Institute (IMI) Standards Committee
- Member, Australian Delegation UNCITRAL Working Group II: Dispute Resolution (2015-2019)
- Former Chair, Queensland Law Society Alternative Dispute Resolution Sub Committee
- Former Chair, Queensland Chapter, Institute of Arbitrators & Mediators Australia (IAMA)
- Former Advisory Board Member of AON Australia
- Chairman, Green Cross Australia 2009 – 2010; Energex Limited June 2004 – 2006,
- Director, Energex Limited 1997 – 2004; Allgas Limited 1998 – 2004; Energex Retail Pty Ltd 1999 – 2006
- Member, Singapore International Arbitration Centre (SIAC) Users Council

Panel Member

- Permanent Forum of China Construction Law Working Group
- Singapore International Mediation Centre
- New Zealand International Arbitration Centre (NZIAC) Arbitration and Mediation
- New Zealand Dispute Resolution Centre (NZDRC) Arbitration and Mediation
- New Zealand Building Disputes Tribunal Arbitration and Mediation
- Shenzhen Court of International Arbitration (SCIA) Arbitrator
- Mongolia Ulaanbaatar Chamber of Commerce Arbitrator
- Australia Centre for International Commercial Arbitration (ACICA) Mediation

**Mediation,
Neutral
Evaluation, etc**

- A mediator and regular party representative Khory has been engaged in well over 100 mediations involving amounts up to in excess of AUD\$150m as a party representation and AUD\$10m as a mediator.
- Subject matters included issues for religious organization conflict, industrial illness, environmental damage, class and group actions in franchise, joint ventures (property, resources and energy, partnerships), landlord and tenant (including shopping centres), cross border and cross cultural.
- He is engaged in cross border disputes affecting sovereign States and State enterprises.
- Khory has undertaken neutral evaluation in professional indemnity cases and public sector conflicts.

Expert Opinions

- Expert (legal) ICC contract arbitration in Singapore.
- Expert (legal) LCIA Award in Mainland China.
- Expert opinion Hong Kong cross border opinion IT issues.
- Expert opinion UK proceedings dual proceedings.
- Expert group meeting UNCITRAL (Vienna) January 2019.

Market Breadth

Successively led or founded insolvency, media law, industrial relations, construction, government, litigation and international disputes practice groups.

Market Depth

Over 30 years' experience in key corporate sectors acting as party representatives in legal proceedings, arbitrations, expert referrals and mediations.

- Major sovereign risk case defence in Indonesian coal mining industry.
- Major dispute and applied ADR process in long term thermal coal and gas supply contracts.
- Record damages claim proceedings arising from mining venture dispute.
- Major disputes concerning international multi party disputes in land development, resource projects, infrastructure developments and joint ventures.
- Global food industry player 'class' action with 3000 potential plaintiffs.
- Environmental impact claims.
- Strategic interface with Federal and State regulatory authorities in health, amenities and utilities sectors.
- Major construction industry disputes concerning product defects claims.
- Major arbitration disputes concerning \$100M plus claim in relation to contract mining.

- Test case on approach of Queensland Court to price review and alternate dispute resolution clauses.
- Long term lease disposal transaction relating to Abbot Point Coal Terminal.

Market Variety

Examples only: Government, public sector, retail, oil and gas, agriculture, mining, transport, health

- Board member, Northern Australia Infrastructure Facility (2016 – current).
- Strategic Advisor Queensland Rail: providing strategic and risk management advice to QR Limited in the biggest proposed IPO's in Queensland and Australian in 2010.
- Lead lawyer acting for Stanwell (a major electricity generator) in a test case prosecution by the Australian Energy Regulator (AER) for alleged breaches of market rules relating to Stanwell's bidding behaviour in the national electricity spot market.
- Chairman, Energex Limited June 2004 – 2006. Appointed by the Queensland Government during the sale of its retail business and gas assets and at times of public controversy, where he managed the experience of political issues, the shareholding Minister, public stakeholders, unions, and industry expectations to transition Energex to some of its highest ever community acceptance ratings.
- Industry stakeholder representative on the privatisation of the Queensland Totalisator Administration Board (TAB) (wagering industry) including membership of industry stakeholder Steering Committee.
- Advisory conflict resolution role on break downs in relationships in significant government public and private partnership in the hospital sector.
- Advising on allocation of constrained infrastructure assets.
- Speaker, *The Problem of Enforcement of Mediated Agreements: Does the Singapore Convention on Mediation and its Model Law provide the solutions?*, Session 17 – Second South Pacific International Arbitration Conference, Port Moresby, Papua New Guinea, 28 March 2019.
- Moderator, *Contracting with Foreign Parties & Cross-Boarded Dispute Resolution*, Session 10 – Second South Pacific International Arbitration Conference, Port Moresby, Papua New Guinea, 26 March 2019.
- Presentation, *Trade & Investment Law Outreach Event*, Session 2 – Updates in Investment Law and Australia's FTA, UNICTRAL Singapore Convention on Mediation, Canberra, 4 December 2018.
- Presentation, *The Big Picture: Impact of the Convention on International Dispute Resolution*, The Singapore Convention on Mediation: Exploring the Impact of the New Enforcement Regime, Singapore, 27 November 2018.
- Presentation, *Singapore Arbitrators – How Can They remain relevant In A Changing regional Services Market*, Singapore Institute of Arbitrators (SIARB), The Central (Clarke Quay), Singapore, 22 November 2018
- Presentation, *Innovating the Future of Dispute Resolution: Recent Developments in Mediation in the Asia Pacific Region*, the 7th Asia Pacific Conference, Sono Felice Convention Seoul, South Korea, 5 November 2018.
- Presentation, *60th Anniversary of the New York Convention 1958-2018*, UN Day Lecture, Federal Court of Australia, Brisbane, 24 October 2018.
- Presentation, *Financing Infrastructure Development as an Enabler of Growth*, Building the Territory NT Resource Week, Darwin, 5 – 6 September 2018.
- Presentation, *Making ADR Attractive to Users – An International Perspective*, NSW Bar Association ADR Masterclass, Sydney, 11 August 2018
- Presentation, ACICA Symposium, *Underwriting Cross-Border Contracts – the significance of the New York Convention 60 years on*, Sydney, 29 July 2018
- Presentation, *Closing remarks: the Singapore Convention on Mediation. A case study in success*, Emergence Conference Singapore, 25 July 2018.
- Presentation, UNCITRAL Conventions in the field of dispute settlements, *Celebrating the 60th Anniversary of the New York Convention*, United Nations Headquarters; New York, New York, 28 June 2018.
- Presentation, *What is Missing in Cross-border Settlement Enforcement – is it New York Convention Style Instrument?* The Hong Kong Mediation Council, Hong Kong, 18 May 2018.
- Presentation, Mediation conference: *Mediation of International Commercial Disputes and Enforcement of Mediated Settlement Agreements*, Hong Kong International Arbitration Centre,

Thought Leadership papers and presentations (sample only)

Hong Kong, 15 May 2018

- Speaker, *Third Party Funding: A Regional Perspective – Australia, Singapore, and Hong Kong*, Federal Court, Brisbane, 2 November 2017
- Commentary on a Paper on the 50th Anniversary of UNCITRAL, Federal Court, Brisbane, 23 October 2017
- Commentator, *Investigating Trade and Development – Dispute Resolution in China*, BAC Summit, Hong Kong, 14 October 2017
- Participant, Australian American Leadership Dialogue, Gold Coast, August 2017
- Panel speaker, *International Arbitration in the ASEAN Century: Hot topics*, ACICA and Thai Arbitration Institute (TAI) conference, Bangkok, July 2017
- Co-Presentation, Mediation Internationally ADR Professional Development Workshop, La Trobe University, Melbourne, June 2017
- Presentation, *International Arbitration – An Overview: An Australian Perspective*, Australian Centre for International Commercial Arbitration and Beijing Arbitration Commission Seminar Sydney, Beijing China, 30 August 2016
- Lecture, *Cross Cultural Mediations – Reflections*, Australian Centre for International Disputes Training Course, Brisbane, 15 April 2016
- Presentation, *Solutions, Systems and Seats – a selective survey of market issues and trends in determinative dispute resolution; an Australasian perspective*, Arbitrators and Mediators Institute of New Zealand 2016 Conference, Queenstown New Zealand, 4 March 2016
- Presentation, *Who's been sitting in my seat? A case place for Australia in international commercial arbitration*, 3rd International Arbitration Conference, Sydney, 24 November 2015
- Commentator on the paper *Arbitration for the Resolution of Construction Disputes: Is it Still Fit for Purpose?* presented by Mr Charles Brown, Global President, Chartered Institute of Arbitrators (London), Chartered Institute of Arbitrators (Australia) Queensland Chapter Seminar, Brisbane, 20 November 2015
- Panel speaker, Roundtable – *Adopting world best practice arbitration in Australia*, Managing Construction Disputes in the Mining and Petroleum Industries Conference, Brisbane, 10 November 2015
- Panel commentator, *The Developing World of Arbitration: A Comparative Study of Arbitration Reform in the Asia Pacific*, University of Hong Kong Conference, Hong Kong, 27 October 2015
- Panel speaker, *Engaging Legal Process Outsourcing Providers (LPOs) – A Panel Discussion*, Sydney 14 August 2015, Melbourne 17 August 2015 and Brisbane 19 August 2015
- Presentation *Introduction to International Arbitration, Mediation and other dispute resolution methods*, Chartered Institute of Arbitrators Australia Introduction to International Arbitration Course, Brisbane, 23 May 2015
- Presentation *International Arbitration and Dispute Resolution: The India-Australia Perspectives*, Australian Centre for International Commercial Arbitration Roadshow, New Delhi and Hyderabad, India, 14 and 17 February 2015
- Panel Speaker, American Bar Association Asia Pacific International Mediation Summit, New Delhi, India 14 February 2015
- Presentation *The Role of Arbitration in Australia*, Australian Centre for International Commercial Arbitration Roadshow, Indonesia, 23 September 2014
- Co-presenter *Cross Cultural Masterclass*, Queensland law Society 7th Annual Gold Coast Symposium 2014, Gold Coast, 30 May 2014
- Presentation *The Bodies in the Arena – Arbitration Institutions in the International Arena*, Institute of Arbitrators and Mediators Australia National Conference, Canberra, 4 May 2014
- Panel Speaker, APRAG 2014 10th Anniversary Conference, Melbourne, 27 March 2014
- Presentation HKIAC in Australia Seminar, *The Pursuit of Enforcement: Strategies for Dealing and Disputing with Chinese Parties*, Brisbane, 9 December 2013
- Chambers and Partners
- IBA Global Who's Who of International Commercial Mediation – to present
- Chambers International Arbitration Australia – to present
- *Best Lawyers*® (Australia) – from 2009 to 2020

**Independent
recognition**

- Hansard Record of Parliamentary Proceedings, *Queensland Commercial Arbitration Bill*, passed by Queensland Parliament, 7 March 2013

