

ANTHONY LO SURDO SC

Australia

12 Wentworth Selborne Chambers, Sydney
Lonsdale Chambers, Melbourne

Curriculum Vitae



Admissions

Senior Counsel (SC/QC): 6 October 2011

Barrister: 9 August 1996

Solicitor: 3 July 1987

Jurisdictions

All States and Territories of Australia; Internationally

Educational and Professional Qualifications

Bachelor of Arts (University of Sydney, 1985)

Bachelor of Laws (University of Sydney, 1987)

Accredited Mediator (LEADR) (1993)

Master of Laws (University of Sydney, 1996)

Additional Professional Qualifications

National Accredited Mediator (2008)

Arbitrator (2010)

Expert Determiner (2010)

Advanced Mediator (2013)

Fellow, Australian Centre for International Commercial
Arbitration (ACICA) (2016)

Fellow, Resolution Institute (RI) (2016)

International Mediation Institute, Certified Mediator (2017)

Singapore International Mediation Institute, Certified Mediator
(2017)

Fellow, Chartered Institute of Arbitrators (CIArb) (2020)

Grade 1 Arbitrator, RI (2020)

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(Syd) (02) 9223 3181 losurdo@12thfloor.com.au

Clerk (Syd): Trish Hoff (02) 9232 4016 clerk@12thfloor.com.au

Clerk (Melb): Brett Bowker/Luke Hales (03) 9225 7222 brett@greenslist.com.au; luke@greenslist.com.au

Arbitral Panel Appointments

Court of Arbitration for Sport (General and Football Lists)
AIAC Arbitration Panel
THAC Arbitration Panel
ACICA Arbitration Panel
Sport Resolutions (UK), International Panel of Arbitrators
Football Federation Australia (FFA) Appeals Committee
FFA Dispute Resolution Chamber
FFA Disciplinary and Ethics Committee
FNSW Appeals Tribunal
District Court of NSW
Local Court of NSW

Mediation Panel Appointments

Court of Arbitration for Sport
International Mediation Institute
Singapore International Mediation Institute
AIAC Mediation Panel
ACICA Mediation Panel
Resolution Institute Panel of Advanced Mediators
Supreme Court of NSW Mediation Panel
District Court of NSW Mediation Panel

Sports Related Appointments

Arbitrator and Mediator, Court of Arbitration for Sport
Arbitrator, Sport Resolutions UK
Member, National Sports Tribunal, Australia
Acting Racing Appeals Tribunal, NSW
Member, FFA Appeals Committee
Deputy Chair, FFA Disciplinary and Ethics Committee
Member, FFA Dispute Resolution Chamber
Chair, Appeals Tribunal, Football NSW (FNSW)
Judiciary Counsel, National Rugby League (NRL)
Member, Appeals Board of AFL (Australian Rules Football) NSW/ACT
Member, Manly Warringah Football Referees Association

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Professional Memberships and Accreditations

Fellow, Chartered Institute of Arbitrators
Fellow, ACICA
Fellow, Resolution Institute
Member, AIAC
Member, THAC
NSW Bar Association
Queensland Bar Association
Victorian Bar Association
Australia and New Zealand Sports Law Association (ANZSLA)

Editorial Appointments

General Editor, Banking and Finance Law of Australia (LexisNexis)
Editorial Panel of the Australian Banking and Finance Law Bulletin (LexisNexis)
Editorial Panel of the Australian Civil Liability Bulletin (LexisNexis)
Editorial Panel of the Insolvency Law Bulletin (LexisNexis)

Arbitration

Anthony is an accredited arbitrator, a Fellow of the Chartered Institute of Arbitrators, a Fellow of the Australian Centre for International Commercial Arbitration, a Fellow of Resolution Institute and registered in the Australian Register of Practising Arbitrators as a Grade 1 Arbitrator.

Experience

Having regard to his experience in international arbitration, in June 2016, Anthony was appointed a Fellow of the Australian Centre for International Commercial Arbitration and a Fellow of the Chartered Institute of Arbitrators in 2020.

In recognition of his specialist knowledge of arbitration and sports law:

- in January 2016, Anthony was appointed by the International Council of Arbitration for Sport (ICAS) as an arbitrator of the Court of Arbitration for Sport (CAS) and his name appears on both the general list and the football list;
- in January 2019, he was appointed as the Acting Racing Appeals Tribunal (NSW)
- in February 2019, he was appointed to the International Panel of Arbitrators maintained by Sport Resolutions (UK); and

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- in March 2020, he was appointed as one of the inaugural part-time members of the National Sports Tribunal.

He has sat as both a sole and panel arbitrator including as Chair in over 60 domestic and international arbitrations involving commercial, disciplinary and governance disputes.

CAS

In January 2018, Anthony presided over a hearing of a CAS Appeal Panel in Lausanne, Switzerland.

In April 2018, he was appointed to the CAS ad hoc panel for the Commonwealth Games, Gold Coast, Australia.

In May 2018, Anthony was appointed to the CAS ad hoc panel for the Asian Games, Jakarta, Indonesia in August/September 2018.

In September 2018, Anthony was appointed as a sole arbitrator of an appeal to CAS from a determination of a single judge of the FIFA Players' Status Committee which was heard in Shanghai.

In December 2018, Anthony presided over a hearing of a CAS Appeal Panel in a disciplinary matter arising in Asia.

In February 2019, Anthony was appointed by a party in a commercial dispute.

In June 2019, Anthony was appointed as the sole arbitrator by parties in a disciplinary matter.

In August 2019, Anthony was appointed President of a panel in a good governance appeal.

In September 2019, Anthony was appointed to the Ad hoc panel for the FIBA World Cup.

In October 2019, Anthony was appointed President of a panel in a commercial dispute.

Sport Resolutions (UK)

In 2019, Anthony was appointed as a member of the International Tennis Federation (ITF) International Panel for the Davis Cup and in 2020 to the same panel for the Fed Cup.

In 2020, Anthony was appointed as Chair of an ITF Independent Tribunal Panel to determine a dispute between the ITF and a Member Federation.

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FFA

As a member of the FFA Appeals Committee since 2008, Anthony has determined both disciplinary and non-disciplinary disputes that have arisen between the FFA, Member Federations, Clubs, and Players mostly involving players and coaches of international repute.

As a member of the FFA Dispute Resolution Chamber since 2008, Anthony has determined commercial disputes and appeals that have arisen between the FFA, Member Federations, Clubs, and Players under the FFA Grievance Resolution Regulations, some of which have involved players and coaches of international repute.

As a member of the FFA Disciplinary and Ethics Committee also since 2008, he has determined disciplinary issues arising from on-field incidents involving players and coaches of international repute competing in Australia's Premier National football league (Hyundai A-League).

Football NSW

As the Chairman of the Football NSW Appeals Tribunal since 2012, Anthony has determined appeals involving both disciplinary and non-disciplinary disputes that have arisen between FNSW, Members of FNSW, Clubs and Players under the FNSW Grievance and Disciplinary Regulations.

Acting Racing Appeals Tribunal

As the Acting Racing Appeals Tribunal, Anthony has determined appeals heard on a *de novo* basis from first instance decisions in the thoroughbred and harness racing industries.

Other Arbitral Appointments

Anthony has been nominated by the President of Resolution Institute as a sole arbitrator in a domestic commercial dispute and by Surf Life Saving New South Wales to preside over a Judiciary Committee hearing in a code of conduct matter.

Mediation

Anthony is accredited as an advanced mediator by Resolution Institute (formerly LEADR). He is also accredited the New South Wales Bar Association under the National Mediator Accreditation System Standards (NMAS). He is ranked by "*Doyles Guide to the Australian Legal Profession*" as a leading mediator in New South Wales, 2018 and 2019.

As part of his ongoing commitment to excellence in mediation, in 2017 Anthony attained certification as a mediator by the International Mediation Institute (IMI) and the Singapore International Mediation Institute (SIMI) and in doing so joins a select number of mediators in Australia to achieve that qualification and the only Silk.

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In recognition of his specialist knowledge of mediation and sports law, in January 2016, Anthony was appointed by the International Council of Arbitration for Sport (ICAS) as a mediator of the Court of Arbitration for Sport (CAS) and in February 2019 he was appointed to the mediation panel of Sport Resolutions (UK).

Experience

Anthony has acted as mediator in a vast array of matters since he was first accredited in 1993. He has mediated hundreds of complex disputes since 2009. He uses his experience as both Senior Counsel and as a mediator to quickly identify the issues and to gain an understanding of the position of each party in the mediation so as to assist in facilitating a fair and efficient resolution to a dispute.

Anthony's work as a mediator includes:

- Banking disputes
- Contractual disputes
- Corporations law disputes including claims arising from insolvency
- Partnership disputes
- Disputes between joint venturers
- Disputes between lenders and valuers involving allegations of negligent property valuation
- Medical negligence
- Personal injuries
- Claims involving alleged negligence by lawyers
- Claims involving the alleged negligence of town planners
- Claims involving the alleged negligence of accountants
- Claims against investment advisors including financial planners
- Claims against directors and officers
- Employment disputes
- Claims involving restraints of trade
- Building disputes
- Claims involving damages for personal injury
- Shareholder disputes
- Succession claims
- Planning disputes
- Building and construction claims
- Property disputes
- Sports disputes

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Expert Determiner

Anthony is accredited as an expert determiner. He has been nominated by the President of Resolution Institute as an expert determiner.

General Law Experience

Anthony has a broad practice both at trial and appellate level spanning diverse areas including commercial, equity, corporations, insurance law, professional indemnity, property and sports law. He has a particular interest in banking and insolvency in respect of which he has written extensively and has been named in “*Doyles Guide to the Australian Legal Profession*” in 2011 and again in 2015-2018 and 2019 as one of Australia’s leading insolvency and reconstruction Silks.

Anthony has advised and appeared for:

- Australian Securities and Investments Commissions (ASIC), Australia’s Corporate Regulator, in relation to breaches of continuous disclosure provisions, breaches of market manipulation requirements, misleading and deceptive conduct and unconscionable conduct.
- Banks and other financial institutions.
- Insolvency administrators (voluntary administrators, receivers, trustees in bankruptcy and liquidators) as regards a multitude of issues that often arise in the course of an administration.
- Creditors of insolvent companies.
- Directors in relation to breach of directors’ duties and insolvent trading claims.
- Insurers in relation to indemnity issues generally, professional indemnity (including advising and appearing in defence of surveyors, architects, directors, valuers, brokers, town planners, builders and lawyers) and product liability.
- Lessors (including major shopping centre proprietors) and lessees.
- Vendors and purchasers of land, builders and developers.
- Corporations and individuals in relation to contractual disputes.

Sports Law Experience

As an advocate, Anthony has advised and appeared for:

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- Sporting associations including Triathlon Australia in an appeal by Olympian Emma Snowsill against her non-inclusion in the Australian Olympic Team.
- Athletes involved in claims concerning alleged breaches of world anti-doping regulations.
- Athletes including Kurtley Beale (International Rugby Union) in an Australian Rugby Union (ARU) Code of Conduct Tribunal hearing.
- AFL NSW/ACT in matters involving disciplinary issues.
- NRL in matters involving disciplinary issues.

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