

# (David) Scott Ellis

---

## Present positions

Barrister, arbitrator, mediator, statutory adjudicator at Francis Burt Chambers.

Acting Commissioner, Corruption and Crime Commission (WA)

Senior Sessional Member, State Administrative Tribunal (WA)

Member, Anti-dumping Review Panel (Comm)

Western Australian Electricity Review Board (WA)



## Prior employment

Legal practice at Freehills:

- Consultant, 1 January 2004 to October 2005 and private ADR consultancy
- Partner, 1 July 1990 – 31 December 2003
- Solicitor at Muir Williams Nicholson (which became Freehills) 1983 – 1990
- Articled Clerk - 1983

## Education

Bachelor of Jurisprudence (UWA), 1982

Bachelor of Laws (UWA), 1983

Master of Laws (UWA), 1994

Professional Certificate in Arbitration, General & Advanced (University of Adelaide), 2003

Diploma in International Commercial Arbitration (Queen Mary College, University of London) 2007

## Professional qualifications

Practitioner of the Supreme Court of Western Australia (1983)

Chartered Arbitrator, Chartered Institute of Arbitrators (UK/Aust)

Grade 1 Arbitrator, Resolution Institute

Registered adjudicator under the *Construction Contracts Act, 2004* (NT) and *Construction Contracts (Security of Payments) Act, 2004* (NT)

Mediator accredited to NMAS standards

## Professional standing

Fellow, Chartered Institute of Arbitrators

Fellow, Australian Centre for International Commercial Arbitration

Fellow, Resolution Institute (RI)

Chair, Law Society of Western Australia ADR Committee

Member, Law Society of WA and Law Council of Australia Joint Committee on Construction and Infrastructure

Member, WA Bar Association

Founding Member, Society of Construction Law Australia

## **Practice**

I practise primarily as an arbitrator, expert determiner, mediator and adjudicator.

### *Arbitration/Expert Determination*

I am a prominent arbitrator in WA. I have been appointed as sole arbitrator in more than 80 ad hoc arbitrations, including international disputes

Disputes in which I have been appointed as arbitrator are commercial disputes, mainly building and construction matters. The amount in dispute ranged up to about \$5 million. I have conducted contested hearings in relation to final and interlocutory relief.

I am a member of the panels of arbitrators of:

- Asian International Arbitration Centre
- World Intellectual Property Organisation
- Japan Commercial Arbitration Association
- Australian Centre for International Commercial Arbitration
- Law Society of Western Australia
- Resolution Institute
- Essential Services Commission of South Australia
- Economic Regulation Authority (WA), under Part 23 of the *National Gas Rules* and under the *Railways (Access) Code 2000*

I have also:

- been appointed as an expert determiner in a range of commercial disputes, including corporate disputes, valuation exercises and construction disputes
- been a member of sporting disciplinary tribunals
- dealt with domain name disputes under the auDRP process

### *Mediation*

I have acted as mediator in more than 110 commercial disputes, including, by agreement of the parties, disputes that were before the Supreme Court. The disputes range from employment and disciplinary matters to construction disputes worth approximately \$20 million.

I have conducted mediations as a sessional member of SAT, mainly in planning and valuation matters.

### *Adjudication*

I have acted as adjudicator in more than 75 adjudications under the *Construction Contracts Act, 2004* (NT) and *Construction Contracts (Security of Payments) Act, 2004* (NT) with amounts in

dispute ranging from \$5,000 to \$50 million. I was nominated as an adjudicator in the contracts for the Gorgon gas project.

## **Statutory Positions**

*Acting Commissioner, Corruption and Crime Commission* (1 July 2016 and ongoing). The position of Commissioner of the CCC was vacant from April 2020 until 28 June 2021. A large part of my time in that period was devoted to this role.

The work as Acting Commissioner involved:

- presiding over private and public examinations
- preparing reports to Parliament and to public sector authorities
- considering allegations of serious misconduct in the public sector
- the exercise of powers under the *Criminal Property Confiscation Act, 2000*

*Western Australian Electricity Review Board (WA)* – (formerly the Energy Review Board). As the presiding member I deal with contraventions of the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* and reviews of decisions of the Economic Regulation Authority. I also dealt with review of decisions under the *Gas Access Code*, including decisions about access to gas pipelines.

*State Administrative Tribunal, Senior Sessional Member* (2010 and ongoing). This work focussed on commercial and building disputes, with some vocational regulation.

*Anti-dumping Review Board, Member (ADRP)* (Commonwealth) (2015 and ongoing). By way of background, the ADRP reviews decisions of the Minister and the Anti-Dumping Commissioner under Part XVB of the *Customs Act, 1901*. Those decisions relate to the imposition of anti-dumping and countervailing duties of goods exported to Australia. The Part implements Australia's obligations under the *General Agreement on Tariffs and Trade, 1994*. The imposition of measures can have very significant financial effects on the parties and on the Australian industry manufacturing like goods.

I was a Director of the Government Employees Superannuation Board from 2011 to 2019. I was a member of the Superannuation Complaints Tribunal from 2005 to 2011.

## **Contact details**

Postal address:  
Francis Burt Chambers  
Level 25, Allendale Square,  
77 St Georges Tce, Perth,  
Western Australia 6009  
phone: +61 8 9220 0511  
email: [sellis@francisburt.com.au](mailto:sellis@francisburt.com.au)

## **Personal details**

Date of Birth: 27 February 1960  
Nationality: Australian