

RASHDA RANA SC



Rashda is a commercial & construction/infrastructure lawyer with over 20 years' experience in the legal profession. She has worked as counsel and arbitrator in a number of international jurisdictions including London, Australia, Hong Kong, Singapore, Malaysia and China. She has also held the role of General Counsel for Lend Lease Project Management & Construction (formerly known as Bovis Lend Lease), one of the world's leading project management, design and construction companies operating in more than 30 countries worldwide.

She has advised on and conducted major commercial, banking, maritime, insurance, tax, regulatory and construction & infrastructure litigation, arbitration and mediation involving wide ranging issues.

As well as her litigious practice, Rashda has undertaken non-contentious work in drafting, reviewing and settling major project documentation including Defence contracts (Class 1 submarines), infrastructure (rail, roads and tunnels), banking and finance documentation (prospectuses and insurance policies), standard forms such as FIDIC as well as PPP transactional documentation.

Rashda has also been Adjunct Professor teaching law at Sydney University Law School. She devised the undergraduate course in international commercial arbitration and it was the first of its kind in Australia.

Rashda is an active member of a number of significant industry associations, including as current President of ArbitralWomen and the Immediate Past President of the Australian Branch of the Chartered Institute of Arbitrators (CIArb).

Rashda is an experienced CEDR accredited mediator. She has been appointed as arbitrator in a large number of international commercial arbitrations, both institutional and *ad hoc*.

Legal 500 Asia Pacific Rankings 2016 & 2017 (English Bar):

Leading Commercial Silk (international arbitration);

Leading Construction Silk (international arbitration)

Who's Who Legal Arbitration 2016: Leading Lawyer UK Bar (1 of 68) – “incredibly innovative”, “has a no nonsense approach”

Contact details:

E: rashda.ranaSC@39essex.com

M: 0413 130 601

NAME	<u>RASHDA RANA</u>
NATIONALITY	British / Australian
EDUCATION	BA (Hons) Philosophy, M.Phil: Cambridge University City University, London: Dip Law Sydney University: Dip Law
PROFESSIONAL QUALIFICATIONS	Inns of Court School of Law, Gray's Inn, London Bar Vocational Course (Bar School), specialising in International Trade and Taxation Silk (NSW Bar) (2014) Bar of England & Wales (1990) (Middle Temple) Bar of NSW, Australia (1994) Certificate in Management Strategy and Leadership – Australian Graduate School of Management (2010) Sydney University Law School: Former Adjunct Professor (2009-13) CIArb/Oxford University Diploma in International Commercial Arbitration IBA/College of Law, Guildford: Diploma in International Legal Practice Accredited Mediator: NMAS and CEDR CCL Academy London: Compliance Officer Training; Anti-Money Laundering Training

HONOURS & AWARDS

- Who's Who of Australian Women 2017
- *Legal 500 Asia Pacific 2017:*
 - Leading Commercial Silk (International Arbitration)
 - Leading Construction Silk (International Arbitration)
- Listed as 1 of 500 in *Australian Women Lawyers as Active Citizens Register* (part of the Australian Women Archives Project 2016)
- *Legal 500 Asia Pacific 2016:*
 - Leading Commercial Silk (International Arbitration)
 - Leading Construction Silk (International Arbitration)
- *Who's Who Legal 2016 (Arbitration – UK Bar):*
 - *Leading Lawyer* (1 of 68) – '*incredibly innovative*'; '*has a no nonsense approach*'
- Finalist, the Jacinta Fish Legal Mentor Award (2012)

CAREER HISTORY

Dec 2016 – present **6 St James' Hall International, London, Singapore and Australia
Barrister and International Arbitrator**

Role overview:

- Dealing with broad range of issues involving corporate, commercial, banking & finance, insurance, regulatory (globally), insolvency, construction and taxation law as counsel, arbitrator (domestic & international) and mediator

Sep 13 – Dec 2016 **39 ESSEX CHAMBERS, London, Singapore, and Kuala Lumpur
Barrister, Arbitrator, Mediator**

Role overview:

- Dealing with broad range of issues involving corporate, commercial, banking & finance, insurance, regulatory (globally), insolvency, construction and taxation law as counsel, arbitrator (domestic & international) and mediator

Responsibilities include:

- Acted as counsel for regulatory authorities as well as, on other occasions, for directors and companies on a variety of compliance & regulatory matters
- Acted for major banking & financial services organisations on matters involving prospectuses for investment products
- Training on compliance and regulatory matters to a variety of different companies in different industry sectors (banking & finance, insurance, construction, real estate, property development)
- Advised a variety of banks on appropriate policy, procedures, implementation and follow-up of risk review and assessment
- Acted in numerous matters involving commercial matters in the banking & finance services industry
- Acted as counsel and arbitrator in numerous matters concerning construction and infrastructure
- Devising and conducting a training programme for a new regime for personal injury arbitrations - training prospective arbitrators, PI solicitors and insurers (PICARBS)

Feb 12 – Aug 13 **GROUND FLOOR WENTWORTH CHAMBERS, Sydney &
ATKIN CHAMBERS, London – Barrister, Arbitrator & Mediator**

Responsibilities included:

- Dealing with broad range of issues involving corporate, commercial, construction, banking & finance, insurance (globally, including subrogation), regulatory, insolvency, construction and taxation law as counsel, arbitrator (domestic & international) and mediator;
- Advised Australian Taxation office on corporate bankruptcy issues and commercial issues

Oct 09 – Feb 12 **LEND LEASE PROJECT MANAGEMENT & CONSTRUCTION, Sydney
Australia (Head Office) (Formerly known as Bovis Lend Lease)**

General Counsel, Asia Pacific

Responsibilities and achievements included:

- Dealt with a broad range of issues involving corporate, commercial, insurance (globally), tax, insolvency and construction law.

- Responsible for risk assessment and management. Undertook a global risk assessment for insurance purposes
- Dealt with a broad range of legal, commercial and corporate issues in the Asia Pacific region and, in some cases, globally
- Undertaking the due diligence as Team Leader for the acquisition of the Bilfinger Berger companies (Abigroup, Baulderstone Hornibrook and Conneq), including compliance status of target companies
- Undertaking a global risk assessment of the insurance gap risk to all projects and ensuring any gaps in insurance adequately covered
- Corporate responsibility for health and safety
- Global review, assessment and devising plan for anti-bribery & corruption – accepted by Board
- Global review, assessment of all anti-money laundering training
- Liaison with regulatory authorities including on investments, mergers, acquisitions and trade practises activities
- Corporate responsibility and consumer laws
- Built a team from scratch, supervised 16-17 legal counsel, in Asia Pacific
- Assisting on property matters concerning London Olympic Village
- Overall responsibility for Barangaroo (\$6bn regeneration project in Sydney)
- Led sensitive projects such as the ASIO Building; the rehabilitation and upgrade of the only Munitions factory in Australia
- Conducted all negotiations and drafting of all contracts (including debt and equity) on behalf of the D&C JV on 4 different PPPs (PFIs) including insurance risk assessment
- Advised Global Board on all project reviews and risk reviews
- Devised and taught various teaching programs to the businesses, including:
 - Training - D&O obligations to all directors of every company globally
 - Project Risk Assessment Course

Key accountabilities included:

- Leading and managing the delivery of quality and cost effective legal services to drive achievement of client service standards and the business' goals
- Leading the conduct and management of relationships with key businesses to support provision of solutions to complex legal matters that are responsive to client needs
- Determining organisational direction, overseeing business matters including strategy planning, policy, workforce planning and risk and legal matters ensuring sound governance and management of budgets, staff and resources and the achievement of corporate policy and direction in the management and operation of the organisation
- Providing leadership to the Executive group, providing counsel, direction and development opportunities to ensure organisation, personal and professional development objectives are achieved with a strong focus on the development of future organisational leaders
- Provide development, advice, performance feedback and guidance to legal counsel and provide direction as required to ensure the required levels of skills and performance
- Leading the development, implementation, monitoring, review and evaluation of a governance framework to support and drive informed and ethical decision making for the business
- Fostering a culture and philosophy of co-operation, quality people management, commitment to excellence and strong professional ethics, to ensure the client continues to meet and achieve the business' priorities
- Reviewing and Training all Senior Executives and all directors of the Group on bribery & corruption and anti-money laundering matters arising from UK, Australian, Chinese, Singaporean, Malaysian and USA legislation and consequences for whole Group of Companies, including the investment arm
- Providing training on anti-money laundering legislation to mid-tier and other management
- Liaising with regulatory authorities on all matters

Jun 09 – Oct 13

SYDNEY UNIVERSITY, Adjunct Professor teaching Law

Established and taught international commercial arbitration at the Law School, the first course of its kind in Australia

Jul 08 — Jun 09

**HOLDING REDLICH, Sydney
Partner Construction & Infrastructure Dispute Resolution**

Engaged to establish a construction dispute resolution team

Responsibilities included:

- Acted as counsel in a number of oil, gas and energy matters, including for Rio Tinto
- Acted as counsel in numerous Mining and Water disputes
- Acted for the Bluewater Joint Venture (John Holland and Veolia) in relation to issues arising on the construction of the Sydney Desalination Plant
- Acted for EDI Downer on various projects (transactional and dispute resolution)

Mar 07 – Jun 08

NIGEL BOWEN CHAMBERS, Sydney – Barrister & Arbitrator

Responsibilities as below role (Mar 94 – May 05)

Jun 05 – Mar 07

**HAILSHAM CHAMBERS, London - Barrister & Arbitrator
Construction, professional negligence, commercial and insurance**

Responsibilities included:

- Acted for major international construction companies, for example:
- Multiplex (Wembley Stadium)
- Bovis Lend Lease (on a number of different projects – insurance and commercial matters including risk management)
- Acted for Zurich in drafting specific insurance policy to cover unusual risks in Defence and infrastructure projects
- Dealt with a variety of regulatory matters for and against the FSA (forerunner of the FCA)

Mar 94 – May 05

NIGEL BOWEN CHAMBERS, Sydney – Barrister

Commercial, specialising in Building & Construction law, Insurance, Banking & Finance law, Tax & Insolvency law advisory and advocacy on major projects

Responsibilities included:

- Acted as counsel for regulatory authorities as well as, on other occasions, for directors and companies on a variety of compliance & regulatory matters
- Acted for major banking & financial services organisations on matters involving prospectuses for investment products
- Appeared for Citibank in a lengthy and complex case brought by the National Mutual Group of Companies against Citibank as a tort-feasor in respect of 132 of its customers who were also investors in financial products sold by the National Mutual. The alleged liability involved the negligent provision of services to the borrower/investor; in particular, the negligent provision of investment advice
- Fraud prosecutions for the DPP (concerning former Commonwealth Bank employees involved in procuring loans by deception; concerning National Australia Bank employees involved in a skimming scam)
- Appeared for the liquidator of the Linter Group (one of the largest liquidations in Australian history) in a claim by debenture holders (headed by Allstate Insurance) with an approximate value US\$200 million, involving misleading or deceptive statements in a

- prospectus and advice and conduct of various claims on proofs of debt amounting to over AUS\$1 billion. This case also involved the interpretation of D&O policies
- Other Barnes v Addy type claims involving restitutionary principles including a matter in the Supreme Court of Western Australia, Karri Oak Limited (in liquidation) & Ors v St George Bank Limited (claim for approximately \$10 million)
 - Acted for a number of different companies in different sectors (banking, pharmaceuticals, insurance, construction, mining and energy) in civil prosecutions, including where criminal sanctions could be applied
 - Advised and acted for the Australian Government in relation to various defence contracts, including Collins Class 1 submarines
 - Various commercial cases including for Holly Valance arising from her sacking her manager; for the Ambulance Service; for the Catholic Church
 - Acted extensively for Abigroup in relation to the construction of Superdome (Sydney 2000 Olympics venue). Acted for Abigroup in many other disputes including a dispute about the construction of a spillway to Warragamba Dam
 - Other disputes involving other Olympic venues including the International Aquatic Centre against the State of NSW (for Bovis Lend Lease, the main contractor), for Multiplex on the Olympic Stadium (including its conversion post Olympics) and the earthworks contract for levelling whole of the Olympic Park site (successfully arbitrated for Daracon Engineering Pty Limited)

92 – 94

MORRIS FLETCHER CROSS, Sydney
(Solicitors - Merged with Minter Ellison)

- Conducted a major building arbitration over 12 months, as junior counsel whilst requalifying for the Sydney Bar

Jan 90 – Dec 92

ATKIN CHAMBERS, London-Barrister
specialising in Building & Construction law

BOARD & COMMITTEE POSITIONS

President (Chair 2014-present; Treasurer 2010-14, Director 2008-2010), Arbitral Women
President (Chair 2013-14; Director 2008-14), Chartered Institute of Arbitrators (Australia)
Director, Fundraising and Development Board of the Personal Support Unit (2016-present)
Founding Director (2009), Vice Chair (2011-13), Society of Construction Law Australia Pty Limited
Director, ACICA (2010-15)
 Chair (2016-present) Examination Board, Standing Committee of the CI Arb (London)
Chair (2013-15), Education & Membership Standing Committee of the CI Arb (London)
Chair (2008-2013), Education Committee (Australia)
Co-Chair (2013-present), Dispute Resolution Subcommittee of the IBA International Construction Projects Committee of the IBA
Secretary (2009-13), Negligence & Damages Committee of the IBA
Chair (2000-2005), Equal Opportunities Committee Bar Association

MEMBERSHIP OF INDUSTRY ASSOCIATIONS

Fellow CI Arb; Course Director of Diploma Course in International Arbitration (Asia)
 Fellow International Bar Association (IBA)
 Fellow Commercial Law Association of Australia
 Fellow Prime Dispute Online Services

Member London Court of International Arbitration (LCIA)
 Member International Chamber of Commerce, Australia
 Member Australasia Forum for International Arbitration (AFIA)
 Member Inter-Pacific Bar Association
 Member Arbitration Committee, International Institute for Conflict Prevention and Resolution

Member Singapore Chamber of Maritime Arbitration
Member Dispute Resolution Boards Australia
Member Dispute Resolution Boards Federation

Member Society of Construction Law (UK)
Member National Association of Women in Construction (Australia and UK)

PANEL ARBITRATOR

ACICA; CIETAC; DIFC-LCIA; DIS; HKIAC; ICC; KLRCA; KCAB; LCIA; PIAC; SIAC; VIAC.

TEACHING EXPERIENCE

Teaching senior executives of banks, construction companies and insurance companies requirements for Governance, Risk and Compliance, incorporating anti-bribery and corruption and anti-money laundering components

Teaching at and Course Director for the International Commercial Arbitration Diploma course, a Chartered Institute of Arbitrators course which commenced in 2007. The 2008 course was held in KL, Malaysia in June 2008; the 2009 & 2011 courses were held in Sydney, in 2010 the course was held in Penang, Malaysia and the 2012 and 2013 courses were held in Kuala Lumpur and Melaka, Malaysia; the 2014 Course was held in Penang in April and the 2015 Course was held in KL, Malaysia

Devising and teaching a variety of different courses, including in arbitration in banking & finance (on the ISDA form of Master Agreement), preparation for Islamic banking and finance arbitration (with the CI Arb and INCEIF Global Islamic University), construction law, banking law and contract law. Adjunct Professor at Sydney University teaching International Commercial Arbitration

Teaching an exclusive Construction Law and Judicial Review Course to 150 members of the Malaysian Judiciary in conjunction with the KLRCA

PUBLICATIONS

'International Commercial Arbitration', Rana & Sanson, Thomson Reuters (2011)

Mediation Techniques, IBA e-book publication (chapter on "Preparing to act as counsel in a mediation")

'Alternative Dispute Resolution in Asia – a handbook for in-house counsel' (LexisNexis, Singapore, Nov 2014)

Book Review: Jan Paulsson's 'The Idea of Arbitration' published in Transnational Dispute Management (Sep 2014)

TDM/ArbitralWomen Special Edition edited by Rashda Rana SC and Louise Barrington currently in preparation: 'Dealing with Diversity in International Arbitration' (launched in London on 2nd July 2015)

PRESENTATIONS AND PUBLISHED PAPERS

Rashda's presentations and publications are extensive. A full list may be obtained by request.

Recent examples include:

Unconscious Bias: Recognising and Managing (ArbitralWomen/VIAC joint seminar, Vienna 2016)

Pure Economic Loss in Construction: Position in England & Australia (Singapore, Aug 2015)

Dealing with Diversity in International Arbitration, TDM Special Issue (July 2015)

Minority repression suits under Malaysian Companies Legislation (Mar 2015)

Give me a Break! Interim Measures – Emergency Arbitrator, IBA Tokyo (ICP Committee) (Oct 2014)

The Growth of In-House Counsel in Asian Businesses (Kuching Jun 2014).