



## RUWAN WATHUKARAGE

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Ninth Floor Selborne Chambers, Level 9  
174 Phillip Street, Sydney NSW 2000.

Master of Laws, Litigation and Dispute Resolution, University of Queensland  
Graduate Diploma in Applied Law, University of Queensland  
Attorney at Law (Final Examination), Law College of Sri Lanka

Admitted to the legal profession 2008  
Admitted as a barrister in NSW 2018  
Also entitled to practice in All Australian jurisdictions  
(Commonwealth, State and Territory)

### Principal areas of practice

Building and Construction law  
Equity and Commercial Law  
Mediation & Alternative Dispute Resolution  
Constitutional and Administrative Law  
Industrial and Employment Law  
Family provision & Probate  
Contract and Property Law  
Public Law

### Experience

As a barrister, I have appeared in matters before the Court of Appeal, Supreme Court, District Court, Local Court and the Federal Court. I am also a passionate advocate of mediation and ADR. I use my combined experience in mediation and litigation to bring the best possible outcome for the clients in the most cost-effective manner.

### Accreditations and memberships

Nationally Accredited Mediator (NMAS/2013)  
Practitioner member, Australian Dispute Resolution Association  
Professional member, Resolution Institute

### Additional information

Since 2009, I have mediated more than 1000 disputes as a qualified mediator. I offer mediation services in all areas of law.

### Publications

Wathukarage, Ruwan. "Independence of The Judiciary in Sri Lanka: An Institutional Analysis of Its Woes." *LAWASIA Journal*, (2007): 187-209.

## SELECTED CASES AS COUNSEL

- *Bangladesh Islamic Centre of NSW Inc v Elzamtar* [\[2021\] NSWCA 198](#), application to receive further evidence, counsel for the appellant.
- *Matthew Bryant Smith v Coles Supermarkets & Chandler Macleod Group Limited* [\[2020\] NSWCA 206](#), personal injury, led by Michael Cranitch SC.
- *Taouk v Ho* [\[2019\] NSWCA 156](#), building and construction dispute, led by Ian Roberts SC.
- *Avant Insurance Ltd v Burnie* [\[2021\] NSWCA 272](#), Appeal against the DC decision to join the insurer under TPC Act 2017, medical negligence, counsel for the respondent led by Andrew Campbell.
- *Matthew Bryant Smith (Plaintiff) v Coles Supermarkets Australia Pty Ltd trading as Coles Distribution Centre(defendant/cross-claimant) and Chandler Macleod Group Limited(cross-defendant)* [\[2020\] NSWCA 206](#), personal injury, counsel for the plaintiff led by Stephen M Cranitch SC.
- *Menz v Wagga Wagga Show Society Inc (No 3)* [\[2019\] NSWSC 541](#), tort negligence- personal injury, led by Michael Cranitch SC.
- *R v Kulwinder Singh* [2017/2019], Murder, nine-week jury trial, led by Margaret Cunneen SC.
- *Christine Gay Knoll v Suzanne Lee Buxton* [2021/00153395], NSWSC, family provisions, counsel for the defendant.
- *Malcolm Stuart Hill by his tutor Shane Joseph Hudson v Trevor John Hill and others*, [2019/00307695], NSWSC, family provision, counsel for the plaintiff.
- *Rebecca Doraisamy and others v Kathrin Dorisamy and others*, [2020/00271580], NSWSC, family provision, counsel for the plaintiff.
- *Marketlend v Globo Hydro Power Australia Pty Ltd and others* [2019/58341], NSWSC, breach of contract-personal guarantees, counsel for the fifth defendant.
- *Bangladesh Islamic Centre of NSW v Dr Rashid Raashed & others* 2021/358541, NSWSC, counsel for the defendants.
- *Pierre Kassouf v Alex Rahman* [2021/342969] NSWSC, intentional tort, counsel for the defendant.
- *Anthony Smyth v Sha Zou* NSD1013/2019, FCA, breach of contract, misleading and deceptive conduct, counsel for the respondent.
- *China Towing Pty Ltd v Hatzipapa* [\[2018\] NSWDC 345](#), The case concerned a claim for money converted from a company bank account by the defendant who managed the plaintiff company's business, led by Thomas Dixon.
- *Tara Burnie v Dr Leslie Blackstock* [\[2020\] NSWDC 452](#), counsel for the plaintiff/applicant.
- *Matthew Jackson v Blue Mountains Katoomba Local Health District*, [2020/00126289], NSWDC, medical negligence, counsel for the plaintiff.

- *Laurellen Davis v Blue Mountains Katoomba Local Health District*, [2020/00126294], NSWDC, medical negligence, nervous shock, counsel for the plaintiff.
- *Michael Rubino v Dr Soroush Ziaee*, [CS256/2017], ACTSC, medical negligence, counsel for the plaintiff.
- *Build Direct Global & Fuzhon Builddirect Limited v Wet Design Group Limited* [2015/00303537], NSWDC, breach of contract-misleading and deceptive conduct, led by Shane Prince SC.
- *Commercial Waterproofing & Tilling PTY LTD v Elie Chami* [2020/00312786], NSWDC, Building and Construction-Home Building Act-defective tiling work, counsel for the defendant.
- *Natalie Hillman v South Eastern Sydney Local Health District* [2020/00289467], NSWDC, medical negligence, counsel for the plaintiff.
- *WIG 2005 Pty Ltd v Joshua Peters* [2017/378366], NSWLC, breach of contract-wages, led by Shane Prince SC.

#### New South Wales Civil and Administrative Tribunal-NCAT

- *Estate of Bovaird v Milstern Retirement Services Pty Ltd* [\[2022\] NSWCATAP 75](#), recurrent charges dispute, counsel for the applicant.

#### Fair Work Commission

- *Bennie, Salvanah v Sunnyhaven Disability Services Ltd* [U2020/11119], unfair dismissal, counsel for the applicant.
- *Mandacha, Alexandra v Blink Property Queensland Pty Ltd* [U2020/11829], unfair dismissal, counsel for the respondent.

#### Personal Injury Commission

- *Intelligent Structures Pty Ltd v iCare* [\[2021\] NSWPIC 333](#), dispute liability of Intelligent Structures to pay section 145 Notice to Reimburse, counsel for the applicant.

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#### Previous work experience

- Solicitor, Zhang Partners Solicitors, Bella Vista, NSW (2017-2018).
- Director/Mediator in chief, Beyond Resolutions Dispute Resolution Services, QLD (2013-2016).
- Mediator/Case Manager, Relationships Australia, QLD (2009-2016).
- Graduate Solicitor, Smith & Associates Solicitors, QLD (2008-2008).
- Research Assistant, T.C Bernie School of Law, University of Queensland, QLD (2006-2007).