



RUWAN WATHUKARAGE

Barrister & Commercial Mediator (NMAS), MCIArb

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

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Admitted to the legal profession 2008
Admitted as a barrister in NSW 2018
Also entitled to practice in All Australian jurisdictions



Principal areas of practice

Building & Construction Law
Equity & Commercial Law
Insurance & Reinsurance
Succession & Probate
Industrial & Employment Law
Australian Consumer Law
Mediation, Domestic & International
Arbitration

Experience

My practice is defined by precision, strategic insight, and a results-driven approach. I have consistently managed complex, high-value matters -both led and unled- from commencement through to final hearing, with regular appearances in the Supreme Court and District Court. As a persuasive and strategic advocate, I bring a broad and nuanced perspective to each case, drawing on my experience across litigation, mediation, and arbitration.

Since 2009, I have mediated over 1,000 disputes in all areas of law. I employ an organic, client-centric mediation process to explore every aspect of the conflict and discover the dispute's challenges, possibilities, and opportunities.

Accreditations & memberships

Member, NSW Bar Association
Member, Australian Bar Association
Member, Chartered Institute of Arbitrators, London
Panel Mediator-Australian Dispute Centre (ADC)
Panel Mediator-ResoX-Singapore
Nationally Accredited Mediator (NMAS/2013)

Additional Information

Selected as an Expert Assessor/Judge at leading international mediation and negotiation competitions, including:

- the 20th ICC Mediation Week hosted by the International Chamber of Commerce in Paris in February 2025; and
- the upcoming 10th IBA-VIAC CDRC Mediation and Negotiation Competition in Vienna (July 2025).

SELECTED CASES AS COUNSEL

Court of Appeal (NSWCA) and Supreme Court of New South Wales (NSWSC)

- *Smart Commercial Solar Pty Ltd v Beyond Zero Technologies Pty Ltd* [2024/421416] NSWSC; breach of contract, counsel for the plaintiff.
- *Discount Compound Pharmacy Pty Ltd v The Council of City of Sydney* [2024/209721] NSWSC; breach of contract, misleading and deceptive conduct, breach of the *Retail Lease Act 1994*, NSW; counsel for the defendant and the cross-claimant.
- *Secure Funding Pty Ltd v FC Mansour Pty Ltd, in its capacity as trustee for FC Mansour Unit Trust and Fadi Mohamad Mansour* [2024/260765] NSWSC; breach of contract, possession; counsel for the defendant.
- *Anthony Charles Cross v Edward Samuel Cross* [2023/344432] NSWSC; family provision; counsel for the defendant.
- *Eugenie Elizabeth Osterberg-Olsen v Garry William McGrath* [2023/39504] NSWSC; family Provision; counsel for the defendant.
- *Clifford Construction (In Liquidation) v G and Z Form Group and others* [2023/127386] NSWSC; unfair preference payment counsel for the first defendant.
- *Animal Kingdom Gym Pty Ltd v Timothy Perry* [2023/364116] NSWSC; injunction, restraint of trade; counsel for the defendant.
- *Huang v Nazaran* [\[2023\] NSWCA 8](#), judicial review; counsel for the applicant led by Garry McGrath SC.
- *Ziaee v Rubino* [\[2023\] ACTCA 7](#), personal injury; counsel for the respondent led by Andrew Campbell.
- *Riva NSW Pty Limited & Others v Key Nominees Pty Ltd* [\[2023\] NSWSC 71](#); appointment of a receiver; counsel for the first and third plaintiffs.
- *Re Estate Buxton: Knoll v Buxton* [\[2023\] NSWSC 819](#), family provision; co-counsel for the defendant.
- *CS1 Evaline Pty Ltd v Ong* [\[2023\] NSWSC 1065](#), breach of contract, specific performance; co-counsel for the plaintiff.
- *Min Sheng Investment Pty Ltd, trading as Min Sheng Investment Pty Ltd, is trustee for Min Sheng Investment Trust v Skyland Australia Developments Pty Ltd in its own capacity and as trustee for SAD Unit Trust* [2022/366623] NSWSC; breach of contract, unconscionable conduct; counsel for the plaintiff, led by David Prichard SC.
- *Qing Li v Novatti Group and Xiadi Chen* [2022/131105] NSWSC; shareholder dispute, unconscionable conduct; counsel for the first defendant.
- *John Bernard English & Other v Transport for New South Wales and Fulton Hogan Construction* [2022/291870] NSWSC; removal of support, negligence; counsel for the plaintiffs.
- *Bangladesh Islamic Centre of NSW Inc v Elzamtar* [\[2021\] NSWCA 198](#), application to receive further evidence; co-counsel for the appellant.
- *Avant Insurance Limited v Burnie* [\[2021\] NSWCA 272](#); Insurance Contracts Act 1984 (Cth) ss 40, 54;

counsel for the respondent led by Andrew Campbell.

- *Matthew Bryant Smith v Coles Supermarkets & Chandler Macleod Group Limited* [[2020 NSWCA 206](#)], personal injury; led by Michael Cranitch SC.
- *Rebecca Doraisamy and others v Kathrin Doraisamy and others* [2020/00271580] NSWSC; family provision; counsel for the plaintiff.
- *Matthew Jackson v Blue Mountains Katoomba Local Health District* [2020/00126289] NSWSC; medical negligence; counsel for the plaintiff.
- *Laurellen Davis v Blue Mountains Katoomba Local Health District* [2020/00126294] NSWSC; medical negligence, nervous shock; counsel for the plaintiff.
- *Taouk v Ho* [[2019 NSWCA 156](#)]; building and construction; counsel for the applicant led by Ian Roberts SC.
- *Menz v Wagga Wagga Show Society Inc (No 3)* [[2019 NSWSC 541](#)], tort negligence- personal injury; counsel for the plaintiff led by Michael Cranitch SC.
- *Marketlend v Globo Hydro Power Australia Pty Ltd and others* [2019/58341] NSWSC; breach of contract- personal guarantees; counsel for the fifth 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.
- *R v Kulwinder Singh* [2017/2019] NSWSC; murder, nine-week jury trial; counsel for the defendant led by Margaret Cunneen SC.

Federal Court of Australia

- *Smyth v Zou* [[2023 FCA 409](#)]; breach of contract, misleading and deceptive conduct; co-counsel for the defendant.

District Court of NSW (NSWDC)

- *Demon Henshaw v Owner Corporation Strata Plan 92042* [2024464276] NSWDC; preliminary discovery; counsel for the defendant.
- *Tiffany Chang v Wei Lan* [2023/126985] NSWDC; misleading and deceptive conduct; counsel for the defendant.
- *SafeWork NSW v G and Z Form Group Pty Ltd* [[2023 NSWDC 177](#)], workplace health and safety; counsel for the defendant led by Ingmar Taylor SC.
- *Bronxx Tonkin Pty Ltd v Elite Civil Pty Ltd* [2021/350736] NSWDC; breach of contract; counsel for the defendant.
- *Commercial Waterproofing & Tilling PTY LTD v Elie Chami* [2020/00312786] NSWDC; building and construction; counsel for the defendant.
- *China Towing Pty Ltd v Hatzipapa* [[2018 NSWDC 345](#)]; torts, wages; counsel for the plaintiff led by Tom Dixon.
- *Build Direct Global & Fuzhon Builddirect Limited v Wet Design Group Limited* [2015/00303537] NSWDC; breach of contract-misleading and deceptive conduct; counsel for the plaintiff led by Shane Prince SC.

New South Wales Civil and Administrative Tribunal (NCAT)

- *George Konidaris & Tina Konidaris v Sirigos Development* [HB22/49514], [HB23/04770] NCAT; home building; counsel for the defendant.
- *The Owners- Strata Plan No; 102171 v Ceerose Pty Ltd and Zone Q* [HB: 23/02170] [HB 22/48969] NCAT; building and construction; counsel for the second respondent, developer.
- *Brooke Hayne & Mark Wright v Adam Elford* [HB/202344206] NCAT; home building; counsel for the plaintiffs.

Previous Experience

Prior to being called to the Bar, I practised as a solicitor in New South Wales (Zhang Partners Solicitors) and Queensland (Smith & Associate Solicitors), with a focus on commercial litigation and family law. As an accredited mediator, I worked part-time with Relationships Australia (QLD) while operating my own mediation practice. I regularly conducted complex, multi-party mediations across a broad range of legal areas, including commercial disputes, family law, and community matters.

Publications

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