



ANNUAL CONSTRUCTION LAW CONFERENCE 2012

Grand Park City Hall, Singapore

Wednesday, 25 July 2012, 9.00 a.m. to 6.00 p.m.

About this Conference

The SCL Annual Conference, now into its 7th year, features again a panel of respected speakers from Singapore and internationally. This Conference is for anyone who has an interest in legal developments in the construction industry.

The morning session will deal with Rights and Liabilities in Construction Contracts.

The afternoon session will cover Latest Developments in Construction Law, locally and internationally.

Program Outline

Who Should Attend

- Architects, developers, contractors, engineers, project managers, consultants, managing agents, management corporations and other professionals involved in the construction industry who deal with legal, regulatory and contractual issues
- Construction consultants
- Law, building & construction academics and students
- In-house counsel & legal officers working in the construction industry
- Lawyers

08.30 – 09.00	Registration & Refreshments
09.00 – 09.10	Welcome Address by Chair of Morning Session <i>Christopher Nunns – Chairman, Society of Construction Law (Singapore); Managing Director, FTI Consulting (Singapore)</i>
09.10 – 09.30	Opening Address <i>Justice Quentin Loh - Judge, Supreme Court</i>
MORNING SESSION: Rights and Liabilities in Construction Contracts	
09.30 – 10.10	Session 1: Extension of Time And Additional Cost – A Legal Perspective The reiteration of the basic principle of factual causation in claims for extension of time as recently illustrated in <i>Adyard v. Marine</i> (2011) and the necessary nexus required to attain the additional costs for such delay.
	<i>Speaker:</i> <i>Mark Raeside QC – Atkin Chambers</i>
10.10 – 10.50	Session 2: Insight into Procurement for Complex Projects Winston shall be sharing on his experience with the procurement of the more complex and challenging projects in Singapore and regionally. He will touch upon specific aspects of the different procurement arrangements, and their contractual rights and liabilities.
	<i>Speaker:</i> <i>Winston Hauw - Managing Partner, Rider Levett Bucknall</i>
10.50 - 11.10	Morning Break
11.10 - 11.50	Session 3: Can Design Responsibility Be Shared? Simon will look at the underlying concept of 'design' and the way in which design is managed within standard form engineering and construction contracts (such as FIDIC) and then will consider the ways in which, in complex projects, various parties carry elements of 'design' responsibility. Simon will consider the ways in which this process can best be managed, and examine situations where the 'sharing' of design is not well-managed and leads to difficulties and disputes.
	<i>Speaker:</i> <i>Simon Hughes QC - Keating Chambers</i>
11.50 - 12.30	Morning Panel Discussion and Q&A Session
12.30 – 13.45	Lunch Break
AFTERNOON SESSION: Latest Developments in Construction Law	
13.30 – 13.45	Registration for Afternoon Session
13.45 – 13.50	Introductions & Opening Remarks <i>Anil Changaroth – Vice Chairman, Society of Construction Law (Singapore)</i>



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13.50 – 14.30	<p>Session 4: Fallen Crane – Who’s to Blame? The recent Court of Appeal decision in <i>Tan Juay Pah v Kimly Construction Pte Ltd & Ors</i> [2012] SGCA 17 involving the civil liability of an Authorised Examiner for the collapse of a Tower Crane at the National University of Singapore (NUS) highlights a number of important issues on how to safeguard contractual rights and the purpose of the WSH Regime. The seminar covers the implications of the Court of Appeal decision in this case and ways to safeguard your rights under contract, tort and insurance for safety related risks.</p>
	<p><i>Speaker:</i> <i>Christopher Chuah - Head, Construction & Engineering Practice, WongPartnership LLP</i></p>
14.30 – 15.10	<p>Session 5: Jurisdictional challenges in the enforcement of decisions by Dispute Boards and Adjudicators Discussion of the recent decisions in <i>CRW v PGN</i> [2011] SGCA 33 and in <i>Chua Say Eng</i> [2011] SGHC 109 which are important for the enforcement of claims made on an interim basis</p>
	<p><i>Speaker:</i> <i>Philip Jeyaretnam, SC – Managing Partner, Rodyk & Davidson LLP</i></p>
15.10 – 15.30	Afternoon Break
15.30 – 16.10	<p>Session 6: Updates in Construction Law (International) The talk will look at some recent developments in construction law that may have a practical impact on all practitioners such as:</p> <ul style="list-style-type: none"> • Changes in the thinking in relation to time related claims which may impact upon who should prepare and how they should prepare delay claims so as to prove the delay, concurrent causes and the recovery of prolongation costs. Is the role of the Claims Consultant over? • The common misconceptions as to what and when obligations and rights are to be implied into contractual situations in particular in relation to the principles of fairness, good faith and due diligence. What principles can we rely upon when considering a construction contract? • Some developments in methods of dispute resolution beyond the traditional contractual arbitration processes including Bilateral Investment Treaty Arbitrations and Med-Arb. Have we considered all the options when contemplating dispute resolution?
	<p><i>Speaker:</i> <i>John Bishop – Partner, Pinsent Masons LLP, Beijing</i></p>
16.10 – 16.50	Afternoon Panel Discussion and Q&A Session
16.50 – 17.00	<p>Conference Closing Remarks <i>Anil Changaroath – Vice Chairman, Society of Construction Law (Singapore)</i></p>
17.00 – 18.00	<p>Networking cocktails As part of our 10th Anniversary celebration, we welcome all delegates to enjoy a round of drinks at “The Bar”</p>

About the Session Speakers and Chairpersons (in speaking order)

Mr. Christopher Nunns - Chairman, Society of Construction Law (Singapore); Managing Director, FTI Consulting (Singapore)

Christopher Nunns is a Managing Director of Construction Solutions for FTI Consulting (Singapore). Prior to joining FTI Consulting, Chris had over 30 years’ experience in the international construction industry working with both contractors and consultants. For the last 25 years he has been based in Singapore. He has given expert evidence for arbitration and court proceedings on numerous occasions and is a regular speaker at seminars and conferences in Singapore. Chris is an accredited adjudicator in Singapore. Chris is currently Chairman of the Society of Construction Law in Singapore and is a member of the ICE Editorial Advisory Panel.

Mark Raeside QC – Atkin Chambers

Mark Raeside QC is one of the General Editors of Hudson, 12th edition. He acts in substantial and complex domestic and international litigation and arbitration, often of a highly specialist and sensitive political nature. He has represented UK and



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overseas governments, employers, developers, contractors, sub-contractors and professional advisors across the world. He has spent long periods of time overseas, working in difficult and challenging situations. As well as appearing as party representative and advocate, Mark has substantial experience acting as arbitrator (sole appointee, party appointee and chairman), mediator and expert on disputes world-wide, including in the Middle East and South-East Asia.

Mr. Winston Hauw - Managing Partner, Rider Levett Bucknall

Mr Winston Hauw is the Managing Partner of the Singapore practice of Rider Levett Bucknall, a leading global property and construction consultancy practice with over 100 offices world-wide. He has a strong background in cost management and quantity surveying, and has over 30 years of experience in many landmark and complex developments in Singapore and regionally. Mr Hauw sits on the Panel of the Strata Titles Board, and serves on the Singapore Green Building Council Board and other institutional bodies.

Mr. Simon Hughes, QC - Keating Chambers

Simon Hughes has been a Member of Keating Chambers since 1996 and has rapidly acquired an impressive practice in his specialist fields of construction, engineering, power-plant and shipbuilding work both domestically and internationally. He has worked on major construction projects in Hong Kong; has undertaken extensive work for a Singaporean shipbuilder; was involved in a multi-million pound dispute at a major UK International Airport in relation to the design, re-design and construction of the aircraft ground lighting and landing systems. Simon spent much of 2009 leading the defence of a claim against Rolls-Royce plc for over \$100 million in relation to a cogeneration plant which was heard in the Auckland High Court. More recently Simon has appeared in a DIAC (Dubai) arbitration where his client (an Italian multi-national) is claiming extensions of time for works at a passenger terminal and a case in the Court of Appeal in Trinidad and Tobago and was called to the Bar in Trinidad & Tobago as specialist Counsel to argue the Appeal.

Anil Changaroth – Vice Chairman, Society of Construction Law (Singapore); Partner, Aequitas Law LLP

Anil, a partner with Aequitas Law LLP is currently the Vice Chairman of Society of Construction Law (Singapore). He has been in practice since 1995 and his work primarily involves Commercial, Civil, Corporate & Criminal Litigation and Dispute Resolution with a focus on Construction, Infrastructure & International Arbitration.

Mr. Christopher Chuah – Head-Infrastructure, Construction & Engineering Practice, WongPartnership LLP

Christopher Chuah heads WongPartnership's Infrastructure, Construction & Engineering Practice and is a Partner in the China Practice. His main areas of practice encompass both front-end drafting/advice and construction disputes, both litigation and arbitration. He is a Fellow of the Singapore Institute of Arbitrators and Chartered Institute of Arbitrators, as well as the Chartered Institute of Building. He has also been appointed to the Singapore International Arbitration Centre's Main Panel of Arbitrators and is also on the Panel of Arbitrators of the Kuala Lumpur Regional Centre for Arbitration (KLRCA). Christopher is an accredited Adjudicator under the Building & Construction Industry Security of Payment Act (Cap 30B).

Mr. Philip Jeyaretnam, SC – Managing Partner, Rodyk & Davidson LLP

Philip Jeyaretnam, SC is Managing Partner of Rodyk & Davidson LLP. Philip graduated from Cambridge University and was a visiting Fulbright Fellow at Harvard Law School. He was admitted to the Singapore Bar in 1988, and was appointed Senior Counsel in January 2003. Philip was President of the Law Society of Singapore from January 2004 to December 2007. He was the founding chairman of the Society of Construction Law, Singapore. Philip is named as a leading individual for dispute resolution in both Chambers Asia Pacific 2012 and Legal 500 Asia Pacific 2012. He is a member of the Public Service Commission, the constitutional body that oversees the public service in Singapore.

Mr. John Bishop – Partner, Pinsent Mason LLP, Beijing

John is a solicitor qualified in both England and Wales (1971) and Hong Kong (1983) and has been practising as a construction lawyer for over 40 years. In the past he was variously Head of Construction, Managing Partner and Senior Partner at Masons (now Pinsent Masons). In 2003 he moved to Hong Kong to head up the Asia Pacific practice and in 2007 he moved to China to open the firm's Beijing Office. John now divides his time between the Beijing and Dubai offices of Pinsent Masons. He is recognised by all the leading directories as one of the World's Leading Construction Lawyers and has been selected as the "Experts Expert" and "Leader in the Field" by his fellow practitioners. In 2007 he was awarded the highly prestigious Clare Edwards Award for lifetime contribution to construction law. He also practices as Arbitrator, Adjudicator, Facilitator, Conciliator, DAB Member and Mediator. John is President of The Technology and Construction Solicitors Association and past Dean of the Faculty of Mediation & ADR and Vice Chairman of the Academy of Experts. He has served on numerous industries related committees and conducted several leading cases and arbitrations around the world. John has been appointed to the CIETAC and Beijing Arbitration Commission Panels of Arbitrators. He is the only Mediator in China listed amongst the world's leading mediators by *Whoswholegal* 2011. John is also a regular lecturer on construction law and dispute resolution including on the prestigious Tsinghua University programmes.



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REGISTRATION CLOSING DATE: 18 July 2012 You may also <u>register & pay online</u> for this event on our website at www.scl.org.sg.	FEES (includes refreshments, lunch & materials, if any)
SCL (Singapore) Members	S\$325.00
Guests of SCL Members, Members of other international SCLs, Chartered Institute of Arbitrators (Singapore) Ltd (CI Arb), Chartered Institute of Building (CIOB), Singapore Contractors Association Ltd (SCAL), Singapore Institute of Architects (SIA), Singapore Institute of Arbitrators (SI Arb), Singapore Institute of Surveyors and Valuers (SISV), Full Time NUS Law Students & Faculty	S\$425.00
Others	S\$525.00

Please return the registration form below, together with your cheque, if applicable, made payable to "Society of Construction Law (Singapore)", Level 16 Malacca Centre, 20 Malacca Street, S048979" or **Fax to (65) 31273797**.

REGISTRATION, REFUND & CANCELLATION POLICY

1. Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
2. We regret that we generally do not issue invoices or accept payments at the event.
3. Refunds for cancellation are not possible after the registration closing date.
4. We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.

For further enquiries, please contact the SCL (SINGAPORE) SECRETARIAT:

Tel & Fax: (65) 31273797 (no 6 prefix required)

E-mail: secretariat@scl.org.sg

REGISTRATION FOR SCL (SINGAPORE) MEMBERS & THEIR GUESTS

(Please use 1 form per Member)

Name: _____ NRIC/Passport No.: _____ SCL Membership No.: _____

Tel: _____ Fax: _____ E-mail: _____

I will be attending and I enclose my payment of \$325.00. *(A valid email address is required for confirmation of registration.)*

Please reserve _____ seats for my guests and I enclose payment of \$425.00 per guest. My guest(s) are:

Name(s)	Organisation	Designation	Email

I enclose a cheque for SGD _____ made payable to "Society of Construction Law (Singapore)".

REGISTRATION FOR NON-SCL (SINGAPORE) MEMBERS

(Please use 1 form per registrant.)

I am a: *(Please select as appropriate.)*

SCL Mbr: _____ *pls state branch* **CI Arb Mbr** **CIOB Mbr** **SCAL Mbr** **SIA Mbr** **SI Arb Mbr** **SISV Mbr** **Full Time NUS Law Student/NUS Law Faculty** **Other**

Name (Dr/Mr/Mrs/Miss/Mdm): _____

Name and Address of Organisation: _____

Position in Organisation: _____ NRIC/Passport No: _____

Membership No: _____ *(Mandatory to process registration. Please check with your respective membership body.)*

Tel: _____ Fax: _____ Email: _____

(A valid email address is required for confirmation of registration.)

I enclose a cheque for SGD _____ made payable to "Society of Construction Law (Singapore)".