



SINGAPORE INSTITUTE OF ARBITRATORS

Proudly Presents

“Enforceability of Tiered Alternative Dispute Resolution Mechanisms”

Thursday, 23 August 2012 | 5.45pm | Thursday, 23 August 2012 | Room Anson II, M Hotel Singapore (Level 2)

**Sign up early to enjoy early bird discount
(valid till 3rd August 2012)**

About the Seminar:

Tiered dispute resolution provisions for mediation, expert determination, neutral evaluation and/or adjudication are now commonplace in many standard form contracts where they are deployed in conjunction with arbitration.

To what extent are they enforceable in the event a party to such contracts refuses to comply but proceeds with arbitration?

To what extent are decisions from such ADR tribunals final, binding and enforceable?

This seminar explores the enforceability of such contract provisions or agreements in Singapore and its impact on arbitration; as well as other issues concerning the co-existence and co-ordination of these other dispute resolution mechanisms in conjunction with arbitration.

The seminar will also look at the rationale and policies in recent court decisions concerning such other ADR methods and their relationship to arbitration and litigation such as *CRW Joint Operation v PT Perusahaan Gas Negara (Persero) TBK* [2011] S.G.C.A 33 (which involves setting aside of an arbitration award procured after a Dispute Board's decision); *Barclays Bank Plc v Nylon Capital LLP* [2011] EWCA Civ 826 (which involves a stay of proceedings application where the courts had to determine the scope of an expert's jurisdiction under a clause for Expert Determination) as well as the policy and practice of the courts in Singapore on the use of such ADR methods in comparison with arbitration (such as *Evergreat v Presscrete* [2006] 1 SLR 634; *Geowin v MCST No. 1256* [2007] 1 SLR 634; and *The Oriental Insurance Co Ltd v Reliance National Asia Re Pte Ltd* [2009] 2 SLR(R) 385)

Programme

5.45pm – 6.15pm	Registration
6.15pm – 6.20pm	Opening Address by Chairman Mr. Naresh Mahtani, Consultant, ATMD Bird & Bird LLP
6.20pm – 7.20pm	“Enforceability of Tiered Alternative Dispute Resolution Mechanisms” Mr. Kelvin Aw, Director, INCA Law LLC
7.20pm – 7.35pm	Questions & Discussion



1 Public CPD Point

About the Speaker:



Kelvin is a founding director of INCA Law LLC and a well-regarded projects lawyer. He has diverse experience ranging from front-end and structuring work to contentious matters arising from construction and engineering projects in Singapore and the region. He has also produced several in-house standard contracts and operational guides for developers and constructors alike. Some of the notable transactions in which he has been involved in are:

- Acted as project counsel for a multi-billion integrated resort development in Singapore
- Advised on development of a European business school in Singapore adopting the FIDIC Orange Book
- Acted for sponsors in a classified public sector project on a DBO model in Singapore
- Advised on a solar power leasing agreement in Singapore
- Drafted and closed a CM contract for a USD50 million resort development in China
- Drafted and closed a bespoke building contract for an IT campus in Bangalore, India
- Drafted and closed a bespoke D&B contract for a RM200 million commercial building development in Malaysia
- Advised on an EPC Contract for a port infrastructure project in West Africa

He has also been involved in a number of institutional arbitrations under the SIAC and CIETAC rules, as well as adjudications under the Building and Construction Industry Security of Payment Act (Cap. 30B). Kelvin is a graduate of the MSc (Construction Law & Arbitration) programme at King's College London and has taught Construction Law modules at the National University of Singapore. He is a fellow of the Singapore and Chartered Institutes of Arbitrators, and an accredited adjudicator with the Singapore Mediation Centre.

About the Chairperson:



Naresh Mahtani has been in active legal practice for over 20 years in regional and international construction and oil and gas projects as counsel as well as arbitrator and adjudicator in various cases in Singapore and the region (including India, Indonesia, Malaysia and Brunei). He was a founding partner of ATMD Bird & Bird LLP, at which firm he is now a practising consultant for projects and dispute resolution. He was former Chairman of the Society of Construction Law, Singapore (2006-2008) and has served as council member on the Singapore Institute of Arbitrators and as CEO of the Law Society of Singapore for several years. He has been appointed as arbitrator in SIAC, ICC and ad-hoc cases; is an accredited Adjudicator with the Singapore Mediation Centre and is on various industry and international arbitration panels. He was the key draftsman of the new S.I.A Rules for Expert Determination and has a keen interest in "New ADR" for more efficient and progressive means of resolving disputes in conjunction with more established procedures such as arbitration and adjudication

REGISTRATION FORM

(Closing date: 16th August 2012)

	Early Bird Rate <i>(Valid till 3rd August 2012)</i>	Regular Rate
SI Arb Members / Full Time Students / SI Arb Member’s Guest *	<input type="checkbox"/> S\$ 80.00	<input type="checkbox"/> S\$ 90.00
SCL Members / MOU Partners	<input type="checkbox"/> S\$ 110.00	<input type="checkbox"/> S\$ 120.00
Others	<input type="checkbox"/> S\$ 130.00	<input type="checkbox"/> S\$ 150.00

* Only 1 guest is entitled to member’s rate. Subsequent guest(s) will pay non-member’s rate.

^ **Group discount:** 10% off the above rates for registration of 3 participants and above
(From the same organisation)

Name (*Prof / Dr / Mr / Mrs / Ms): _____

Company: _____

Address: _____

Primary Profession: _____

Member of *SI Arb / SCL / Others (please state): _____

AAS Number: _____

Tel: _____

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Mode of Payment: *Cheque / Cash / Credit Card

Cheque payments should be made to “**Singapore Institute of Arbitrators**”.

Credit Card (Visa / Master) No.: _____ Card Expiry Date: _____(MM/YY)

Cardholder’s Name: _____ Signature: _____

(A surcharge of 1.75% will be applied to payments made by credit cards)

Notes:

1. Closing date for registration is **16 August 2012**.
2. Registrations received on or before the closing date are confirmed upon **RECEIPT OF FULL PAYMENT**.
3. The Organiser reserves the right to cancel, curtail or change the content of the programme and the names of speakers without prior notice.
4. The Organiser reserves the right to cancel or postpone the seminar in which case refunds will be given, but otherwise, no refunds will be made for cancellations or no-shows by those who registered. If you are unable to attend the seminar, a substitute may attend in your place at no extra charge with at least 3 days prior notice being given to the Institute.
5. For enquiries, please call Tel: +65 6372 3930/31/32 or email siarb@siarb.org.sg

<p>Practice Area : Alternative Dispute Resolution Training Level : General Public CPD Points : 1 (Based on 100% attendance)</p>	<p><u>SILE Attendance Policy</u></p> <p>To ensure the award of CPD Points, participants requiring CPD Points are reminded to sign-in on arrival and sign-out at the conclusion of the event, at the Registration Counter. Please refer to www.sileCPDcentre.org.sg for more information on the Attendance Policy and the CPD Scheme.</p>
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