



SINGAPORE

## ADJUDICATION - AN UPDATE

Thursday, 15 April 2010, 5.00-7.00pm

NTUC Business Centre, Room 701, Level 7, 1 Marina Boulevard, One Marina Boulevard

### About this Seminar:-

Join us for this seminar at which 2 leading construction practitioners will provide a timely update on developments in adjudication:

#### "What You Really Need to Know About Adjudication"

If there was no payment response, is an adjudicator bound to accept the sum put up by a claimant as the amount due to the claimant? Can the adjudicator use his own technical expertise to determine the amount which should be payable to the claimant? What remedies are available to a party who is dissatisfied with an adjudication determination? Should he ask for a review and abide by the outcome? Or should he take it up further to the High Court?

The speaker will discuss the recent decisions of the High Court on the setting aside of adjudication determinations: *Chip Hup Hup Kee Construction Pte Ltd v Ssangyong Engineering & Construction Co Ltd* and *Doo Ree Engineering & Trading Pte Ltd v Taisei Corporation*.

#### "The Singapore Building and Construction Industry Security of Payment Act – Some Lessons to be Learned from Australia"

In *Chip Hup Hup Kee Construction Pte Ltd v Ssangyong Engineering & Construction Co Ltd* [2009] SGHC 237, Judith Prakash J noted at [37] that the Singapore Building and Construction Industry Security of Payment Act is based on the New South Wales Building and Construction Industry Security of Payment Act 1999.

It has been observed in Australia that the New South Wales Act "has led to a spate of litigation in its relatively short life": *John Holland Pty Ltd v Roads & Traffic Authority of New South Wales* [2007] NSWCA 19 at [65], per Basten JA. A substantial body of case law has developed in this area. The paper will focus on cases (including appellate decisions) which are of practical significance for legal advisors and adjudicators in Singapore.

### Seminar Programme:-

5.00-5.30pm	Registrations & Networking for Delegates
5.30-5.45pm	Opening Remarks by Seminar Chairman
5.45-6.45pm	<p>"What You Really Need to Know About Adjudication"</p> <p><i>Mr. Goh Phai Cheng SC – Director, Goh Phai Cheng LLC</i></p> <p>"The Singapore Building and Construction Industry Security of Payment Act – Some Lessons to be Learned from Australia"</p> <p><i>Mr. Michael Christie SC – Barrister, 6 Selborne Wentworth Chambers, Sydney</i></p>
6.45-7.00pm	Panel Discussion & Q&A Session

### About the Speakers:-

#### Mr. Goh Phai Cheng SC – Director, Goh Phai Cheng LLC

Goh Phai Cheng, SC was a Legal Service Officer for 27 years and had held office as Deputy Public Prosecutor, State Counsel, Senior State Counsel, Parliamentary Counsel and Law Revision Commissioner in the Attorney General's Chambers. He had also held office as Judicial Commissioner of the Supreme Court, President of the Copyright Tribunal and President of the Industrial Arbitration Court. Phai Cheng was elected as the Chairman of the 28th Session of UNICTRAL which was held in Vienna in 1995. Currently, he is in private practice as an advocate, adjudicator and mediator. He has been appointed as arbitrator in domestic and international arbitrations and as mediator in more than 60 mediations at the Singapore Mediation Centre.

#### Mr. Michael Christie SC – 6 Selborne Wentworth Chambers, Sydney

Michael Christie is a Senior Counsel practising at 6 Selborne Wentworth Chambers in Sydney. He is a graduate of the University of Sydney (B.Ec., LL.M. (Hons.)), and obtained the post-graduate degree of B.C.L. at Oxford University with First Class Honours (ranking first in his year amongst overseas graduates). He was admitted as a barrister in 1991, having practised previously as a solicitor. For several years he was a Part-time Lecturer in the University of Sydney Law School. He has also been a guest lecturer in University of Melbourne's LL.M program and the University of Adelaide's Professional Arbitration Course. He has appeared in many of the leading cases on the New South Wales Act (including the two Australian cases referred to in *Chip Hup Hup Kee Construction Pte Ltd v Ssangyong Engineering & Construction Co Ltd* [2009] SGHC 237).

### About the Chairperson:-

#### Mr. Christopher M R Nunns (MA (Oxon), CEng, CGeol, ACI Arb, MSI Arb, MIMMM, FGS) - Partner, EC Harris

Chris has 30 years of experience in the construction industry and for 25 years he has been based in Singapore, specialising in construction claims and dispute resolution. He has been appointed as expert witness in Singapore on numerous occasions. Chris is an accredited adjudicator under the Security of Payment Act procedure. He is also a well-respected speaker at seminars in Singapore. Chris is currently Secretary of the Society of Construction Law Singapore Branch.

REGISTRATION CLOSING DATE: <b>8 April 2010</b>	<b>FEES</b> (includes refreshments & materials, if any)
<b>SCL (Singapore) Members</b>	<b>S\$35.00</b>
<b>Guests of SCL Members, Members of SCL (Malaysia), Members of SCL (UK), 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 Students of NUS Faculty of Law</b>	<b>S\$70.00</b>
<b>Others</b>	<b>S\$90.00</b>



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Please return the registration form below, together with your cheque, if applicable, made payable to "Society of Construction Law (Singapore)", 3 Raffles Place #07-01 Bharat Building S048617" or Fax to (65) 63299699.

### **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 SECRETARIAT

Tel: 31273797 (no 6 prefix required) Fax: (65) 63299699 E-mail: [secretariat@scl.org.sg](mailto:secretariat@scl.org.sg)

You may also **register online** for this event on our website at [www.scl.org.sg](http://www.scl.org.sg)

### REGISTRATION FOR SCL MEMBERS & THEIR GUESTS

Please use 1 form per SCL Member

Name: \_\_\_\_\_ NRIC/Passport No.: \_\_\_\_\_ SCL Membership No.: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

☐ I will be attending and I enclose my payment of \$35.00. (A valid email address is required for confirmation of registration.)

☐ Please reserve \_\_\_\_\_ seats for my guests and I enclose payment of \$70.00 per guest. My guest(s) are:

Name(s)	Organisation	Email

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

### REGISTRATION FOR NON-SCL MEMBERS

Please use 1 form per registrant.

I am a: (Please select as appropriate.)

SCL (Malaysia) Mbr ☐ SCL (UK) Mbr ☐ CIOB Mbr ☐ SCAL Mbr ☐ SIA Mbr ☐ SI Arb Mbr ☐ SISV Mbr ☐  
Full Time NUS Student from 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)"