

Curriculum Vitae

Gordon Smith



NAME: Gordon Smith
CONTACT DETAILS: Independent Arbitrator and Adjudicator
Chartered Arbitrator
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QUALIFICATIONS:

Barrister & Solicitor of the Supreme Court of Western Australia (1996)
Admitted as Solicitor in England and Wales (2002-2012)
Registered Adjudicator under the *Construction Contracts Act 2004* (WA)
Registered Adjudicator under the *Construction Contracts (Security of Payment) Act 2004* (NT)

University of Canterbury, Christchurch, New Zealand

Bachelor of Laws (First Class Honours) (1995)
Bachelor of Engineering (Civil) (1982)

University of Western Australia, Perth, Australia

Master of Business Administration (1992)

Affiliations

Fellow and Chartered Arbitrator, Chartered Institute of Arbitrators, United Kingdom (Chart Arbitrator-2003)
Councilor, Chartered Institute of Arbitrators, Australia Branch (2016-present)
Fellow, Singapore Institute of Arbitrators (from 2003)
Founding Member and Council Member of Singapore Society of Construction Law (2002-2007, 2010-2012)
Council Member of Asia-Pacific Advisory Council, Dispute Board Federation (2011-2012)
Associate Member, Institute of Arbitrators and Mediators Australia
Grade 1 Arbitrator, accredited by the Institute of Arbitrators and Mediators Australia (2016)
Member, Australian Construction Law Society
Fellow of the Institution of Engineers, Australia (Member - 1989, Fellow - 2000)
Fellow, College of Civil Engineers, Australia (Member - 1989, Fellow - 2000)
Australian Chartered Professional Engineer (CPEng) (1989-2012) (Ret)
Member of ICC Task Force on Emergency Arbitrations (2016-17), author of Australian Country Report

Awards

Listed in *The Asia Pacific Legal 500* as a Leading Individual in construction law in Singapore 2001 to 2007
Listed in the *International Who's Who of Business Lawyers* in 2007 in construction law in Singapore
Arbitrator of the Year, Australia, Acquisitions International, 2014
Best Complex International Arbitrator, Australia, Acquisitions International, 2015
Best Lawyers in Australia 2017 and 2018, listed by peers in construction / infrastructure law
Australian Arbitrator of the Year, Finalist, Australasian Legal Awards, 2018

Lecturer / Teaching

Guest Lecturer in the Kings College-National University of Singapore MSc Course in Construction Law and Arbitration, 2004, "*Multi-Tiered Dispute Clauses*", and "*Limitation Periods in International Arbitration*"
Guest Lecturer, Singapore Management University, Law of International Commercial Arbitration, "*Practical International Arbitration Experience*", 18 May 2011
Member, Chartered Institute of Arbitrators' Teaching Faculty (2015-present)
Tutor, Chartered Institute of Arbitrators' Fast Track Fellowship Programme, November 2015, November 2016
Lecturer, Institute of Arbitrators and Mediators, Arbitration Master Class, November 2015
Lecturer, Chartered Institute of Arbitrator's Introductory Course in Arbitration, Perth, May 2016
Lecturer, Tutor, Chartered Institute of Arbitrators, Diploma in International Commercial Arbitration, Singapore, August 2016, and Hong Kong, 2017

Arbitrator Panel Membership

Singapore International Arbitration Centre Panel of Arbitrators
Hong Kong International Arbitration Centre Panel of Arbitrators
Kuala Lumpur Regional Centre for Arbitration Panel of Arbitrators
Arbitrator on the Presidential Panel of Chartered Institute of Arbitrators (from 2003-present)
American International Commercial Court
Pacific International Arbitration Centre
New Zealand Dispute Resolution Centre, Principal Panel
London Court of International Arbitration, Panel of Neutrals
Law Society of Western Australia, Panel of Arbitrators
Grade 1 Arbitrator, Institute of Arbitrators and Mediators

ACADEMIC PRIZES

University of Canterbury, Christchurch, New Zealand

- *Canterbury District Law Society Gold Medal* for best performance in LLB degree 1994
- *Law Book Co Ltd Prize* for best student in Legal System 1992
- *Duncan Cotterill Award* in Law for best all round performance: Stage 2 law subjects 1992
- *Second place Moot competition* - 1994

University of Western Australia, Perth, Australia

- *PA Consulting Group Master of Business Administration Prize* for best performance in whole of MBA course 1991
- *Westpac Banking Corporation Prize in Management of Organisations* 1991
- *Institute of Chartered Managing Accountants Prize in Managerial Accounting* 1991

PROFESSIONAL EXPERIENCE

2014-present	Independent Arbitrator and Adjudicator, Chartered Arbitrator
2012-2014	Senior Legal Advisor to Kellogg Brown & Root, Kellogg Joint Venture Gorgon and JKC on the Gorgon (US\$55b) and Ichthys (US\$40b) LNG projects, advising, negotiating and documenting settlement of major claims up US\$1b+
2009-2012	Partner , Kennedys Registered Foreign Lawyer, Kennedys, Singapore (Head of Construction Law – South East Asia) – International Arbitration Practice
2008-2009	Special Counsel , Allens Linklater, Perth, Engineering and Construction Practice
2004-2008	Partner , DLA Piper UK LLP (Hong Kong) Director , DLA Piper Singapore Pte Ltd, Singapore
1998-2004	Partner , (from Jan 2001), Registered Foreign Lawyer, Baker & McKenzie.Wong & Leow, Singapore – International Arbitration and Construction Practices
1994-1998	Senior Associate , (from 1996) Jackson McDonald, Perth
1989-1991	Project Manager , Sinclair Knight Mertz Ltd, Perth
1987-1989	Civil/Project Engineer , Australian Groundwater Consultants Pty Ltd (now Woodward Clyde), Perth
1985-1987	Civil/Structural Engineer , Kinhill Engineers (now Kellogg Brown & Root), Perth
1981-1985	Civil/Structural Engineer , Royds, Sutherland & McLeay Ltd (now MWH), New Zealand

SUMMARY PROFILE

Gordon is an accomplished international commercial disputes lawyer and arbitrator, with an emphasis on engineering, resource, energy, and construction insurance matters throughout Asia-Pacific. Prior to becoming a lawyer, Gordon practised for 12 years as a consultant civil/structural engineer and project manager in Australia and New Zealand in the design, contract administration, claims assessment, negotiation and settlement, for mining, oil and gas, industrial, and hydro-electric projects.

Gordon was resident in Singapore for 11 years, and 2 years in Hong Kong. He was head of Engineering and Construction Law and the International Arbitration Groups at Baker & McKenzie.Wong & Leow until April 2004. He was also a partner at DLA Piper, in Singapore and then in Hong Kong, where he was responsible for the Asian engineering and construction law practice. He was a partner at Kennedys in Singapore until 2012, heading its Construction Law Practice for South East Asia.

Gordon is also an experienced international arbitrator, and has been appointed as sole, emergency and panel arbitrator on major infrastructure, oil and gas, commodity, mergers and acquisitions, intellectual property, and commercial dispute arbitrations up to US\$150m. He has also been appointed as adjudicator under the Western Australia *Construction Contracts Act* 2004 (WA) and the Northern Territory *Construction Contracts (Security of Payments) Act* 2004 (NT) on a number of construction adjudications, up to A\$85m in value.

He has substantial experience as counsel in complex international arbitrations, having conducted over 50 arbitrations of up to \$US2.2b in value in London, Hong Kong, Singapore, Tokyo, Kuala Lumpur, Bangkok, and Jakarta under institutional rules ICC, SIAC, HKIAC, TAI, Bani, KLRCA, and ad-hoc arbitrations (UNCITRAL). He has also conducted a major, US\$200m, investor state dispute on behalf of an investor against an Asian state under the auspices of ICSID.

Gordon has also led teams for the drafting and negotiation of suites of documents for major engineering, rail, power, resource, and oil and gas projects, and advised clients on claims and the administration of such projects, most recently on the Gorgon and Ichthys LNG Projects in Western Australia and Northern Territory respectively, two of the world's largest projects, involving claims up to A\$1b. He has drafted and negotiated traditional construction contracts, EPC contracts, guarantees and performance bonds, consultant agreements, project management agreements, joint venture agreements, novation agreements, equipment supply contracts and special conditions for standard forms.

He has published over 50 articles and delivered over 70 presentations at seminars on international arbitration, and engineering related topics in Singapore, Australia, New Zealand, Malaysia, Hong Kong, Thailand, Taiwan, and Vietnam.

RECENT ADJUDICATION APPOINTMENTS

Gordon has been appointed as adjudicator under the Western Australia *Construction Contracts Act 2004* (WA) and the Northern Territory *Construction Contracts (Security of Payments) Act 2004* (NT) on a number of construction adjudications involving building works, electrical works, rail, and mining projects of claim value up to A\$85m.

RECENT ARBITRATOR APPOINTMENTS

- Singapore International Arbitration under the SIAC Expedited Rules
Appointed by party agreement to an arbitration under the SIAC Expedited Rules involving a dispute concerning alleged faulty foundations in an energy project.
- Kuala Lumpur International Arbitration under the KLRCA Rules
Party appointed arbitrator in a \$US40m dispute over coverage under a machinery breakdown policy for a processing plant arising from a major power shutdown in Malaysia. Malaysian substantive law.
- ICSID Arbitration
Party appointed arbitrator in an investor-State arbitration under the Singapore-Indonesia bilateral investment treaty, under the auspices of ICSID, involving a US\$80m claim arising from a palm oil project in Indonesia.
- Singapore International Arbitrations under the SIAC Rules (consolidated 3 arbitrations)
Sole arbitrator in a US\$150m+ arbitration arising from the design and construction of a major government tunnel and road infrastructure project in Singapore, appointed by SIAC, involving complex technical issues as to the behavior of deep marine clay, and interpretation of structural engineering codes. Singapore substantive law. Published award on the merits.
- Singapore International Arbitration under the SIAC Rules – Emergency Arbitration
Appointed by SIAC as an Emergency Arbitrator under the SIAC Rules emergency arbitration procedure to decide an application by the Claimant to restrain a call on two US\$750,000 performance bonds issued under a construction contract for the construction of a power project in Indonesia. Singapore substantive law. Published interim award on interim relief and costs, and interim award on jurisdiction with respect to further costs orders.
- Singapore International Arbitration under the SIAC Rules – Emergency Arbitration
Appointed by SIAC as an Emergency Arbitrator under the SIAC Rules emergency arbitration procedure to decide an application by the Claimant to restrain a call on two US\$2.0m performance bonds issued under a supply agreement for the supply of coal fired units for a power project in Indonesia. Singapore substantive law. Published interim award on interim relief and costs, and interim award on jurisdiction with respect to further costs orders.
- Perth International Arbitration under the ICC Rules
Party appointed arbitrator in a US\$60m+ arbitration arising from the design and construction of a Floating, Production, Storage and Offloading vessel operating in North West Australia. West Australian substantive law. Published partial award on preliminary issue relating to effect of design criteria for the vessel.
- Singapore International Arbitration under the UNCITRAL Rules

Party appointed arbitrator on a three member panel in a US\$20m claim arising out of the sale and purchase of an oil and gas production platform in Western Australia. Western Australian substantive law.

- Singapore International Arbitration under the International Arbitration Act
Sole arbitrator in a dispute arising from an alleged breach of a coal supply commodities' agreement of value US\$2m, including orders on preliminary issue on jurisdiction over related agreements. Singapore substantive law. Published award on the merits, and separate final award on costs.
- Singapore International Arbitration under the SIAC Rules
Sole arbitrator in a US\$20m arbitration arising from the development of a software system for oil trading and risk management, involving allegations of delay, wrongful termination, breaches of the software supply agreement, and defamation. Singapore substantive law. Published award on the merits, and final award on costs and interest.
- Singapore International Arbitration under the SIAC Rules (consolidated 2 arbitrations)
Sole arbitrator on US\$10m breach of put and call shareholder and related sale and purchase agreements claim, involving jurisdictional issues under related agreements. Singapore substantive law. Published award on jurisdiction issues arising from defences raised under a related agreement, and published award on the merits, and final award on interest and costs..

ARBITRATIONS AS SOLICITOR AND COUNSEL (unless noted otherwise) (selection only)

- Hong Kong Project Arbitration (US\$8m)
Acting for a Japanese contractor in claims and counterclaims arising from the supply of labour for the construction of a high rise residential development in Hong Kong. HKIAC arbitration, HKIAC rules, Hong Kong substantive law.
- China Power Project Arbitration (US\$80m claim)
Acting for a Japanese turbine supplier in a claim by owner for liquidated damages for failure to meet the turbine performance guarantees for heat rate under an EPC contract. Contract governed by PRC law, and ICC arbitration in Singapore.
- Saudi Arabian Polypropylene Process Plant Arbitration (US\$45m claim)
Acting for a Turkish international contractor in delay, disruption and variation claims against a Japanese main contractor arising out of the design and construction of a polypropylene plant in Saudi Arabia. Tokyo arbitration, ICC Rules, Japanese law.
- Boiler Design, Singapore arbitration
Acting for a United States power boiler designer in a Singapore seated ICC arbitration against South Korean boiler manufacturer.
- US Medical Equipment, Singapore Arbitration
Acting for a United States medical equipment manufacturer in a Singapore seated ICC arbitration against a South Korean distributor.
- Petronas Twin Towers, Kuala Lumpur Arbitration
Acting for European contractor in \$US2m claim relating to disallowed variation orders.
Kuala Lumpur Arbitration, Kuala Lumpur Regional Centre for Arbitration, UNCITRAL Rules, Malaysian substantive law
- Equipment Supply Arbitration (US\$18m)
Acting for a Canadian entertainment company in arbitration against Indian and Mauritius entities for breaches of an equipment purchase agreement, and long-term maintenance agreement.
Singapore Arbitration, Singapore substantive law. ICC Rules.
- Kuala Lumpur Commercial Project
A major claim by a Japanese construction contractor arising out of a tunnel project in Kuala Lumpur, relating to unforeseen ground conditions, and changes to design specifications. Preparation of advice, and assistance in preparation of contractor's claim. Advice on Kuala Lumpur as seat, and ICC arbitration.

- Indonesian Paper Pulp Project Arbitration (US\$30m+)
Acting for an international boiler supplier for claim by owner for defective power boiler, and wrongful termination of the contract by the employer. Indonesian project, English law.
Singapore International Arbitration, ICC Rules
- Singapore Pipeline Arbitration (US\$5m claim)
Acting for a major European contractor in an arbitration under ICC rules involving a dispute in respect of delay and disruption for the construction of off-island oil submarine pipelines. Issue involved interpretation of extension of time and liquidated damages for delay. Singapore substantive law.
- Kuala Lumpur Commercial Project (US\$300m)
A US\$5 million+ claim for delay costs and an associated extension of time against the employer (a major Malaysian development company) by a European contractor in respect of delay caused to a US\$300 million commercial development in Malaysia.
- Singapore Infrastructure Project Arbitration (US\$1.5m)
Acting for a Singaporean structural steel contractor in claims for delay and variations arising out of a Singapore government infrastructure project. ICC arbitration, heard in Singapore, Singapore substantive law.
- Taiwan High Speed Rail Project (US\$1000m+)
Cross-office team on arbitration arising from consortium agreement for a High Speed Rail Project re: whether agreement to enter into engineering and design contracts was void for uncertainty. Singapore ICC arbitration, governed by ROC substantive law.
- Singapore Infrastructure Project Arbitration (US\$1.2m claim)
Acting for a Malaysian structural steel subcontractor in a Singapore arbitration under ICC Rules. Claim against the main contractor for delay, disruption and variations arising out of a Singapore government civil/building infrastructure project. Singapore substantive law.
- Kuala Lumpur Commercial Project - Advisory
Advice to a European contractor arising out of a possible repudiation of the construction contract by the owner for a major commercial development following 1997 financial crisis.
- Asian Privately Financed Rail BOT Project Arbitration (US\$2.2b claim)
Acting for an Asian project company in a buyout claim against the Asian state arising from the State's breaches of a build, lease and transfer agreement for the design, construction and operation of a privately financed rail project.
Singapore International Arbitration, UNCITRAL Rules.
- Hydro Electric Project in Lao - Advisory
Acting for the main civil contractor in a series of issues arising out of the design and construction of civil works under an EPC contract (based on the FIDIC Silver Book) for a 1000 MW privately financed hydro-electric scheme in Lao
- Dubai Metro Rail Project
Acting for a Japanese joint venture to review and comment on its claims submissions to the owners for extensions of a major underground rail project in Dubai.
- Indian Metro Rail Project (US\$500m project) - Advisory
Advice to Japanese international contractor on dispute with joint venture partner on successful tender for major rail infrastructure project. Successfully resolved dispute to maintain existing joint venture.
- Goodwyn "A" Project West Australian Supreme Court Litigation (3 year litigation)
Member of litigation team for 3 years acting for Lloyds underwriters action for A\$274m subrogated claim against designers and design verifiers of the Goodwyn "A": offshore platform pile collapse damage.
- Westralian Sands West Australian Supreme Court Litigation

Assistance in a US\$3m Supreme Court of Western Australia action for wrongful termination, and a counterclaim by the client, a major West Australian mining company, concerning the construction of a limesands plant in Western Australia. The claim raised issues of defective plant and equipment and wrongful termination.

- Claims arising from “Letter of Intent”, Perth - Advisory
Acting on behalf of a contractor in relation to work carried out on the design and construction of a aged care facility as a result of a “letter of intent”. Preparation of advice, drafting and submission of statement of claim for breach of contract/ quantum meruit.
- Mechanical Installation Contract – West Australian District Court Litigation
Acting for a mechanical installation contractor in relation to recovery of wrongfully withheld liquidated damages, and sums for alleged defects in the works. Drafting of pleadings, conduct of settlement negotiations, and drafting of settlement agreement.
- Thailand Power Project - Advisory
Preparation of risk analysis for Thai Power Company concerning potential termination and/or repudiation of joint venture agreement in a dispute with its joint venture partners. Advice to client on response to its lenders concerning the terms of the joint venture agreement.
- Coal Fired Power Project (330MW) Contract Extension of Time Claim - Advisory
Acting for government authority providing advice on the interpretation and application of extension of time and liquidated damages provisions in a contract for the construction of a major power plant project in Western Australia.
- Singapore Polypropylene Plant
Acting for a multi-national contractor on instructions and legal input to local counsel in respect of a successful challenge by a sub-contractor in the Singapore High Court of an arbitration clause in the sub-contract following successful jurisdiction challenge in Singapore arbitration proceedings.
- Thai Oil and Gas Offshore Pipeline
Acting for a Korean contractor on a range of claims amounting to US\$100m+ arising out of the design and construction of an offshore oil and gas pipeline in Thailand under an EPC contract. Thai Arbitration Institute arbitration in Thailand under Thai law.
- Thai Oil and Gas Offshore Pipeline - Advisory
Acting for a Korean contractor on coverage under a Contractors’ All Risks Policy as a result of a third party dredging company damaging an offshore pipeline during construction, and advice of potential action against third party dredging company.
- Oil and Gas Jack-up Drilling Rigs Arbitration (US\$550m claim)
Acting for a Korean contractor on a London arbitration, LCIA Rules, under English law, in claims for delay, disruption and variations, and counterclaims for wrongful termination, arising from the design and construction of two state-of-the-art jack-up drilling rigs for the North Sea under two EPC contracts. Settled after a two day mediation in London.
- Thai Oil and Gas Pipeline Arbitration (US\$5m claim)
Acting for an international contractor in defending claims by a sub-contractor arising out of the design and construction of an oil and gas pipeline in Thailand under an EPC contract. Thai arbitration under the Thai Institute of Arbitration rules, under Thai law.
- Qatar Oil & Gas Project Arbitration (US\$300m claim)
Acting for a Korean contractor in claims of US\$300m arising out of the design and construction of oil and fixed gas platforms in Qatar under an EPC contract, involving UNCITRAL arbitration in London, under English law.
- Indonesian Gold Plant (US\$70m claim) - Advisory
Advice to international reinsurers on coverage under a Contractor’s All Risks policy for a claim for US\$70m arising from a slip failure of a process plant during construction, and on potential subrogation proceedings against the plant designers. Indonesian law.

- West Australian Oil & Gas Project (US\$40m claim) - Advisory
Advising financiers in a claim by the project owner for US\$40 million for delay, equipment failures, and consequential losses, against an oil and gas contractor for marine vessel services for pipeline installation for an offshore project in North West Australia.
- Singapore FPSO - Advisory
Advising a contractor (did not proceed to arbitration) on a range of issues arising from the design and conversion of an FPSO in Singapore.
- New Zealand FPSO - Advisory
Advising an operator / owner (did not proceed to arbitration) of an FPSO on an FPSO lease agreement for a oil and gas field in New Zealand.
- Singapore Ethylene and Propylene Petrochemical Project Arbitration
Acting for an Australian international contractor in arbitration proceedings by a pipe insulation subcontractor for claims of US\$6m for delay and disruption, and extension of time. SIAC arbitration under its expedited procedure, Singapore substantive law.
- Australian Federal Court Litigation (A\$17m claim)
Acting for a professional services firm defending a claim for breach of standard of care, and breaches of the Trade Practices Act arising out of the engineering and procurement of a gold project in the Dominican Republic.
- Moscow Commercial Project (US\$500,000 claims)
Acting for a Japanese contractor in claims by a sub-contractor for loss of profit on omission of work arising from the design and construction of the Japanese embassy in Moscow.
- Asian Privately Financed Rail BOT Project Investor State Arbitration, ICSID (US\$200m claim)
Acting for an international hedge fund in an investor-host State arbitration proceedings against an Asian Government filed at ICSID in Washington in claims under a bilateral investment treaty for the host State's breaches of the protection provisions of the treaty relating to an investment in a long term privately financed rail project. The matter was successfully settled within 3 months of filing the Request for Arbitration at ICSID.
- Indonesian Infrastructure Build-Own Operate Project (US\$30m+)
Acting for a European infrastructure operator advising on claims against an Indonesian government body and/or termination of a major privately financed water infrastructure concession contract in Jakarta, involving extensive advice on investor-State issues under the France-Indonesia bilateral investment treaty. The infrastructure concession contract governed by Indonesian law, and provides for UNCITRAL arbitration in Singapore.
- Singapore Hotel Refurbishment Arbitration (S\$4m claims)
Acting for a French contractor in two arbitrations involving claims of S\$25m against the developer, and defence of claims against a mechanical & electrical contractor arising from the design and construction of a 5 star hotel refurbishment of a heritage building in Singapore, Singapore substantive law, involving ad hoc arbitration.
- Singapore Commercial Building Litigation (US\$50m+ claims)
Acting for a Korean contractor in litigation proceedings against its insurer in the Singapore High Court relating to a claim under its contractors all risks policy for damage to a defective high rise building in Singapore.
- Singapore Commercial Building (US\$80m+) - Advisory
Acting for a Korean contractor against the Singapore owners in a claim for a defective high rise building in Singapore, arising from settlement of the foundations for a design and build project. Advice on all aspects of defects, including insurance issues and potential actions.
- Thai Fertilizer Process Plant Arbitration (US\$240m+ claims & c/claims) (3 year arbitration)
Acting for a Japanese/Korean contractor joint venture for the conduct of a Thai arbitration under the UNCITRAL rules, administered by the Thai Arbitration Institute, involving multiple variation claims, extension of time, delay and disruption costs arising from a design and construction contract for a

process plant under an EPC contract

- **Thai Fertilizer Process Plant Performance Bond Litigation (US\$35m claim)**
Acting for a Japanese/ Korean contractor joint venture to successfully defend a call by the owner on the client's US\$35m performance bond provided under an EPC contract for the design and construction of a process plant in Thailand.
- **China (Shanghai) Commercial Building Arbitration (US\$2.5m)**
Acting for a Korean contractor against a Chinese owner for claims for variations and changed ground conditions under a FIDIC contract, providing for PRC law, and ad hoc arbitration in Singapore. Singapore International Arbitration, ad hoc.
- **Singapore Commercial Project Arbitration (US\$2.0m)**
Acting for an Australian contractor for the design, supply and installation of fibre cement panels for a commercial building in Singapore. Claims of US\$3.5m against the main contractor for extension of time, delay and disruption, variations and wrongful termination of the contract. SIAC arbitration in Singapore.
- **Singapore Infrastructure Project Arbitration (US\$4.0m claim)**
Acting for a Korean international contractor in an arbitration under the Singapore International Arbitration Centre Domestic Rules for claims by a subcontractor and counterclaims relating to delay, quality of works, and omission of works arising out of land reclamation works. Singapore substantive law.
- **Singapore Commercial Project Arbitration (US\$1.2m claims)**
Acting for major Japanese sub-contractor in an ad-hoc arbitration administered by SIAC against a Singaporean company arising out of a structural steel supply and erection contract, involving claims for delay costs and multiple variations. Conduct of mediation under the Singapore Mediation Centre. Singapore arbitration, Singapore substantive law. SIAC Rules
- **Indonesian Coal Project - Advisory**
Acting for an Australian construction contractor in a claim against the owner for delays and disruption, and escalation costs in a coal haulage contract in Indonesia, Indonesian law.
- **Indonesian Arbitration (US\$14m claim)**
Acting for Indonesian developer in an arbitration under the BANI rules for a US\$14m claim by a Japanese contractor alleging wrongful termination of the construction contract. Jakarta Arbitration, under BANI Rules
- **Singapore Reclamation Project - Advisory**
Acted for a dredging joint venture advising on its liability for handover of part of completed reclamation works arising out of a substantial land reclamation project in Singapore.
- **Singapore Tunnel Project - Advisory**
Acting for a German contractor in relation to claims for unforeseen ground conditions arising from a tunnel contract in Singapore.
- **Singapore Biomedical Facility (S\$250m project) - Advisory**
Acting for a Korean contractor on a dispute on extension of time for sectional completion of parts of the works.
- **Indonesian Pharmaceutical Company (US\$1.0m claim) - Advisory**
Advice to German contractor for variation claims submitted to client by a subcontractor under a design and build sub-contract for a pharmaceutical project in Indonesia.
- **Singapore Infrastructure Project (US\$200m project) - Advisory**
Advice to Korean international contractor on tender bid for major road works. Advice on tender withdrawal and debarment issues, successfully settled and awarded the contract.
- **Indonesian Oil and Gas Platform - Advisory**
Acting for Korean international contractor supplementing Indonesia law advice on defects claims

arising out of the design and construction of an oil and gas platform.

- Singapore Jurong Island Process Plant (S\$30m) - Advisory
Acting for Japanese contractor in a dispute with Singapore contractor, providing advice on contractor's entitlement to extension of time, entitlement to completion bonus, and liability for liquidated damages. Preparation of statement of claim for extension of time and associated disruption and acceleration costs of S\$3.2m.
- Singapore Incineration Plant Contract (S\$780m project) - Advisory
Advice to major Japanese contractor concerning the Superintendent's withholding of payments for the supply of equipment to the site in a dispute with the owner.
- Singapore Commercial Project Piling Claim - Advisory
Acting for an international consulting engineer in relation to a wrongful termination claim arising out of piling damage to adjacent structures allegedly as a result of inadequate foundation design and supervision of a commercial development in Singapore.

ENGINEERING CAREER

Various structural design, construction supervision, contract preparation, contract administration, and claims assessment and negotiation responsibilities for a range of high capital value projects including hydro-electric schemes (eg Pareau Gorge and Branch River), mine process plants and infrastructure (eg Kaltails Gold Project, Newmont Gold Project, Wodgina Rare Earth, Whim Creek Gold, Boddington Gold Project, 3rd Train of LNG for Northwest Shelf), and industrial facilities (eg Perth industrial waste treatment facility).

Sinclair Knight Mertz Ltd (Consulting Engineers)

Perth, Western Australia (June 1989 to November 1991)

PROJECT MANAGER/SENIOR PROJECT ENGINEER

Responsible for project management of environmental, mining and industrial projects, including pre-qualifications, preparation of tender documents, drafting and negotiation of construction contracts, administration of contracts, claims assessment and negotiation.

Australian Groundwater Consultants Pty Ltd (now AGC-Woodward-Clyde)

Perth, Western Australia (June 1987 to June 1989)

PROJECT MANAGER/SENIOR PROJECT ENGINEER

Project Manager for the design, contract preparation, contract administration, and claims assessment and negotiation of a range of mining infrastructure contracts.

Kinhill Engineers Pty Ltd (now KBR)

Perth, Western Australia (November 1985 to June 1987)

CIVIL/STRUCTURAL ENGINEER

Design of a range of mining, oil and gas, and industrial developments, including the third train of the Northwest Shelf Gas Development Project.

Royds, Sutherland and McLeay Ltd (Consulting Engineers) (now Montgomery Watson Harza)

Christchurch, New Zealand

CIVIL/STRUCTURAL ENGINEER (February 1981 to October 1985)

Design, contract preparation and administration, and claims assessment and negotiation of hydro-electric projects up to 50MW.

PUBLICATIONS

"A Comparative Analysis of Joinder and Consolidation Provisions under Leading Arbitral Rules", Journal of International Arbitration, April 2018.

"The Prevention Principle – A Further Australian Chapter", International Construction Law Review, April 2018.

"The Complexity Test under the West Coast Model of Adjudication", Building and Construction Law Journal, March 2018.

"Amendments to the Singapore International Arbitration Centre Rules – Part 2", Australian Alternative Dispute Resolution Law Bulletin, June 2017.

"Amendments to the Singapore International Arbitration Centre Rules – Part 1", Australian Alternative Dispute Resolution Law Bulletin, May 2017.

"Latent Conditions and the Experienced Contractor Test", International Construction Law Review, October 2016.

"The Emergence of Emergency Arbitration", Arbitrator & Mediator Journal, December 2015

"Enforcing a DAB Decision in Arbitration Proceedings", Building and Construction Law Journal, October 2011 (joint article).

"International Commercial Arbitration in Asia-Pacific – A Comparison of the Australian and Singapore Systems", CI Arb Journal, Arbitration, Vol 77, Number 1, February 2011, at p108.

"Commentary on the New Singapore International Arbitration Centre Rules", CI Arb Journal, Arbitration, Vol. 76, November 2010, at p727.

"Chinese Bilateral Investment Treaties – Restrictions on International Arbitration", CI Arb Journal, Arbitration, Vol 76, Number 1, February 2010, at p58

"An Introduction to Investor-State Arbitrations", International Trade and Business Law Review (2010) Vol XIII.

"Dismissal of Arbitration Proceedings for Want of Prosecution", Asian International Arbitration Journal, (2009) Vol 5, No. 2, Singapore Institute of Arbitrators.

"The Australia-China BIT – Restriction on International Arbitration", Australian ADR Reporter, Quarterly Bulletin of The Chartered Institute of Arbitrators (Australia) Limited, Issue No. 12/13 (September 2009 edition).

"SIAC Publishes New Arbitration Rules", International Law Newsletter, 14 July 2007.

"No Breach of Natural Justice in Arbitration", International Law Office Newsletter, 8 March 2007.

"Case Note: Mae Engineering Ltd v Fire-Stop Marketing Services [2005] 1 SLR 379", Singapore Society of Construction Law Newsletter, January 2007.

"A Breach of Natural Justice in Arbitration", International Law Office Newsletter, 30 November 2006.

"The Singapore Construction Industry – Recent Trends and Developments", Constructing New Zealand, Centre for Advanced Engineering, Issue No. 2, October 2006.

"High Court's Power to Grant Interim Injunction in Aid of Foreign Arbitration", International Law Office Newsletter, 14 September 2006.

"Owner's Power to Omit Work Restricted", South East Asia Construction, July/August 2004.

"Court Considers Scope and Validity of Arbitration Agreement", International Law Office Newsletter, 15 January 2004;

"Confidentiality of Arbitrations - Singapore's Position Following the Recent Case of Myanma Yang Chi Oo Co Ltd v Win Win Nu", (joint article), The Vindobona Journal of International Commercial Law and Arbitration, Volume 8, Issue 1 (2004).

"Confidentiality in Arbitration Proceedings", Asian Legal Business, Issue 3.12, December 2003.

"Can Complainant Intervene on behalf of Company Involved in Arbitration", International Law Office Newsletter, 27 November 2003.

"Court Confirms General Confidentiality of Arbitrations", International Law Office Newsletter, 9 October 2003.

"Removal of Arbitrator for Misconduct in Domestic Arbitration", International Law Office Newsletter, 14 August 2003.

"Court Rules on Application for Leave to Appeal Against Domestic Award", International Law Office Newsletter 14 August 2003.

"No Second Bite at the Cherry", Asia Dispute Review, 2003.

"Time Limit for Amending Set-Aside Applications", International Law Office Newsletter, 14 August 2003.

"The UNCITRAL Model Law and the Parties' Chosen Arbitration Rules - Complementary or Mutually Exclusive? The Singapore case of Dermajaya Properties", The Vindobona Journal of International Commercial Law and Arbitration, Volume 6, Issue 2 (2002).

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