

Curriculum Vitae

Gordon Smith

NAME: Gordon Smith
CONTACT DETAILS: Gordon Smith Legal, Barrister & Solicitor,
Arbitrator and Adjudicator
PO Box 797, Claremont, Western Australia
Tel: +61 422 551 186
Email: gordon.smithcharb@bigpond.com

QUALIFICATIONS:

Barrister & Solicitor of the Supreme Court of Western Australia (1996)
Barrister & Solicitor of the High Court of Australia
Admitted as Solicitor in England and Wales (2002-2012)
Registered Adjudicator under the WA, NT, NSW, and Vic security of payment legislation
LEADR Qualified Mediator - 2015

University of Canterbury, Christchurch, New Zealand

Bachelor of Laws (First Class Honours) (1995)
(*Canterbury District Law Society Gold Medal* for best performance in LLB degree 1994)
Bachelor of Engineering (Civil) (1982)

University of Western Australia, Perth, Australia

Master of Business Administration (1992)
(*PA Consulting Group Master of Business Administration Prize* for best performance in whole of MBA course 1991)

Affiliations

Member, Law Society of Western Australia
Member, Australian Construction Law Society
Fellow and Chartered Arbitrator, Chartered Institute of Arbitrators, United Kingdom (Chart Arbitrator-2003)
Director, Chartered Institute of Arbitrators (Australia) Limited (2016-2018)
Fellow, Singapore Institute of Arbitrators (from 2003)
Founding Member and Council Member of Singapore Society of Construction Law (2002-2007, 2010-2012)
Associate Member, Institute of Arbitrators and Mediators Australia
Grade 1 Arbitrator, accredited by the Institute of Arbitrators and Mediators Australia (2016)
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)

Awards

Best Lawyers in Australia 2017 to 2020 in Construction/Infrastructure Law, and International Arbitration
Best Lawyers in Australia 2020, Lawyer of the Year in International Arbitration, Perth
Australian Arbitrator of the Year, Finalist, Australasian Law Awards, 2018
Sole Practitioner of the Year, Finalist, Australian Law Awards, 2018
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

Lecturer / Teaching

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, Perth November 2015
Lecturer, Tutor, Chartered Institute of Arbitrators' Introductory Course in Arbitration, Perth, May 2016,
Diploma in International Commercial Arbitration, Singapore, August 2016, Hong Kong, 2017, and Perth, 2018

Arbitrator Panel Membership

Singapore International Arbitration Centre Panel of Arbitrators
Hong Kong International Arbitration Centre Panel of Arbitrators
Japan Commercial Arbitration Association Panel of Arbitrators
Asia International 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
New Zealand International Arbitration Centre, Principal Panel
London Court of International Arbitration, Panel of Neutrals
Law Society of Western Australia, Panel of Arbitrators
Economic Regulation Authority, Western Australia, Panel of Arbitrators (gas pipeline access disputes)

PROFESSIONAL EXPERIENCE

2014-present	Gordon Smith Legal, Barrister & Solicitor, Arbitrator and Adjudicator – sole practitioner as arbitrator and adjudicator on complex commercial arbitrations
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 (now Jacobs), Perth
1987-1989	Civil/Project Engineer , Australian Groundwater Consultants Pty Ltd, Perth
1985-1987	Civil/Structural Engineer , Kinhill Engineers (now Kellogg Brown & Root), Perth
1981-1985	Civil/Structural Engineer , Royds, Sutherland & McLeay Ltd, New Zealand

SUMMARY PROFILE

Gordon is an accomplished international dispute resolution lawyer, arbitrator and adjudicator, having conducted numerous matters throughout Asia-Pacific, principally in the areas of engineering / construction. 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 hydro-electric, mining, oil and gas, and industrial 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), the Northern Territory *Construction Contracts (Security of Payments) Act 2004* (NT), the on numerous 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 throughout Asia-Pacific, 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 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 unforeseen ground conditions, power project design and construction, LNG facilities, building works, electrical works, rail, and mining projects of claim value up to A\$85m.

RECENT ARBITRATOR APPOINTMENTS

- 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.
- Taiwan Transport Project (Note Conciliation Decision)
Chairman of a Conciliation Tribunal on a major engineering defect claim arising from the design and construction of a reinforced concrete bridge for a rail infrastructure project in Taiwan, involving interpretation and assessment of design and construction obligations for ground conditions, earthquake design parameters, reinforced concrete design, pile/soil interaction, track design / structural interaction.
- ICSID Arbitration
Party appointed arbitrator in an investor-State arbitration under the Australia-Egypt bilateral investment treaty, under the auspices of ICSID, involving a claim arising from development of a tantalum mine in Egypt.
- 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-Western Australia.
- Perth, Resolution Institute Rules
Appointed by the Resolution Institute as sole arbitrator in an arbitration involving a A\$1.0m claim arising from the development of road project in North-Western Australia.
- Perth, Ad Hoc Arbitration
Appointed by the Resolution Institute as sole arbitrator in an ad hoc arbitration involving a A\$20m claim for an alleged faulty design and oil refinery tank containment bund.
- 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 Indian energy project.
- Kuala Lumpur International Arbitration under the KLRCA Rules
Party appointed arbitrator in a US\$40m 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 the development of a palm oil project in Indonesia.
- 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 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 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.
- 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.
- 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 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.

IN HOUSE EXPERIENCE - KBR – MARCH 2012 TO AUGUST 2014

Gorgon Downstream LNG Project (US\$55B) (Western Australia)

- Responsible Senior Lawyer for advice on major claims, including:
 - Advice to senior project management on major claims.
 - Negotiation and drafting of a number of clean sweep deeds of settlement, including for fabrication packages, and Barrow Island based contracts, of value of up US\$1b.
 - Specialist claims related advice across the Project, including disputed change orders, adjudication, litigation and arbitration procedures, extension of time, cost adjustment provisions, termination, omission of work, termination for convenience provisions, and recovery of prolongation and disruption costs.
 - Negotiation and drafting of restructuring of the civils package (US\$1.5b+) on Barrow Island from a schedule of rates contract to a cost reimbursable plus fixed fee.

Ichthys Onshore LNG Project (US\$40B) (Northern Territory)

- Responsible Senior Lawyer for advice on major claims, including:
 - Advice to senior project management on claims.
 - Negotiation and drafting of a number of clean sweep deeds of settlement on various packages.
 - Specialist claims related advice across the Project on a range of issues, including disputed Change Orders, arbitration, termination, omission of work, termination for convenience provisions, and recovery of prolongation and disruption costs.

PROJECTS AS SOLICITOR AND COUNSEL (selection only)

Power Projects

- Power Project – West Australia (2 x 208MW):
Acting for the proponents of a privately financed 2 x 208 MW coal fired power project drafting the EPC Performance Bond – Deeds of Variation, and EPC Payment Deed.
- Vung Ang II Power Project (US\$1.1b)
Acting for proponents of a 1200MW thermo power plant in Vietnam, drafting of contract based on the FIDIC EPC Conditions of Contract (the Silver Book).
- Indonesian Coal Mine Power Project (US\$10m)
Acting for an Indonesian coal mining company on the termination of a design and construction contract for an 8MW coal fired power station, based on the FIDIC Yellow Book standard form.
- Malaysian Bakun Dam Project
Acting for a Chinese main contractor advising on its liability on a range of issues associated with a US\$500m+ dam contract in Sarawak, Malaysia.

- **Hydro Electric Project in Lao**
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.
- **Thailand Power Project**
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.
- **Singapore Cogeneration Power Plant**
Advice to a multi-national contractor on the terms of the civil contract dealing with adjustments to the contract price arising from the final bill of quantities.
- **Taiwan Combined Cycle Power Project (US\$350m)**
Acting for the project sponsors, drafting and negotiation of an engineering, procurement and construction contract (EPC) for the private developer of a 970MW combined cycle power project in Taiwan.
- **Taiwan Power Project (US\$100m+)**
Acting for the sponsors of a 670MW LNG gas fired combined cycle gas turbine IPP project in Taiwan for the drafting and negotiations with a turbine supplier for the supply of gas fired combined cycle gas turbines for the project, subsequently novated to the EPC contractor.
- **Taiwan Power Project (US\$500m+)**
Acting for the sponsors of a 1140MW LNG gas fired combined cycle gas turbine IPP project in Taiwan, including drafting the terms of the EPC contract.
- **Indonesian Power Project (US\$15m claim)**
Advising insurers on a subrogated action against a multi-national contractor arising out of damage to a power project in Indonesia arising from faulty operation. English law, UNCITRAL Rules, Singapore arbitration.
- **China Power Project Arbitration, Singapore 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.
- **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

Other Projects

- **Singapore Tunnel Contract**
Acting for a Japanese/ Australian joint venture contractor in a claim for relating to the supply of a hard rock tunnel boring machine.
- **Singapore Tunnel Project**
Acting for a German contractor in relation to claims for unforeseen ground conditions arising from a tunnel contract in Singapore.
- **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 legal and strategic advice on rights and obligations under the contract. The infrastructure concession contract governed by Indonesian law, and provides for UNCITRAL arbitration in Singapore.
- **Singapore Tunnel Contract (US\$50m+)**

Acting for a Japanese/ Australian joint venture contractor in a claim for unforeseen ground conditions arising from the design and construction of a tunnel in Singapore.

- **Kuala Lumpur Commercial Project, Kuala Lumpur Arbitration**
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. ICC Arbitration in Kuala Lumpur, Malaysian substantive law
- **Singapore Reclamation Project Arbitration (US\$4.0m claim)**
Acting for a Korean international contractor in an arbitration under the SIAC rules for claims by a subcontractor and counterclaims relating to delay, quality of works, and omission of works arising out of land reclamation works for the Singapore airport international terminal. Singapore substantive law.
- **Singapore Tunnel Project Joint Venture (S\$300m+)**
Review of provisions of main contract, drafting of joint venture agreement for major Japanese contractor, and advice on tender prequalification for a major Singapore water treatment tunnel project implemented by a government authority.
- **Singapore Pipeline Arbitration (US\$5m claim)**
Acting for a major European contractor to prepare successful submissions in an arbitration under ICC rules involving a dispute in respect of delay and disruption for the construction of off-island submarine pipelines. Issue involved interpretation of extension of time and liquidated damages for delay.
- **Malaysian Offshore Oil Pipeline (US\$40m claim)**
Advising reinsurers on coverage under an operations policy arising from severe accelerated Sulphate Inducing Bacteria corrosion to an offshore oil pipeline.
- **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.
- **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.
- **Indonesian Conveyor Project (US\$500m)** Acting for an Australian contractor advising on the contractual structure and amendments for a main contract based on FIDIC Yellow Book, amended for a target price on risk/reward basis, and a fixed price lump sum sub-contract based on FIDIC Yellow Book for the major equipment supply subcontractor, for the design and construction of a 64km overland coal conveyor.
- **Indonesian Coal Mine Power Project (US\$10m)**
Acting for an Indonesian coal mining company on the termination of a design and construction contract for an 8MW coal fired power station, based on the FIDIC Yellow Book standard form.
- **Indonesian Paper Pulp Project (US\$30+m)**
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, ICC arbitration in Singapore.
- **Indonesian Pharmaceutical Company (US\$1.0m claim)**
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.
- **Indonesian Coal Project**

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. The contractor settled the claim with the owner after submission of the Statement of Defense.
- **Indonesian Process Plant**
Advice to major United States process plant operator concerning defects in process equipment, and claim against contractor and equipment supplier, and arbitration/ mediation.
- **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.
- **Singapore Polypropylene Plant**
Acting for a multi-national contractor on instructions and legal input to local counsel in respect of a unsuccessful 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.
- **Nghi Son Refinery Petrochemical Complex Project, Vietnam (US\$6b)**
Acting for owner of project for the drafting of project management agreement for management of the project for a 10 million tones/ annum crude oil capacity, and drafting of EPC Contract based on the FIDIC EPC Conditions of Contract (the Silver Book)
- **Goodwyn "A" Project West Australian Supreme Court Litigation (3 year litigation)**
Member of litigation team acting for Lloyds underwriters in an action for a A\$274m subrogated claim against designers and design verifiers of the North West Shelf Goodwyn "A" offshore platform pile collapse damage.
- **Taipei Rail Link Project (US\$800m+)**
Drafting of an engineering, procurement and construction (EPC) contract for the developer of a rail project in Taipei, and negotiating terms of contract with successful Japanese tenderer (US\$800m+ project value), based on FIDIC Silver Book
- **Taipei Rail Link Project**
Drafting of civil infrastructure contract (based on FIDIC Red Book) for the project. Review and drafting of project management contract for project.
- **Singapore Dredging Contract for Jurong Island (S\$1.2b)**
Drafting the terms of a sub-contract agreement and main contract tender qualifications for a major European contractor for a government dredging contract, attendance at negotiations between contractor and sub-contractor;
- **Singapore Pharmaceutical Plant (S\$200m+)**
Review and advice on effect of provisions of engineering, procurement and construction contract for international owner of major Singapore pharmaceutical plant.
- **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.
- **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.
- **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, and delay and disruption costs arising from an EPC for a fertilizer process plant.

- **Thai Fertilizer Process Plant Performance Bond Litigation (US\$35m claim)**
Acting for a Japanese/ Korean contractor joint venture in successfully defending a call by the owner on a US\$35m performance bond provided under an EPC contract for the design and construction of a process plant in Thailand.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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
- **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.

- **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.
- **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.
- **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.
- **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 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. Singapore arbitration, Singapore substantive law. SIAC Rules

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 3rd Train of LNG for Northwest Shelf, Kaltails Gold Project, Newmont Gold Project, Wodgina Rare Earth, Whim Creek Gold, Boddington Gold Project).

Sinclair Knight Mertz Ltd (now Jacobs)

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

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, including design of process water pipelines, pumping stations, water and tailings dams for the Kaltails Project, Newmont Gold Mine, and Whim Creek Gold Mine.

Kinhill Engineers Pty Ltd (now KBR)

Perth, Western Australia (November 1985 to June 1987)

CIVIL/STRUCTURAL ENGINEER

Structural and civil design of a range of mining, oil and gas, and industrial developments, including Boddington Gold Mine, Greenbushes Tin, and the third train of the Northwest Shelf Gas Development Project, and design or strengthening of specialist structures, eg. Chimney stacks, Alcoa box girder reclaimers.

Royds, Sutherland and McLeay Ltd (Consulting Engineers)

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 (Selection)

"A Commentary on Amendments to the Construction Contracts Act 2004 (NT)", Building and Construction Law Journal, December 2020.

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

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

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

"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", CIARB Journal, Arbitration, Vol 77, Number 1, February 2011, at p108.

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

"Chinese Bilateral Investment Treaties – Restrictions on International Arbitration", CIARB 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).

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

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

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

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

"Drafting Construction Contracts to Avoid Disputes", Proceedings, Second World Engineering Congress, 22-25 July 2002, Kuching, Malaysia.

"The Prevention Principle and Conditions Precedent: Recent Australian Developments", The International Construction Law Review, July/August 2002.

"The Application of Bryan v Maloney to Commercial Buildings", Building and Construction Law, Volume 15, Number 4, August 1999 (cited by Byrne J with approval in the Victoria Supreme Court's decision in *Hampton Park Central Pty Ltd v Australian Safeway Stores Pty Ltd* [2000] VSC 422 (20 October 2000)).

"Recent Developments in Singapore and Malaysia on Recovery of Economic Loss for Defective Buildings", The International Construction Law Review, Volume 16, Part 3, July 1999.

"The Resource Management Act 1991 'A Biophysical Bottom Line' vs 'A More Liberal Regime: A Dichotomy?'", Canterbury Law Review, Volume 6, Number 3, 1997.