



Practice Area: Construction  
 Training Level: Updates  
 CPD points: 2 Public CPD Points



## **A Restatement of the Penalty Doctrine in Australia**

Monday, 22 September 2014, 5.00 - 7.30pm

Level 9, FTSE Room, Capital Tower, 168 Robinson Road, Singapore 068912

### **About this Seminar:-**

The law of penalties, which is highly relevant in a variety of ways to the practice of construction law, has recently been the subject of significant judicial consideration in Australia. In *Andrews v ANZ* [2012] HCA 30, the High Court of Australia brought down a beautifully crafted judgment setting out the history of the law of penalties and restating the doctrinal basis for this peculiar area of the law. This talk will explore this doctrinal basis, analyse the decision in *Andrews* and provide commentary as to the further development and application of the doctrine. It will also consider some ramifications for drafting both LD clauses and other common provisions in construction contracts which could be construed as being "penal" (eg an abatement regime in a public private partnership deed). The decision in *Andrews* is pertinent because it traces the origins of the doctrine back to its English roots and, as such, provides a fascinating retrospective for all common law jurisdictions

### **Seminar Programme:-**

5.00-5.30pm	Registrations & Networking for Delegates
5.30-5.45pm	<b>Opening Remarks by Chairperson</b>
5.45-7.00pm	<b>A Restatement of the Penalty Doctrine in Australia</b> Mr. Trevor Thomas - Special Counsel, Clayton Utz
7.00-7.30pm	Q&A Session facilitated by Chairperson

### **About the Speaker:-**

#### **Mr. Trevor Thomas – Special Counsel, Clayton Utz**

Trevor has worked as a construction lawyer on major infrastructure and engineering projects for the last 10 years, and is currently Special Counsel in one of Australia's most renowned construction law practices at Clayton Utz. He has a diverse practice acting for government, principals and contractors on a range of projects including: wind farms; hydro-electric projects; coal and gas power plants; chemical plants; mines; on-shore and off-shore resource extraction and processing; sea ports; air ports; buildings; rail; road and other significant infrastructure. He is familiar with a wide variety of procurement methods, including: Public Private Partnerships; Design and Construct Contracts; Engineering, Procurement and Construct Contracts; Supply and Installation Agreements; Construction Management Contracts; Operations and Maintenance Agreements; Engineering Services Agreements; Alliance Agreements; Managing Contractor Contracts and general Consultancy Contracts. Prior to becoming a lawyer, Trevor worked as an engineer and project manager for almost 10 years in Australia, Germany and England. This ranged from being a design engineer to running programs for the delivery of automated assembly lines and running a major IT procurement involving the management of a team of people and resources. For the last 2½ years, through his consulting business, he has acted as a superintendent and owner's engineer on the construction of a major wind farm in Tasmania (which has now achieved completion). As such, he has extensive experience on site dealing with practical construction issues and disputes. He has won numerous prizes both in Australia and abroad in relation to his work as a construction lawyer. On completion of his 3rd masters degree (which was a thesis about relationship contracting in the construction industry) he was invited to be a Senior Fellow teaching in the construction law masters program at the University of Melbourne. He is widely published in domestic and international construction law journals and his work has been cited with approval by a number of Australian Supreme Courts. This gives him a broad range of practical, legal, project management, people management and academic skills and experience.



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SINGAPORE

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REGISTRATION CLOSING DATE: <u>15 September 2014</u>	FEES (includes refreshments & materials, if any)
SCL (Singapore) Members	<b>S\$35.00</b>
Guests of SCL(S) Members, Members of international SCLs, <b>Members of: Chartered Institute of Arbitrators (Singapore) Ltd (CIArb), Chartered Institute of Building (CIOB), Lighthouse Club (Singapore) (Lighthouse), Royal Institution of Chartered Surveyors (RICS), Singapore Contractors Association Ltd (SCAL), Singapore Institute of Architects (SIA), Singapore Institute of Arbitrators (SIArb), Singapore Institute of Surveyors and Valuers (SISV), Tunneling and Underground Construction Society (Singapore) (TUCSS) Full Time Students &amp; Faculty of NUS Faculty of Law, Marine Offshore Oil &amp; Gas Association (MOOGAS)</b>	<b>S\$70.00</b>
Others	<b>S\$90.00</b>

Please return the registration form below, together with your cheque, if applicable, made payable to **"Society of Construction Law (Singapore)", Level 3, 146 Robinson Road, Singapore 068909" or Fax to (65) 31273797.**

### REGISTRATION, REFUND & CANCELLATION POLICY

- Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
- We regret that we generally do not issue invoices or accept payments at the event. When registering, please make a specific request for an invoice if required.
- Refunds for cancellation are not possible after the registration closing date.
- We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
- I fully consent to the collection, use and disclosure of my personal data as appears in this form by SCL (Singapore) for the purposes set out on our website.

For further enquiries, please contact the **SCL (SINGAPORE) SECRETARIAT**  
 Tel & Fax: 31273797 (no 6 prefix required)      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 (SINGAPORE) MEMBERS & THEIR GUESTS (Please use 1 form per Member)

Name: \_\_\_\_\_ NRIC/Passport No.: \_\_\_\_\_ SCL(S) 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.)

Check if CPD points are required      AAS no. \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)

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

Name(s)	Organisation	Check if CPD Points are required	AAS No.	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  
  **CIArb Mbr**  
  **CIOB Mbr**  
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 **SCAL Mbr**  
 **SIA Mbr**  
 **SIArb Mbr**  
 **SISV Mbr**  
 **TUCSS Mbr**  
 **Full Time NUS Law Student/NUS Law Faculty**  
 **Others**

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.)

Check if CPD points are required      AAS no. \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)

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)"

#### SILE Attendance Policy

Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. This includes signing-in on arrival and signing-out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.silecpdcentre.sg/> for more information.