

# RES JUDICATA, ISSUE ESTOPPEL AND THE PUBLIC POLICY EXEMPTION – DIFFERING APPROACHES IN SINGAPORE, UK AND AUSTRALIA?



**CI Arb**  
evolving to resolve  
Singapore Branch

In-person  
Seminar Room 3-12 @ SMU Yong Pung How School of Law  
23 May 2022, Singapore

**THE CHARTERED INSTITUTE OF ARBITRATORS (SINGAPORE)**  
invites you to

## “RES JUDICATA, ISSUE ESTOPPEL AND THE PUBLIC POLICY EXEMPTION – DIFFERING APPROACHES IN SINGAPORE, UK AND AUSTRALIA?”

**Date: Monday, 23 May 2022**

**Time: 6.45pm to 8.00pm (Registration starts at 6.30pm)**

**Venue: Seminar Room 3-12 @ SMU Yong Pung How School of Law**

### ABOUT THE EVENT

Please join us on a deep dive into the latest developments on *res judicata* and issue estoppel in respect of a dispute determined by arbitration. In *Gemcan Constructions Pty Ltd v Westbourne Grammar School (Enforcement of Arbitral Award)* [2022] VSC 6, the question of whether enforcement of a decision is subject to *res judicata* or issue estoppel, was considered for the first time in Australia. Mark Dempsey SC from Australia will be explaining the significance of this Australian decision, while KC Lye from Singapore and Stuart Isaacs QC (who practises in Singapore and London) will share their views on the respective approaches taken by the Singaporean and English courts. The panellists will be also discussing the differences in the various approaches, and the relative merits of the differing approaches.

The panel discussion will be moderated by Rachel Tan from the Singapore International Dispute Resolution Academy.

### EVENT FEES

There is no registration fee for this event.

### REGISTRATION DEADLINE

The deadline for registration is on 22 May 2022 (Sunday).

Click [here](#) to register. For enquiries, please email [team@davidgrief.com](mailto:team@davidgrief.com).

### Supporting Organisation



Singapore International  
Dispute Resolution Academy

The Chartered Institute of Arbitrators (CI Arb) is the world's leading professional membership body for arbitration and alternative dispute resolution (ADR). CI Arb promotes the use of ADR internationally through 17,000 professionally qualified members in over 149 countries.

**The Chartered Institute of Arbitrators (Singapore)**

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## PANELLISTS AND MODERATOR



### Mark Dempsey SC

With more than three decades of experience as a barrister and 18 years as a Senior Counsel, Mark is one of Australia's leading barristers. He is regularly briefed as counsel in a wide range of highly value and complex commercial disputes in courts and arbitrations across Australia and Asia-Pacific. In particular, he is renowned for his expertise in major construction, engineering and infrastructure disputes. Mark is also an accredited mediator and regularly mediates construction and other commercial disputes and mainly actively engages in the promotion of international arbitration through his roles as a Director of the Australian Centre for International Commercial Arbitration (ACICA) and Chair of the Australian Bar Association International Committee (ABA).

Mark is a Senior Fellow at the Bali International Arbitration and Mediation Centre (BIAMC) and a Fellow at the Chartered Institute of Arbitrators (CI Arb) and Australian Centre for International Commercial Arbitration (ACICA). He is also on the panel of arbitrator and mediator for the Asian International Arbitration Centre (AIAC, formerly known as KLRCA).

### KC Lye

KC Lye began his practice as a commercial litigator at the Singapore Bar and later spent many years as the head of the disputes department of a major international firm in Singapore. With his myriad of experience over more than 20 years as a dispute resolution practitioner, he now brings it to practice as an independent counsel and arbitrator. He is a Fellow of the Singapore Institute of Arbitrators (SI Arb), and is on the panel of arbitrators of the Singapore International Arbitration Centre (SIAC) and the Asian International Arbitration Centre (AIAC, formerly known KLRCA).

KC focuses on international arbitration and has been involved in a wide variety of contested matters in South-East Asia. He handles high-value disputes from a range of industry sectors, including energy, infrastructure, oil and gas, aviation, and commercial fraud. He has represented clients in ICSID, SIAC, ICC and LCIA arbitrations and mediation proceedings in London, Hong Kong and Singapore. He has accepted numerous appointments to sit as arbitrator, both as sole arbitrator and as part of a panel, in commercial cases centred in Japan, India, China, the Philippines and Rwanda. KC has been consistently named in the Hall of Fame for International Arbitration and ranked as a Leading Individual for many years in leading legal directories and rankings.

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## Stuart Isaacs QC

Recognised as a leader at the Bar in all of his areas of practice, Stuart Isaacs QC is conspicuous for his exceptional legal and technical knowledge and abilities. Stuart has an established reputation as a barrister specialising in international commercial arbitration and litigation, with a particular focus on London and Asia. He was the first London QC to be authorised to practise as a foreign lawyer in Singapore. Stuart advises and represents clients in court and arbitration proceedings worldwide. He sits regularly as an arbitrator and is a Deputy Judge of the High Court of England and Wales.

Stuart has also conducted hundreds of arbitrations and is regularly appointed as presiding, sole or co-arbitrator by parties and by the leading arbitral institutions. He features in The Legal 500's International Arbitration Powerlist UK and is ranked in both Chambers Asia-Pacific and Chambers Singapore as a 'most in demand arbitrator'. He conducts commercial arbitrations under the arbitration rules of the ICC, LCIA, SIAC, HKIAC, CIETAC and KCAB and under UNCITRAL Rules amongst others, as well as in ad hoc arbitrations. He has also been involved in several ICSID disputes under bilateral investment treaties and many ad hoc arbitration in a variety of fields.

## Rachel Tan

Rachel is part of the leadership team at the Singapore International Dispute Resolution Academy and Associate Counsel at Rev Law LLC. Rachel also teaches legal skills at the National University of Singapore. She holds a BA (Honours) and an LL.B (Honours) from the National University of Singapore, and is an accredited Tribunal Secretary at the HKIAC. Rachel has won several prizes, including winning the Best Memorial Prize in the B.A Mallal Moot Competition in 2015, placing 3rd in the Fountain Court Chambers Christopher Bathurst Prize Competition 2017, placing 1st in the Chartered Institute of Arbitrators (Singapore) Procedural Order Competition 2018, and winning the Championship of the Essex Court Chambers – Singapore Academy of Law International Mooting Competition 2019.

Prior to her current roles, Rachel clerked for a world-renowned arbitrator, and was tribunal secretary in both international commercial and investor-state arbitrations. She was thereafter an associate focusing on litigation and international arbitration at a large law firm. Rachel also spent three years in the Ministry of Foreign Affairs as a Foreign Service Officer from 2011 to 2014.

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