PANEL DISCUSSION ON:

THE EFFECT OF ILLEGALITY IN CIVIL LAW CLAIMS

19 SEPTEMBER 2018, WEDNESDAY
4.30PM – 6.15PM
CHAMBER @ THE ARTS HOUSE (1 OLD PARLIAMENT LANE, SINGAPORE 179429)
Programme Outline

The panel will discuss competing approaches to the effect of illegality in civil law claims in different jurisdictions, with a view to assessing the merits and disadvantages of the various approaches. The discussion will also pick up the issues raised by this year’s Christopher Bathurst Prize problem (“In the matter of intended actions between Sir Michael “Mick” Moon and Cool The Planet”).

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<td>Registration and Tea Reception</td>
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<td>5.00pm – 5.05pm</td>
<td>Welcome remarks by Ms Serene Wee, SAL Chief Executive</td>
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<td>5.05pm – 6.05pm</td>
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<td>• Stephen Moriarty QC</td>
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<td>Panel Discussion</td>
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<td>• A/P Sandra Booysen</td>
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<td>• Akhil Shah QC</td>
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<td>6.05pm – 6.15pm</td>
<td>Q &amp; A</td>
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SILE Attendance Policy 1.0 PUBLIC CPD POINT
Practice Area: Civil Procedure | Training Level: General
Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, 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 www.sileCPDcentre.sg for more information.
IN THE MATTER OF INTENDED ACTIONS BETWEEN
SIR MICHAEL “MICK” MOON AND COOL THE PLANET

INSTRUCTIONS FOR
COUNSEL TO ADVISE

Instructing Solicitors act on behalf of the well-known, albeit ageing, rock star Sir Michael "Mick" Moon, who believes passionately in supporting environmental causes. In November 2017 Sir Mick gave money to a charity by the name of Cool the Planet, and two individuals, in the following circumstances.

Cool the Planet is an umbrella charity which exists to promote international efforts to reduce global warming, and has branch organisations operating under that name around the world, including in the UK and in Singapore. In October 2017, Sir Mick approached a senior employee of Cool the Planet (UK), a Mr Warm, saying that he believed he could help promote the work of the charity if he were made an honorary ambassador for it, and that he was prepared to pay £100,000 to Cool the Planet (UK), and £20,000 to Mr Warm "on the side", if he could procure that for him. Mr Warm said he thought that could be achieved given his position of influence within the organisation, and so on 3 November 2017, Sir Mick transferred £100,000 to Cool the Planet (UK) and £20,000 separately to Mr Warm.

Encouraged by what Mr Warm had said, and being a man with global ambitions, Sir Mick thought it would be a nice idea to get himself appointed an honorary ambassador in Singapore for Cool the Planet (Singapore) as well. Shortly after making the payments in England, therefore, Sir Mick travelled to Singapore where he met a senior official of the charity there (a Mr Wennuan). After a short discussion in which he offered to give SGD150,000 to Cool the Planet (Singapore), and SGD30,000 to Mr Wennuan "on the side", if he could get him appointed an honorary ambassador, Mr Wennuan said he thought that could be arranged since he knew the local trustees very well. On 20 November 2017, therefore, Sir Mick transferred SGD150,000 to Cool the Planet (Singapore) and SGD30,000 to Mr Wennuan.

Unfortunately, in December 2017, Mr Warm contacted Sir Mick to say that he had approached the trustees of Cool the Planet (UK) with the proposal, but that they had taken the view that a sanctimonious and ageing rock star was not quite the image they cared for in a high profile position like honorary ambassador. They had therefore turned down the proposal point blank. However, when Sir Mick asked for the return of the money he had paid to Cool the Planet (UK) and Mr Warm, Mr Warm said that he was sorry but that would not be possible. He had, after all, tried his best.

Taking umbrage at this gross slight to his character, and the refusal to return his money, Sir Mick resolved that there was no way he was going to support any organisation that behaved in such a shoddy way. He telephoned Mr Wennuan in Singapore, therefore, and said that he no longer had the slightest wish to be an honorary ambassador for Cool the Planet (Singapore), and wanted the return of the SGD150,000 he had paid to the charity and the SGD30,000 paid to Mr Wennuan "on the side". Mr Wennuan said that it was OK by him if Sir Mick no longer wanted the position, but that there was no way he was going to get his money back.

Sir Mick is incandescent about the way he has been treated, and wants to sue Cool the Planet (UK) and Mr Warm in England, and Cool the Planet (Singapore) and Mr Wennuan in Singapore, for the return of his money. Counsel is requested to provide a short written opinion on his prospects of success.
A/P Sandra Booysen
National University of Singapore

Dr Sandra Booysen is an Associate Professor at the National University of Singapore, deputy-director of the Centre for Banking and Finance Law (CBFL), and serves on the editorial board of two academic journals: *Singapore Journal of Legal Studies* and *International Banking and Securities Law* (published by Brill).

Sandra’s research interests straddle contract and banking law and she has published her work in a variety of international journals. In 2017, Sandra co-edited a volume entitled *Can Banks Still Keep a Secret? Bank Secrecy in Financial Centres Around the World* which was published by Cambridge University Press. Prior to joining academia, Sandra practiced law in London and Johannesburg, with a focus on commercial litigation. She is admitted as a solicitor in England and Wales, and as an attorney and notary in South Africa.
Speakers

Akhil Shah QC
Fountain Court Chambers, London, U.K.

Akhil Shah QC is an experienced trial and appellate advocate specialising in commercial and other high quality civil law. His practice as Queen’s Counsel has spanned a wide range of disputes involving commercial litigation, appellate advocacy, arbitration and regulatory hearings. His work often involves international and multi-jurisdictional elements. Akhil also undertakes advisory work for international clients.

Akhil regularly provides expert evidence on English law to foreign courts or tribunals and has done so recently in proceedings in the People’s Republic of China, Malaysia, Russia and France. He has also appeared in the Caribbean and has been admitted to the British Virgin Islands Bar.

Kanaga Dharmananda SC
Fountain Court Chambers, Perth, Australia

First admitted in 1989 in Western Australia, Kanaga Dharmananda commenced practice as a barrister in 2006 and was appointed Senior Counsel in 2010. He is a member of Quayside Chambers in Perth and of Fountain Court Chambers in London and Singapore. He was previously counsel with Mitsubishi Corporation in Tokyo, and with firms in Singapore (Rajah & Tann) and Malaysia.

Kanaga has a broad commercial practice, with emphasis on resources, finance, project, and international matters. He has experience of public international law, both within the United Nations in Geneva, and in arbitration, including on an ICSID panel. He appears and acts in international arbitrations in Australia and across South East Asia. A graduate of the University of Western Australia, Oxford University, and Harvard law School, Kanaga teaches International Commercial Arbitration and International Investment. He is also co-editor of the book, ‘Long Term Contracts’.