

## Curriculum Vitae



## Rabin S Rabindran

**CITIZENSHIP:** New Zealand

**LANGUAGES:** English, Malay, Indonesian

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### PROFESSIONAL QUALIFICATIONS:

- Called to the English Bar by Middle Temple. Awarded the Commonwealth Law Prize.
- Awarded MA (Business Law) with Distinction.
- Admitted as an Advocate and Solicitor of the Supreme Court of the Republic of Singapore.
- Attended the Summer Course at the University of Dundee Centre for Petroleum and Mineral Law Studies.
- Barrister and Solicitor of the High Court of New Zealand.
- Associate Member of the Arbitrators' and Mediators' Institute of New Zealand Inc (AMINZ).

### PRINCIPAL FIELDS OF LEGAL PRACTICE:

Specialise in major national and international project structuring, negotiation and documentation principally in the fields of construction, energy, transport and infrastructure development.

## **PROFESSIONAL ENGAGEMENTS:**

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| 2003-     | Commercial Barrister & International Legal Consultant   |
| 2003-1984 | Simpson Grierson (13 years as a Partner and former Convenor of the Construction Market Group) |
| 1985-1986 | On secondment to BP Indonesia as Legal Counsellor to the BP Group of Companies in Indonesia   |
| 1981-1984 | Rodyk & Davidson, Singapore   |

## **DIRECTORSHIPS & COMMITTEES:**

- Chairman of the Bank of India (NZ) Limited.
- Former Director New Zealand Health Partnerships Limited.
- Former Deputy Chair Counties Manukau District Health Board.
- Former Director of three New Zealand subsidiaries of Swift Energy Company of Houston, Texas - Swift Energy New Zealand Limited, Swift Energy New Zealand Holdings Limited and Kowhai Operating Limited.
- Former Director Auckland Transport. Initially appointed by the Ministers of Transport and Local Government. Re-appointed thereafter by Auckland Council for further terms.
- Former Director Solid Energy New Zealand Limited.
- Former Chairman of the 2016 Auckland Transport CRL Legal Services Subcommittee.
- Former Chairman of the 2012-2015 Regional Land Transport Programme Public Hearings Panel and former Chairman of the 2015-2025 Regional Land Transport Plan Public Hearings Panel.
- Former Chairman of the 2013 Election Signs Bylaw Public Hearings Panel.
- Former Commissioner on the Public Hearings Panel for Trading and Events in Public Places Bylaws
- Former Chairman Auckland Regional Transport Authority (ARTA).
- Former Chairman Rugby World Cup Regional Transport Forum.
- Former Director Manukau Water Limited.
- Former Director Tomorrow's Manukau Properties Limited.
- Former Director TMPL (Flat Bush) Limited.
- Director New Zealand Liaoning International Investment & Development Company Limited.
- Singapore Chapter Chair ASEAN New Zealand Business Council.

- Former Trustee and Board Member Chinese Language Foundation.
- Former BP Indonesia Executive Management Committee Member, together with the President and 3 Vice-Presidents.
- Former Director MBf Carpenters Limited, an Australian public company.
- Former Director SG Consultants Limited.
- Former Deputy Chairman New Zealand Professional Services Export Council.

#### **EXPERIENCE - New Zealand:**

- Appointed by the New Zealand Government's Crown-owned investment company, Crown Fibre Holdings Limited as the peer reviewer of the project documentation for the Government's \$1.5 billion Ultra-Fast Broadband Initiative.
- Engaged as the energy expert to advise Tikitere Geothermal Power to call for proposals to fund and develop a major geothermal energy project in Rotorua. Involved with preparing Request for Proposals documentation, evaluating the proposals, negotiation with prospective respondents and negotiation of BOT Contract with Ormat of Israel. Currently legal advisor to Tikitere Geothermal Power Ltd.
- Lead counsel for Swift Energy of Houston USA for various interests in New Zealand. Drafted all tender documents for the numerous contracts for design, supply, construction and maintenance of the Rimu Production Station. Advised on numerous construction and energy related issues including purchasing the infrastructure assets of Shell in Taranaki and the purchase of the interests of Australian and Canadian companies in various licence areas. Lead counsel representing the Swift Group of Companies in New Zealand and the parent company in Houston in the review of strategic alternatives for the New Zealand operations including the divestment of their assets in the country. Led a team of lawyers and engineers in negotiating sale of the majority oil, gas and infrastructure assets to Origin Energy and the balance to the Greymouth group of companies.
- Acted for Beca Group on various projects including acting for the Engineer to the Contract for the Hobson St Substation project and the MIT and Shed 10 projects in connection with the receivership of Mainzeal Construction.
- Acting for the CP Group with regard to the development of the Sofitel So, Auckland, and the So Fiji. Also acted for them in connection with the Sofitel Hotel Wellington.
- Advised a consortium of New Zealand, Australian and British companies on their bid to participate in the North Island Overhead Transmission Line project alliance with Transpower to design, supply, construct and commission a 186km 400kV transmission line.
- As a specialist infrastructure lawyer, advised Fletcher Construction on their bid for the Wiri Prison Public-Private-Partnership (PPP) project in New Zealand.
- Acted for Bell Atlantic/Ameritech consortium in connection with the \$4 billion purchase of Telecom as part of the privatisation of Telecom New Zealand. Primarily responsible for perusing and advising on all intercompany trading agreements and construction contracts.

- Advised Treasury and ABN Amro with particular regard to the construction, operation and maintenance of power stations in New Zealand and Australia in connection with the scoping study as well as the sale of cornerstone shareholding of Contact Energy.
- Negotiated and drafted construction documents on behalf of Shimizu Corporation for construction of Pan Pacific Auckland. Represented Shimizu from inception to completion of project and for their business interests in New Zealand.
- Drafted tender and contract documents for Auckland International Airport with regard to all construction activity at and around the Airport for over 15 projects including the international terminal development extensions and advised on all issues from tendering to completion of work.
- Advised the Tuaropaki Trust on all aspects of their Mokai geothermal power projects. Team leader in the negotiation and drafting of a range of contracts for their projects from inception to completion.
- Team leader in acting for the TCC Partnership on all aspects of construction and maintenance of the 360MW Taranaki Combined Cycle power project. Assisted with evaluating tenders for the construction of the power station, drafted various contract documents, involved with negotiating power purchase agreements, connection contracts and the operation and maintenance contract.
- Together with Ronmar Holdings prepared Procurement Policy Manual for the Electricity Commission.
- Act for Millennium & Copthorne Hotels NZ, the largest hotel operator in New Zealand in connection with construction issues at their various hotel complexes in the country.
- Legal specialist on the initial team advising the Rodney District Council on the structuring and tendering of the Penlink BOT Project.
- Advised New Zealand Milk Products, a division of Fonterra on various contracts with regard to their major plant at Kauri including the Spreadable Butter Packing contract, the Concentrate Storage contract, the Lactose Rehydration contract, the Nucon contract and various other construction contracts including the Stirling Milk Vat Project.
- Advised the Buchan Group of Australia on issues arising on some of their projects in New Zealand including reviewing their documentation to provide architectural services.
- Advised a consortium of Australian, French and New Zealand companies on the Wellington Wastewater Project tender to design, build and operate (DBO) the wastewater facilities.
- Drafted tender and contract documents for Housing New Zealand Maintenance Project which was a \$460 million major comprehensive and integrated maintenance project for 58,000 houses throughout New Zealand involving 300 contractors and advised on all issues of the project from inception to completion.
- Advised the National Kidney Foundation of Singapore (the world's largest not-for-profit dialysis provider) on the construction and establishment of a haemodialysis facility for the Government of Samoa.

- Advised Kapiti Coast District Council on the design, build, operate (DBO) conditions of tendering and conditions of contract for the Paraparaumu Sewage Treatment Plant Upgrade and Waikanae Transfer Pipeline.
- Advised Jasmax on their contract to provide architectural services for the Museum of New Zealand Te Papa Tongarewa.
- Worked with architects Stephenson & Turner in advising the Auckland Area Health Board on some of their construction projects.
- Provided specialist advice on documentation for the Manukau Wastewater Treatment Plant, the largest wastewater treatment facility in New Zealand.
- Drafted the tender documents and contract documents for North Harbour Gas Pipeline Project and advised Enerco and consultants on various aspects of the project from inception to completion.
- Drafted tender and contract documents for Farmers Deka for their Distribution Centre and Support Office and advised on issues arising during construction.
- Advised the Kupe Group on the construction of the Park Royal Hotel (now called the Inter- Continental) in Wellington.
- Acted for Auckland One Ltd in the negotiation of the various contracts with Westfield Properties for the development of major retail and commercial complex in Newmarket.
- Drafted and negotiated tender and contract documents for Metlifecare Ltd with regard to the construction of their retirement villages. Advised on their Takapuna Retirement Village complex which will be the largest retirement village in Australasia.
- Advised Electrix Ltd on various RFPs/tenders and projects in New Zealand including tendering for major contracts with Transpower, Vector and others.
- Advised Brian Perry Civil on the Hibiscus Coast Trunk Pipeline project in Rodney District.
- Acted for Fletcher Challenge in the purchase of Maui Gas from ECNZ for power generation purposes.
- Advised Bay of Plenty Electricity on the documentation for the Co-generation Plant at Bay Milk Products, Edgecumbe.
- Appointed by the Employment Court to be the independent expert to inquire into and report on documents in relation to the tenders submitted to the New Zealand Dairy Board.
- Advised Nokia Telecommunications of Finland on their subcontract documentation for use in New Zealand.
- Advised Neil Housing on the construction documentation for the building of the Games Village for the XIVth Commonwealth Games and later sale of units to the Housing Corporation.
- Acted as a construction law consultant to the law firm advising on the documentation for the North Harbour Stadium.

- Drafted pro-forma tender and contract documents for NZI Insurance for use in their various construction projects.
- Advised Southland Dairy on construction documentation for their Turbine Generation Plant contract.
- Drafted conditions of contract for use on substation and transmission line works for Transpower.
- Advised Tasman Pulp & Paper Co Ltd on their natural gas supply contracts for their plants in New Zealand.
- Advised for BHP-NZ Steel Pension Fund on documentation for their construction projects.
- Involved with drafting contract documents for Ericsson Communications in preparation to build New Zealand's multi-million dollar 3G compatible third cellular infrastructure network if successful in acquiring spectrum.
- Acted as a consultant to the law firm advising on the tender and contract documentation for the construction of TelstraClear Head Office, TranzRail's Auckland office and Sovereign Building at Smale's Farm Office Park, Takapuna.
- Drafted tender documents for Macraes Mining to call for tenders for their South Island mining operation.
- Acted for Sensation Yachts for the construction of luxury yachts for several overseas customers.
- Worked with Architectus, Peddle Thorp & Aitken and Q Designz in advising purchaser of a luxury apartment in Auckland.
- Drafted conditions of contract for use by members of the Landscape Industries Association of New Zealand inc.
- Provided specialist advice to Contact Energy on their submission to an expert in connection with a dispute between Contact Energy and Shell.

#### **EXPERIENCE - Australia & the Pacific:**

- Advisor to Fraser Coast Opportunities of Queensland with regard to infrastructure development for the region. Fraser Coast Opportunities is a collaborative partnership between the Fraser Coast Regional Council, Urban Development Institute of Australia, Chambers of Commerce and the Economic Development and Enterprise Collaboration Unit of the University of Southern Queensland.
- Provided specialist advice to the Government of the Cook Islands on the Waste Management Project construction of landfills and septage ponds funded by the Asian Development Bank.
- Advised Carpenters Fiji Limited on the construction of their planned 21 storey Carpenters Pacific Tower and MH Mainstore in Suva.

- Advised the joint venture of Carpenters Fiji and CP Group on their bid to purchase and redevelop the Grand Pacific Hotel, Suva.
- Acted for the Melanesian Trust in connection with a construction project in the Solomon Islands.
- Advised Carpenters Shipping with regard to contracts for the refurbishment and shipping of fork lift trucks to Papua New Guinea.
- Appointed by the Attorney-General of Samoa as legal adviser to the Central Bank of Samoa for construction of their prestigious Central Bank Building. Drafted the tender documents, assisted in evaluating the tenders, negotiated the contract documents and advised on all aspects of the project from inception to completion.
- Acted for UK bidder for BHP Australia's power generation assets. Team leader responsible for reviewing all construction contracts, power purchase agreements and operation and maintenance contracts.
- Advised Wirrina Cove Resort Pty Ltd and its owners on the restructure and sale of its resort, hotel and convention centre facilities in South Australia.
- Acted for Ronmar Holdings with regard to their consultancy for materials purchasing arrangements with the New South Wales Land Housing Corporation.
- Advised Nadin Estates, a UK company on purchasing the major shareholding of MBF Carpenters Ltd, an Australian public company that has extensive industrial, retail and plantation interests in Fiji and Papua New Guinea.

#### **EXPERIENCE - Asia:**

- Funded by the World Bank as Legal Specialist to advise the Government of Sri Lanka on the development of a 300 MW combined cycle gas turbine facility on a build-own-operate-transfer basis. Involved with the structuring of the project and drafting the various RFP documents including the instructions to bidders, power purchase agreement, fuel supply agreement, implementation agreement and lease.
- Advised a Malaysian public company MBf Holdings Berhad on their joint venture interests in Hangzhou Xinma Elevator Company in China.
- Advised the National Highways Authority of India on issues arising from an Asian Development Bank funded roading dispute in Uttar Pradesh, India.
- Advised Port of Singapore Authority in numerous maritime and non maritime matters. Appeared for the Port of Singapore Authority as Junior Counsel to the Hon. M.J. Beloff Q.C. in the 3 month long Sentosa Cable Car Disaster Inquiry.
- As the Legal Counsellor to the BP group of companies in Indonesia, involved in giving legal advice to the various business streams of BP. Essentially involved with energy, construction and mining – dealt with day to day legal problems arising in BP's various petroleum exploration interests, worked closely with PERTAMINA, Chevron & Mitsui on Sulawesi Gas and worked on various gold mining projects in Kalimantan. Was also involved with chemicals, shipping, nutrition and solar energy.
- Acted for BP Shipping, BP Singapore and BP Malaysia in all aspects of a collision between a BP vessel and a super tanker in the Straits of Malacca which involved complex issues of salvage, transshipment of potentially explosive cargo and liability.

- Advised Carpenters Shipping of Malaysia on various issues to do with the restructuring and closing of their New Zealand office.
- Advised Jasmx and Singapore architects on problems arising with the design and construction of the residence for the New Zealand High Commissioner to Singapore.
- Advised Roadesh Ltd on a major dispute in Bangladesh arising out of tendering for an Asian Development Bank project.
- Assisted with documentation for the setting up of a multi-million dollar petrochemical complex in Singapore between Japanese consortium, Shell Eastern Petroleum and the Government of Singapore.
- Assisted Ssangyong Construction Co. Ltd of Korea with documentation for the construction of billion dollar Raffles City Project in Singapore.
- Engaged by the Ministry of External Relations & Trade to provide training to personnel of Vietnam's Transport Engineering Design Institute in the skills of negotiation and drafting tender and contract documentation with regard to international construction contracts. Reviewed their documents for the building of roads, bridges and other transport facilities.
- Assisted with the Indonesian Evaluation Study in connection with developing geothermal fields in that country, carried out for the New Zealand Ministry of Foreign Affairs.
- Advising various parties from Liaoning Province in China on their overseas business interests outside China.
- Advised E-Type Engineering on their bid for the construction of the Shanghai Flume Project.
- Advised Shenzhen Brillice Investment Company Ltd in China on some of their international projects including acting for their New Zealand subsidiary Brillice Trust Investment Holdings (NZ) Company Ltd.
- Advised AsiaPower Developments on Wayang Windu Geothermal Project in Indonesia.
- Was Legal Adviser to the People's Committee of BaRia-VungTau Province in Vietnam for the development of the economic zone in the Province.
- Represented Orchard Hotel International and other Singapore parties in negotiations in Sri Lanka with regard to a project there.
- Acted for Sunflex Abrasives Pte Ltd, a German owned Singapore company for their joint ventures in South East Asia, India and Pakistan.
- Advised Argon Construction and Vuksich & Borich in connection with a US\$150m integrated leisure and activity resort project in Malaysia.
- Provided specialist advice to Fletcher Construction on their tender for the construction and installation of meat processing plants in India and Malaysia.



- Advised McConnell Dowell Corporation on their projects in Malaysia, Thailand, Vietnam and India.
- Advised a NZ company on a proposed heli-logging project in Malaysia.
- Advised TeleNZ International Ltd on their telecommunications joint venture in Vietnam.
- Advised DesignPower on their mobile substation contract in Indonesia.
- Advised the principal consultants on the Uma Oya Multi-Purpose Project to develop hydro-power and irrigation in Sri Lanka.

#### **EXPERIENCE - Other Countries:**

- Engaged as Legal Adviser to the Government of Saint Lucia to assist them negotiate and structure the Soufriere Geothermal Project, to draft all documents including joint venture agreements and electricity supply agreement and to review proposed geothermal legislation. Drafted their Geothermal Energy Bill.
- Advised GENZL Ltd on the Olkaria and Eburru geothermal projects in Kenya and other projects in Indonesia, the Azores, Ethiopia and the Philippines.
- Advised Glidepath on tender documentation for Santiago International Airport, Chile.
- Advised Electricity Corporation of New Zealand on proposed tender for generation facilities of Electrolima of Peru.

#### **PAPERS PRESENTED TO NATIONAL OR INTERNATIONAL CONFERENCES AND PUBLICATIONS:**

- Local Participation Regulations: An Important Consideration in Asia - Singapore.
- Renegotiating Tender Conditions after the Award: A Construction Case Study - Singapore.
- Agency and Distributorship Agreements – Singapore.
- Business Take-overs with particular reference to the National Economic Policy of Malaysia – Singapore.
- Laws relating to Property Investment/Development in Singapore – Singapore.
- New Zealand Position Paper on the ASEAN Free Trade Area (AFTA) at the 4th Plenary Meeting of the ASEAN/New Zealand Business Council – Singapore.
- Tenders in Construction - New Zealand.
- Critical Cultural Factors in Dispute Resolution - Pacific Rim Advisory Council Conference in Malaysia.
- The Impact of Cross-Cultural Communications on International Project Management – Inaugural Conference of the Project Management Institute New Zealand Chapter, Wellington.
- Co-author of feature article titled "International Trade – the Lawyer's Role", in Export News published by the New Zealand Trade Commission.

- Author of "What is BOT" – Simpson Grierson Project News.
- Protecting Construction Contractors – National Party Caucus Committee for Commercial and Business Matters.
- Auckland Power Supply Failure – Pacific Rim Advisory Council Conference, Taipei, Taiwan
- Legal Pitfalls and Negotiation Techniques for doing Business in Asia – Action Asia Business Summit, New Zealand's largest international business and trade event.
- Speaker on the Directors' Panel to discuss 'What Directors want ...' at the Institute of Internal Auditors of New Zealand Conference.

#### **GENERAL:**

- Former Lloyds Arbitration Reports correspondent for Malaysia and Indonesia.
- Member of the first Ministerial Trade Mission to Cambodia and Vietnam – September 1992.
- Member of the ASEAN Mission with the Prime Minister to Indonesia, Singapore and Malaysia – May 1994.
- Member of various interview panels for several senior positions including selection of Chief Executives and Chief Operating Officers.