

# FROM THE EDITOR

Welcome to the 24th issue of **ReSolution**<sup>®</sup> in which we draw on the experience and knowledge of leading experts in the field to bring you commentary, articles and reviews on topical matters relating to domestic and international dispute resolution.

In this issue we look at the dangers of defective dispute resolution clauses – as have been highlighted in recent High Court cases. In Fiona Tregonning's article on page 7 she examines *Tumatatoro Limited v HJS AG Limited & Ben Vanderkolk* [2019] NZHC 1047 and the problems caused by a clumsily constructed dispute resolution clause in a lease.

This quarter we feature part one of a two part series focusing on using mediation as a business tool. In this instalment Paul Stills considers the benefits of using early intervention facilitation in commercial relationships.

In Case in Brief we examine *Pukeroa Properties (no. 2) Limited v Rotorua Hunting & Fishing New Zealand Limited* [2019] NZHC 1367 in which an arbitrators award was challenged and leave to appeal was sought. We look closely at the reasoning for the ensuing judgment.

Elsewhere we delve into *BNA v BNB and Anor* [2019] SGCA 84 where a lack of clarity in a contract resulted in a drawn out international dispute, ending in the Singapore Court of Appeal. In a similar vein on page 29 we look at an English Court of Appeal decision on a dispute where parties to a contract failed to distinguish between the arbitration agreement and the contract as a whole when deciding which governing law to choose.

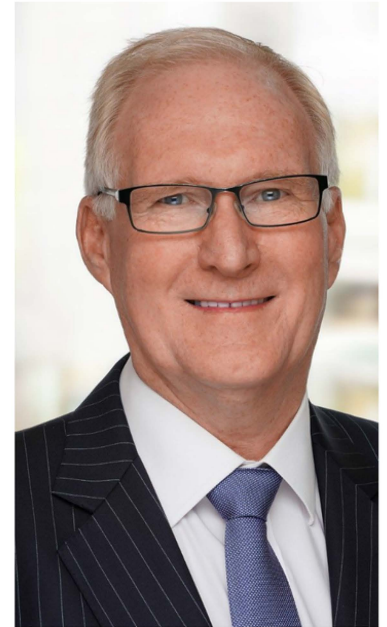
I wish to take this opportunity to thank all our contributors. We are most grateful for the support we receive from dispute resolution professionals, law firms, and publishers, locally and overseas, that allows us to share with you papers and articles of a world-class standard, and to bring you a broad perspective on the law and evolving trends in the delivery and practice of domestic and international dispute resolution.

Contributions of articles, papers and commentary for future issues of **ReSolution**<sup>®</sup> are always welcome. I do hope you find this issue interesting and useful. Please feel free to distribute **ReSolution**<sup>®</sup> to your friends and colleagues – they are most welcome to contact us if they wish to receive our publications directly.

Warmest regards,



John Green  
Editor



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