

PRESS RELEASE

24 January 2011

COURT OF APPEAL RULES IN FAVOUR OF ACRES-

ACRES WILDLIFE RESCUE CENTRE (AWRC) CLERK OF WORKS FOUND LIABLE AND NEGLIGENT

SINGAPORE, 24 January 2011 – The Singapore Court of Appeal has concluded that the Clerk of Works for the AWRC, Mr. Tan Boon Kwee, was in breach of his duty of care to ACRES and that, by reason of his negligence, he caused ACRES to suffer pure economic loss.

In the judgment of the Court of Appeal delivered on 20 January, Justice Andrew Phang stated that ACRES “has had to suffer the unnecessary stress and inconvenience of having to deal with a number of government agencies regarding the environmental damage from the contaminated back, delay the opening of the shelter and the commencement of the good work the shelter was intended for, as well as put up with the unsightly and noxious effluence being discharged from the site. While these may not be legally recoverable losses, it is a testament to the fortitude and determination of ACRES staff that they were not deterred by the numerous setbacks.”

In September 2008, ACRES filed a lawsuit against ANA Contractor Pte. Ltd. (the AWRC main contractor) and Mr. Tan Boon Kwee.

ACRES sued ANA for the delay in the completion of the AWRC, the failure to construct the AWRC in accordance with the specified building plans, and the use of unsuitable backfill materials which resulted in environmental pollution.

ACRES sued Mr. Tan for negligently failing to supervise the leveling of the site and failing to ensure appropriate backfill materials were used.

As a result of the unsuitable backfill material used, the entire AWRC Main Sanctuary Area (1.5 hectares, consisting of 62 animal enclosures) has to be demolished and the unsuitable backfill material excavated and removed. The 62 animal enclosures can only be rebuilt after the above works have been completed.

In the judgment delivered in March 2010, Justice Kan Ting Chiu found ANA liable and ordered them to pay damages to ACRES. Justice Kan, however, dismissed ACRES’ claim against Mr. Tan personally.

In April 2010, ACRES filed its appeal against the dismissal by Justice Kan of ACRES’ claim against Mr. Tan.

“ACRES is delighted by the verdict and we feel that justice has been served. We hope to rectify the problems caused by ANA and Mr. Tan and look forward to opening the Main Sanctuary Area of the AWRC. With its opening, we will be able to expand our wildlife rescue and education programmes, enabling us to rescue more wild animals and expand our awareness efforts.”

“Our heartfelt thanks to our lawyers Mr. Suresh Nair and Mr. Muralli Raja of Straits Law Practice LLC and Mr. Kenneth Pereira of Advocatus Law LLP, for their hard work and

dedication to ACRES over the past three years” said Mr. Louis Ng, Founder and Executive Director of ACRES.

“The ACRES’ staff are a rare breed among young Singaporeans. They are driven by dedication to a cause and not by narrow self-interest or profit. The members of the legal team are just glad that we were able to help them in some small way” said Mr. Nair, Director, Straits Law Practice LLC.

As part of Straits Law’s 10th Anniversary celebration, Straits Law will be donating all legal fees to ACRES in support of ACRES’ animal protection programmes.

ACRES will be proceeding to assessment of damages phase against both ANA and Mr. Tan.

The National Environment Agency has filed criminal charges against both ANA and Mr. Tan. The NEA trial is scheduled for February 2011.

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