

AIAC CIPAA CIRCULAR 10

CIRCULAR ON THE AIAC CONTINUING COMPETENCY DEVELOPMENT SCHEME FOR ADJUDICATORS UNDER THE CONSTRUCTION INDUSTRY PAYMENT AND ADJUDICATION ACT 2012

As the sole administrative authority under the *Construction Industry Payment and Adjudication Act 2012* (the "CIPAA"), the AIAC is responsible for setting the competency standard and criteria of adjudicators pursuant to Section 32(a) of the CIPAA. This responsibility applies not only to the initial empanelment of adjudicators, but it also applies to monitoring the competency of adjudicators throughout the duration of their empanelment with the AIAC.

Over the years, the AIAC has observed that there are knowledge gaps in the practice, principles, and procedures involved in adjudicating payment disputes under the CIPAA. This applies to both adjudicators who have legal training, as well as adjudicators who have a non-legal background.

To bridge the knowledge gap, the AIAC is launching the Continuing Competency Development ("CCD") scheme for adjudicators. The CCD scheme will see the AIAC, in conjunction with external practitioners, conduct a series of workshops throughout the year relating to the practice, principles, and procedures associated with adjudication proceedings under the CIPAA, including industry and knowledge-based principles relevant to construction disputes generally.

The aim of the CCD scheme is to equip adjudicators with the necessary know-how to confidently navigate through the various legal, technical, and procedural issues that may manifest in the course of an adjudication proceeding. Ultimately, the goal is to minimise the number of adjudication decisions that are set aside by courts, as well as to potentially enhance the capacity and suitability of participating adjudicators to preside over more complex disputes.

Participation in the CCD scheme is voluntary. However, in certain instances, the Director of the AIAC may invite an adjudicator to participate in a CCD workshop based on feedback received from the Adjudicator Evaluation Form (the "AEF"). The AEF is an initiative launched by the AIAC to complement its efforts to improve the quality and maintain the expected competency standards of adjudicators empanelled with the AIAC. The AEF involves parties and/or party representatives completing a survey, at the conclusion of an adjudication proceeding, which allows them to provide confidential feedback to the AIAC on the performance of an appointed adjudicator.

The CCD workshops are designed to be interactive, with exercises and assignments to be completed in conjunction with the workshops, to ensure optimum understanding and comprehension of topical subjects related to the construction industry and the CIPAA. Upon the successful completion of a workshop, participants will be awarded a "CCD point", which they may accumulate over the course of a calendar year.

In certain instances, the Director of the AIAC may give weightage to an adjudicator's successful participation in the CCD scheme in determining the suitability and/or advancement of an adjudicator's appointment(s) in proceedings. For the avoidance of doubt, an adjudicator's participation in the CCD scheme does not automatically guarantee an appointment whether in complex or high value adjudication proceedings, or otherwise, at a future point in time.

Dated this 1st January 2021.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a smaller 'S' and a flourish.

Tan Sri Datuk Suriyadi Bin Halim Omar
Director