

AIAC POLICY ON EMPANELMENT OF PANELLISTS

1. Standard Requirements

The AIAC's standard requirements for a successful application is set-out below:

1.1. For empanelment as an arbitrator:

- aged between 30 to 70 years old;
- tertiary education;
- a minimum of 10 years Post-Qualified Experience in the field of arbitration. In their applications, the applicants must demonstrate their ongoing experience in arbitration whether in their capacity as arbitrator and/or counsel. Other relevant experience such as those acquired as tribunal secretary, expert witnesses and other professional undertakings in arbitration practice may be considered by the Director of the AIAC on a case-by-case basis;
- Fellowship or similar accreditations from professional membership organisations in arbitration such as the Chartered Institute of Arbitrators or other organisations akin to such; and
- is not a bankrupt nor convicted of any criminal offence within or outside Malaysia.

1.2. For empanelment as an adjudicator:

As the adjudication authority under the Construction Industry Payment and Adjudication Act 2012 (the "CIPAA"), the AIAC is, amongst others responsible for setting the competency standard and criteria of adjudicators, maintaining a register of the AIAC's Panel of Adjudicators and providing training and conducting examinations for an adjudicator.

Empanelment as an adjudicator with the AIAC is subject to Regulation 4 of the Construction Industry Payment & Adjudications Regulations 2014 which states the following:

"The competency standard and criteria of an adjudicator are as follows:

- a) the adjudicator has working experience of at least seven years in the building and construction industry in Malaysia or any other fields recognized by the AIAC;*

- b) *the adjudicator is a holder of a Certificate in Adjudication from an institution recognized by the Minister;*
- c) *the adjudicator is not an undischarged bankrupt; and*
- d) *the adjudicator has not been convicted of any criminal offence within or outside Malaysia.”*

As such, to be empanelled as an adjudicator with the AIAC, the applicants must first fulfil the following criteria:

- participating in AIAC Certificate in Adjudication programme and/or the CIPAA Refresher Course, where applicable and passing the written examination thereafter.
- possessing at least 7 years of working experience in the construction and building industry in Malaysia.

In assessing whether an applicant possesses at least 7 years of working experience in the construction and building industry in Malaysia, consideration will be given to the applicant’s experience in the building and construction industry acquired both within Malaysia and overseas over at least seven years. This means that applicants can be considered for empanelment and appointment as adjudicator where they possess fewer than 7 years’ experience in the building and construction industry in Malaysia but their cumulative experience in this industry, both within Malaysia and overseas, must total at least 7 years.

In interpreting the phrase, “or any other fields recognized by the AIAC”, applicants will be considered for empanelment even where they predominately work in a field other than building and construction, provided they can demonstrate having acquired practical or theoretical experience related to the building and construction industry to some degree of significance. Adjudicators who fall within this category are not exempt from the requirement to have acquired at least seven years of experience in Malaysia as defined above.

The duration and nature of an adjudicator’s experience in Malaysia and in the field of building and construction cannot be insignificant. The Director of the AIAC retains the discretion to refuse the empanelment of applicants who fail to demonstrate such sufficient experience.

1.3. **For empanelment as a mediator:**

- aged between 30 to 70 years old;
- tertiary education;

- accreditation as a mediator from recognised professional organisations of global standing; and
- is not a bankrupt nor convicted of any criminal offence within or outside Malaysia.

1.4. **For empanelment as a domain name dispute resolution (DNDR)**

Panellist:

- aged between 30 to 70 years old;
- tertiary education;
- a minimum of 10 years Post-Qualified Experience in the field of intellectual property and/or technology law;
- practical experience in domain name dispute resolution, arbitration or other dispute resolution mechanisms; and
- is not a bankrupt nor convicted of any criminal offence within or outside Malaysia.

2. Appointment

2.1. If the application is accepted, the Director shall issue a formal Letter of Appointment together with a Certificate of Empanelment.

2.2. The relevant details of the Panellist will be uploaded onto AIAC's website.

3. Appointment Term

3.1. A Panellist shall be appointed to be on AIAC Panel for a period of three (3) consecutive years only (the "Term").

3.2. The Panellist's appointment shall automatically expire upon the completion of the Term. Panellists are invited to submit Request for Renewal of Term (the "Request") two (2) weeks prior to the end of the Term.

3.3. The Panellists shall be required to promptly update AIAC of any changes to their contact details during the Term.

3.4. Upon review of the Request, the Director may decide to renew the appointment of the Panellist for a further term of three (3) years.

4. Removal as AIAC's Panellist

- 4.1. The Panellists shall be bound by the AIAC Codes of Conduct and failure to observe the said code of conduct may result in removal from the Panellist.
- 4.2. Notwithstanding the above, the Director may remove a Panellist at any time during the Term without stating the reason.
- 4.3. The Director's decision on removal shall be final.