PRACTICAL DRAFTING AND DEFENDING OF ADJUDICATION CLAIMS

CIPAA PRACTICAL COURSE PROGRAMME

8.30am  Registration
8.45am  Welcome Address by Professor Datuk Sundra Rajoo, Director, Kuala Lumpur Regional Centre for Arbitration
9.00am  Lecture on Modules by Ir. Harbans Singh KS, Professional and Chartered Engineer, Arbitrator, Adjudicator, Mediator, Advocate & Solicitor (non-practising) and Lam Wai Loon, Partner, Skrine

11.00am  Break
11.15am  Workshop Session I
1.15pm   Lunch
2.00pm   Workshop Session II
4.00pm   Break
4.15pm   Q&A Session / Review of Workshop
5.15pm   End

PRINCIPAL TOPICS COVERED

- An Overview of the Adjudication Process: Practical Issues
- Preliminary Stage: How to make & respond to a claim per Sections 5 & 6
- Initiating the Adjudication Stage pursuant to Section 8
- How to select & appoint the Adjudicator per Sections 21-23
- Steps in commencing the actual proceedings
- Preparing the various submissions i.e. the Adjudication Claim, Response, Reply, etc. pursuant to Sections 9-11
- Miscellaneous issues i.e. practical scenarios, working tips, etc.

For more information, please contact:
YIP XIAOHENG, Assistant Manager, Business Development
Phone: +603 2142 0103  Email: cipatraining@klrca.org.my
INTRODUCTION/OBJECTIVES

Adjudication has recently emerged as the preferred Alternative Dispute Resolution (ADR) method in the engineering & construction industry in many jurisdictions. In Malaysia, Statutory adjudication has been introduced by the Construction Industry Payment and Adjudication Act 2012 (CIPAA) which has been gazetted in June 2012 as Act 746. This Act came into force recently on 15th April 2014.

CIPAA encompasses ‘payment’ disputes involving essentially Construction Contracts as defined in the Act. Other than issues pertaining to payments, it affords parties the opportunity of adjudicating also ‘non-payment’ disputes subject to the relevant provisions of the Act.

Practitioners in the Construction Industry are expected to know all the necessary details in the actual implementation of the various provisions of the Act to ensure that their particular claim is properly presented and defended (as necessary). This requires a thorough working knowledge of not only the specific provisions of the Act but also the way the claims, responses & replies are well formulated or drafted so as not to compromise their effectiveness.

With the above points in mind, this Course is aimed at exposing participants to the detailed facets of the drafting or formulation of the various documents required during the pre-adjudication stage as well as the adjudication stage itself so as to make them more aware of the working of same and to prepare them for implementing the same in practice. To this end, the Course will be conducted on a “Workshop” basis with practical problems and scenarios being presented with the active participation of all participants.

DURATION

The Course will be over a whole working day i.e. 9.00am to 5.30pm. There will be “break-out”/ “workshop sessions where participants will be required to involve themselves in problem solving, drafting various documents, working out practical scenarios, etc.

WHO SHOULD ATTEND

- Contract Managers/Personnel
- Project Managers/Personnel
- Finance Officers/Personnel
- Architects
- Engineers
- Quantity Surveyors
- Commercial Managers
- Main Contractors
- Sub-contractors
- Suppliers
- Developers
- Employers
- Lawyers/Legal Personnel
- Others interested in Adjudication
IR. HARBANS SINGH is a Professional and Chartered Engineer, Arbitrator, Adjudicator, Mediator, Advocate & Solicitor (non-practising). Amongst his other professional affiliations, he is a member of the Adjudication Society and the Association of Independent Construction Adjudicators.

Ir. Harbans commenced his career in Malaysia before working in Germany and then locally in various professional capacities. He is presently domiciled in Malaysia where he is active in construction law and dispute resolution.

Ir. Harbans is the recipient of IEM’s Tan Sri Hj. Yusoff Prize (2001), the Cedric Barclay and the Chartered Institute of Arbitrator’s Awards for the Diploma in International Commercial Arbitration Examination (2003).


CHONG THAW SING practiced as a civil engineer in his first career. In 1999, he responded to a calling in arbitration as his second career to help fill this long-felt need in the arbitral fraternity for technically trained and legally savvy arbitrators. Along the way to achieving his present profession as arbitrator, Chong has acquired further qualifications in Masters of Science in Construction Law and Dispute Resolution from Kings College/NUS and a Bachelor of Law degree (LLB Hons) from University of London. Over the last decade, he had spent 7 years (the last two as Branch Chairman) with the Chartered Institute of Arbitrators (Malaysia branch) participating in the administration of CIArb Malaysia branch’s activities. Since stepping down as branch chairman in 2008, he has been fully immersed in resolving parties’ disputes in the capacity of an arbitrator in both construction and commercial disputes. He is one of the KLRCAs trainers for the CIamma training course.

Mr Chong is a fellow of the Chartered Institute of Arbitrators, panel arbitrator and accredited mediator with the Regional Centre for Arbitration Kuala Lumpur, and accredited mediator with the Construction Industry Development Board, Malaysia.

Daniel has over 20 years experience in the provision of contractual advice to local and international contractors and owners in the engineering and construction industries. He has been principally involved in arbitrations / dispute resolution, contract management and advisory services on a wide spectrum of projects. He acts as advocate in arbitrations.

He is a Fellow of the Chartered Institute of Arbitrators, panel arbitrator and accredited mediator with the Regional Centre for Arbitration Kuala Lumpur, and accredited mediator with the Construction Industry Development Board, Malaysia.

Ms. SAMRITH KAUR, an advocate and solicitor also holds a Master degree in Law from University of Malaya where her area of interest was in Alternative Dispute Resolution, Arbitration Law, Construction Law, Employment Law and Information, Communication and Technology Law.

She is a Fellow of the Chartered Institute of Arbitrators, United Kingdom and with the Malaysian Institute of Arbitrators. She was past Vice Chairman of the Chartered Institute of Arbitrators, Kuala Lumpur Branch (2012-2014). Ms. Samrith is a Certified Mediator and is on the panel of Bar Council Malaysian Mediation Centre (MMC) and as Arbitrator, Mediator, Adjudicator and Domain Name Dispute Resolution Panellist with Kuala Lumpur Regional Centre for Arbitration (KLRC).

Ms. Samrith delivers talks to several professional bodies and lectures on Arbitration and is actively involved in the training of arbitrators and adjudicators.

THAYANANTHAN BASKARAN is a partner with Zul Rafique & Partners. Thaya’s primary area of practice is construction law. He drafts various building and engineering contracts, advises on disputes arising from such contracts and appears as Counsel in adjudication, arbitration, litigation and mediation to resolve these disputes. Thaya also sits as a commercial arbitrator and is on the panel of the KLRCAs, the database of the LCIA and the list of the HKIAC. Thaya is the Vice President of the Society of Construction Law Malaysia. Thaya is an editor of the Construction Law Digest and Construction Law International and the author of the Malaysian chapter of several books on international arbitration.
**PRACTICAL DRAFTING AND DEFENDING OF ADJUDICATION CLAIMS**

**7th October 2014 (Tuesday) 8.30am – 5.15pm**

KLRCA  Bangunan Sulaiman, Jalan Damansara, 50676 Kuala Lumpur

Kindly complete the registration form as below and send it by **30 SEPTEMBER 2014** via:

- **FAX:** 03-2142 4513
- **EMAIL:** events@klrca.org.my
- **COURIER:** Mr Yip Xiaoheng, KLRCA, Bangunan Sulaiman, Jalan Damansara, 50676 Kuala Lumpur

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*(Please ensure that the telephone number and e-mail address given are valid ones for communication purposes)*

**REGISTRATION FEE: RM1,100**

I will make my payment by: *(please tick one)*

- [ ] Cheque/ Bank Draft – Please find my cheque/ bank draft enclosed
- [ ] Bank Transfer/ Account Deposit – Please find a copy of the bank-in slip/ transaction reference

**PAYMENT METHOD**

Payment can be made by cheque, bank draft or bank transfer by the deadlines below. Please ensure that payments are free of any bank charges.

1. Cheques and bank drafts should be made payable to **“KLRCA EVENTS”**.

2. Bank transfer details:  
   
   Maybank Berhad, Wisma Genting SSC  
   Ground & Mezzanine Floor,  
   Wisma Genting, Jalan Sultan Ismail,  
   50250 Kuala Lumpur  
   Account Number: 5143-5650-4056  
   Swift Code: MBBEMYKL  

*Payment by bank transfer or account deposit must be evidenced by a copy of the bank-in slip or transaction reference and submitted with the registration form and documents.*

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