



# THE INSTITUTION OF ENGINEERS, MALAYSIA

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## WORKSHOP ON DISPUTE AVOIDANCE – NO.2

Organised by the Subcommittee on Dispute Avoidance and Resolution Practice, PPC, IEM

Date : 28 November 2016 (Monday)  
Time : 5.30pm to 7.30pm  
Venue : C&S & TUS Lecture Room, 2<sup>nd</sup> Floor, Wisma IEM, Petaling Jaya  
Panel : Ir. Khoo Choong Keow, Ir. Shanmugaraj CT Pillai and Ir. Zafrul Mahmood

BEM Approved  
CPD/PDP Hours:  
2.0  
IEM16/HQ/501/W

### INTRODUCTION

The Subcommittee on Dispute Avoidance and Resolution Practice (DARP) is launching a series of Workshops aimed at training Engineers to gain skills in Dispute Avoidance by dealing with ISSUES which arise and resolving such ISSUES expeditiously before they fester and become full-blown DISPUTES. The Workshops will be conducted on case studies submitted by participants. This will provide the maximum benefit to those who submit case studies as it would give them direct experience of the problems they encounter.

### SYNOPSIS

This is the Second Workshop on **Dispute Avoidance**, in a series of workshops to be conducted regularly at quarterly intervals.

During the First Workshop held on 25 August 2016, participants discussed: the time-consuming and unproductive nature of Disputes and Disputes Resolution processes; developing dispute AVOIDANCE techniques by distinguishing between ISSUES and DISPUTES; and resolving ISSUES by mutual agreement in real time before such ISSUES fester and degenerate into DISPUTES, calling on (if required) the assistance of DRA, DRB, DAB or Experts.

During the First Workshop, participants raised from the floor many ISSUES which were frequently encountered and there were responses from the panel and the participants as to how such ISSUES could be dealt with. We look forward to the same lively response in this Second Workshop where the focus will be on specific ISSUES which could arise with regard to **Loss and Expense** claims. Participants are encouraged to submit case studies for discussion (see box below).

Yours sincerely

Ir. Dr. Ooi Teik Aun

Chairman, Subcommittee on Dispute Avoidance and Resolution Practice, PPC, IEM

**PARTICIPANTS IN THIS WORKSHOP SHALL NOTE THAT THE WORKSHOP IS NOT INTENDED TO PROVIDE ADVICE ON THE RESOLUTION OF DISPUTES AND THE SOLE PURPOSE OF THE WORKSHOP IS FOR SHARING OF KNOWLEDGE IN THE PRACTICE OF DISPUTE AVOIDANCE.**

Participants who wish to submit case studies should do so **not later than 7 days before the actual date** of the scheduled Workshop. Information required in the description of the case study are:

- (1) The ISSUE
- (2) Background and the relevant contractual provisions :-
  - Conditions of Contract
  - Specification
  - Bill of Quantities (if relevant)
  - Any other provisions
- (3) How the ISSUE arose and developed

Names of Parties are not required, but Parties may be identified as the "Employer", the "Developer", the "Engineer", the "Contractor", etc.

(Please fax the Case Studies / Problems Encountered to 03-7957 7678 or email to [sec@iem.org.my](mailto:sec@iem.org.my))

### CPD HOURS CONFIRMATION

Name of Member	:
Membership No.	:
Date	:
Signature	:

## **BIODATA OF PANEL**

**Ir. Khoo Choong Keow**

**PROFESSIONAL QUALIFICATIONS** •B.Sc (Glasgow) in Civil Engineering, 1963 •Dip. ICARB •P.Eng •Chartered Engineer  
•Chartered Arbitrator •FIEM •FICE •FCIARB •FMIARB •MASCE •MACEM

**ENGINEERING EXPERIENCE** dams; tunnels; water supply; sewerage; drainage & irrigation; flood control; highways; structures; residential, commercial & industrial buildings; aquaculture; reclamation; and project management.

**EXPERIENCE IN ARBITRATION AND ADR** Since 1984 appointed by IEM, KLRCA, the High Court of Malaya and directly by Parties for more than 50 cases of arbitration, mediation and contractual adjudication. Acted as Expert Advisor to Parties for settlement of claims. Principally responsible for drafting and updating the IEM Arbitration Rules (2003, 2012 & 2016).

**TRAINER IN ARBITRATION** • Course Director and Tutor for CIARB Courses in Arbitration. • Visiting Lecturer for arbitration module for LLM course at University of Malaya. • Coach for Vis Moot Teams from University of Malaya and Diplomatic Academy of Vietnam.

### **POSITIONS IN PROFESSIONAL ORGANISATIONS**

•Past Chairman Chartered Institute of Arbitrators (CIARB), Malaysia Branch •Past President, Malaysian Institute of Arbitrators (MIARB) •Past Vice-President Institution of Engineers, Malaysia (IEM) •Past Vice-President Malaysian Invention & Design Society (MINDS) •Trustee, Invention Foundation of Malaysia

**Ir. Shanmugaraj C. T. Pillai** graduated with a B. Engineering degree from University Malaya in 1979 and a degree in Law from the University of London in 1989 and Certificate in Legal Practice in 1990. He has a postgraduate Diploma in International Commercial Arbitration.

He is a registered Professional Engineer with the Board of Engineers since 1985 and was practicing as a consultant engineer with various engineering consultancy firms for 12 years until 1991. He was called to the bar in 1992 and has been practicing Law for the past 24 years specializing in construction and building law and arbitration. He is a committee member of the Subcommittee on Dispute Avoidance and Resolution Practice.

He sits as an arbitrator and acts as arbitration counsel in a number of current arbitrations. He is a Fellow of the Chartered Institute of Arbitrators, a Mediator registered with the Bar Council and an Arbitrator on the panel of arbitrators of KLRCA and IEM and an Adjudicator on the panel of KLRCA.

**Ir. Zafrul Mahmood** P. Eng, FIEM, FCIARB, FMIARB holds a Bachelor of Science in Civil Engineering from the Northern Arizona University (1988) and a Post Graduate Diploma in Arbitration from College of Estate Management, Reading (2007).

He has been a practising Professional Engineer and project manager, locally and abroad with various contractors and client organisations in the field of highway, rail and port. He is currently the Executive Chairman of a multi disciplinary engineering consulting firm.

He is on the panel of arbitrators of KLRCA and IEM and Adjudicator on the panel of KLRCA. He had previously served as Honorary Secretary of the Malaysian Institute of Arbitrators and presently, committee member of the Subcommittee on Dispute Avoidance and Resolution Practice.

## **REGISTRATION AND FEES**

### **IEM Members**

- (1) Members are encouraged to pre-register online for this workshop not later than 7 days before the event. Payment of fee of RM10 (inclusive GST) shall be made online to [www.myiem.org.my](http://www.myiem.org.my).
- (2) Registration is subject to availability of seats (limited to 100 first-come-first-served).
- (3) Late Registration and walk-in participants will be accepted subject to availability of seats and the fee is increased to RM15 (inclusive of GST).

### **Non-Members**

- (4) Non-members may register online (see para 1 above), or walk-in, subject to availability of seats, and payment of fee of RM25 (inclusive of GST).

## **PERSONAL DATA PROTECTION ACT**

I have read and understood the IEM's Personal Data Protection Notice published on IEM's website at <http://www.myiem.org.my> and I agree to IEM's use and processing of my personal data as set out in the said notice.