



## JOINT COURSES ON ALTERNATIVE DISPUTE RESOLUTION FOR PRACTITIONERS

BEM Approved  
CPD/PDP Hours:  
14.0  
IEM17/HQ/089/C

Date & Time : **27 & 28 March 2017 (Monday & Tuesday) from 8.30 am – 5.30pm**  
 Venue : **TUS Lecture Room, 2<sup>nd</sup> Floor, Wisma IEM, Petaling Jaya, Selangor**  
 Co-organisers : **Pertubuhan Akitek Malaysia \* Malaysian Institute of Arbitrators \* Royal Institution of Surveyors, Malaysia \* The Institution of Engineers, Malaysia (DARP Subcommittee)**

Curious about ADR or simply want a refresher? Look no further. Join us for our 2-day intensive course on the practical aspects of construction law, arbitration, adjudication and expert witness. Our speakers and facilitators who are themselves construction law and/or ADR practitioners will draw from and share with you their wealth of knowledge and experience viewed from a practical and real-world perspective.

### SYNOPSIS AND BIODATA OF SPEAKERS

**Day 1 (Morning): Arbitration** - What is Arbitration? Is it any different from going to court? Find out about these and more at our session on arbitration where our speakers and facilitators will take you through the arbitration hearing and process as well as the role played by an expert witness.

**Ms. Hor Shirley** is an advocate and solicitor and is a Partner in the firm of Messrs Raja, Daryl & Loh. She is the current Vice President of The Malaysian Institute of Arbitrators. Her portfolio is on litigation and alternate dispute resolution, with a focus on construction and energy related disputes. She has acted as lead counsel and co-counsel in many arbitration and court cases.

**Ms. Karen Ng Gek Suan** is an advocate and solicitor and a Partner in Messrs. Azman, Davidson & Co. She specialises in building & construction law and represents clients in contentious and non-contentious building & construction matters, in domestic and international settings. She is a council member of the Malaysian Institute of Arbitrators.

**Day 1 (Afternoon): Adjudication** - It is ironic that the construction industry, which depends on coordination, cooperation, and teamwork among various parties, should be the most problematic and adversarial. A dispute might arise at any point during the construction process as a result of differing expectations or misinterpretations of the contract documents, which leads frequently to unnecessary problems and delays. This seminar will explore adjudication as the new way of resolving construction disputes.

Topics covered will include: ●Essentials of CIPAA 2012 - Overview of the Act and its Purposes ●Practice and Procedure ●Common Challenges to Adjudication ●How to Become an Adjudicator?

**Ar. David Cheah** APAM, APPM, FCIArb is an Architect, Urban Planner, Adjudicator, Mediator and Chartered Arbitrator. He believes that due to the nature of construction and the multiplicity of players in the construction industry, it will be unavoidable for consultants to be involved with dispute resolution, in one way or another. Although the best form of dispute resolution is dispute avoidance, it's easier said than done.

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**Day 2 (Morning): Common Issues on Construction Contract Mangement: Avoiding Disputes** - This is an intensive course on the topic of Common Issues in Construction Contracts: Avoiding Disputes meant as a refresher course for project personnel such as Architects, Engineers & Quantity Surveyors involved in claims assessment as well in the implementation of contracts.

**Ir. Harbans Singh K.S** is a Professional Engineer, Chartered Engineer, Arbitrator, Mediator, Adjudicator, Advocate and Solicitor (non-practising). He commenced his career with the Public Works Department, Malaysia before joining an international German engineering consultancy practice with whom he worked locally and then in Koblenz, Germany as a designer, resident engineer and contract administrator. Later Ir. Harbans served with a local consultancy firm in various professional capacities and is presently domiciled in Malaysia where he is active in construction law and dispute resolution.

He is a regular contributor to "The Ingenieur", the Malayan Law Journal, The Law Review and other professional publications. He is the recipient of a number of awards including Institution of Engineers Malaysia's Tan Sri Haji Yusoff Prize (2001), the Cedric Barclay Award and the Chartered Institute of Arbitrator's Award for the Diploma in International Commercial Arbitration examination (2003). Ir. Harbans is also the author of a series of four books entitled 'Harbans's Engineering and Construction Contracts Management', co-author of 'The PAM 2006 Standard Form of Building Contract' and 'Construction Law in Malaysia', contributor to 'The Malaysian Standard Precedents and Forms: Engineering & Construction Contracts (Vol.N)' and is a regular speaker at courses, seminars and conferences.

**Day 2 (Afternoon): Expert Witness and Opinion** - Expert opinion from a professional practising in specialist area is important in construction dispute. It assists the court and tribunal to base its decision on the disputants' rights and liabilities.

The expert is endowed with the duties to act independently and impartially apart from professing his skill in specialist area. What then are his roles, responsibilities and liabilities? How is he appointed and services paid? Can he be challenged, cross-examined and how could the tribunal extract the most out of his expertise? We will also be checking on the requirement of qualification, the Codes of Practice, the form of his report and terms of engagement.

**Ir. Leon Weng Seng** graduated with Bachelor degree in Civil Engineering in 1980 and went on to obtain an honours degree in law with the University of London and a postgraduate Diploma in Arbitration with the University of Reading. He is a corporate member of The IEM and a registered professional engineer and is an advocate and solicitor of the High Court of Malaya (non practising). Ir. Leon is the principal of a civil and structural engineering consultancy firm. He has vast experiences in the administration of construction contracts including giving advice on contractual, mediation, adjudication and arbitration matters. His other areas of particular interest are forensic engineering and investigation of collapsed structures and slopes, and assessment of fire damaged structures. He acts as expert witness in courts and arbitration. Ir. Leon is also a CIDB accredited mediator, Fellow and a Chartered Arbitrator of The Chartered Institute of Arbitrators in London and an Adjudicator of KLRC. He is a committee member of the Dispute Resolution Practice of the IEM and the past Chairman (2008-2010) of the Chartered Institute Arbitrators (CIArb) Malaysia Branch. He is sitting as arbitrator in many on-going arbitrations.

**PROGRAMME**  
**(JOINT COURSE ON ALTERNATIVE DISPUTE RESOLUTION FOR PRACTITIONERS)**

DAY 1 (27 MARCH 2017)		DAY 2 (28 MARCH 2017)	
0830-0900	Registration	0830- 0900	Registration
	<b>Arbitration: Practical Aspects</b>		<b>Common Issues in Construction Contract Management: Avoiding Disputes</b>
0900-1030	Introduction to Arbitration. Why Arbitrate?	0900- 1030	The Contract: How to use Standard Forms
1030-1045	Tea Break	1030- 1045	Tea Break
1045-1200	The Hearing Process Procedure and Practice. Managing the Expert Witness	1045- 1200	Common Issues in Construction Contracts and Avoiding Disputes
1200-1300	Enforcing the Arbitral Award	1200- 1300	Document Management
1300-1400	Lunch	1300- 1400	Lunch
	<b>Adjudication</b>		<b>Expert Witness and Opinion</b>
1400- 1500	Essentials of CIPAA 2012 - Overview of the Act and Its Purposes	1400- 1530	Part 1
1500- 1600	Practice and Procedure	1530- 1630	Part 2
1600- 1615	Tea Break	1630- 1645	Tea Break
1615- 1730	Common Challenges to Adjudication How to Become an Adjudicator?	1645- 1730	Case Study / Q&A

**REGISTRATION FEES (Subject to 6% GST)**

*(Inclusive of documentation, tea breaks and lunch)*

	Online rate/ Normal rate (Excluding GST)
IEM/RISM/PAM/MIArb Member	<b>RM 500.00</b>
Non-Member	<b>RM 1,000.00</b>

**CLOSING DATE FOR REGISTRATION: 24 MARCH 2017**  
**(Please fax the Registration Form at 03-7957 7678 or email to [nik@iem.org.my](mailto:nik@iem.org.my))**

**REGISTRATION FORM**

Names	IEM M'ship No & Grade	H/P number	E-mail	Amount (RM)
Sub-Total				
Add GST @ 6%				
<b>TOTAL AMOUNT PAYABLE (RM):</b> .....			Total Payable	

**PAYMENT DETAILS**

Enclosed herewith a cheque No. : \_\_\_\_\_ for the sum of RM \_\_\_\_\_ issued in favour of "**The Institution of Engineers, Malaysia**" and crossed 'A/C Payee Only'. I/We understand that the fee is not refundable if I/we withdraw after my/our registration is accepted by the Committee but substitution of participants will be allowed. If I/we fail to attend the Seminar, the fee paid would not be refunded.

Contact Person : \_\_\_\_\_ Designation : \_\_\_\_\_

Name of Organisation : \_\_\_\_\_

Address : \_\_\_\_\_

Tel No : \_\_\_\_\_ HP : \_\_\_\_\_ Email : \_\_\_\_\_ Signature : \_\_\_\_\_

**TERMS & CONDITIONS**

- For **ONLINE REGISTRATIONS**, only **ONLINE PAYMENT** is applicable [via RHB and Maybank2u -Personal Saving & Personal Current; **Credit Card** – Visa/Master]
- Payment via **CASH / CHEQUE / BANK-IN TRANSMISSION / BANK DRAFT / MONEY ORDER / POSTAL ORDER /LO / WALK-IN** will be considered as **NORMAL REGISTRATION**.
- For **online registrations**, please note that payment **MUST** be "**ONLINE**" **before the closing date**. If payment is not received and verified within the stipulated time, the registration fee will be reverted to the normal registration fee.
- FULL PAYMENT** must be settled before commencement of the course, otherwise participants will not be allowed to enter the hall. If a place is reserved and the intended participants fail to attend the course, the fee is to be settled in full. If the participant made payment and failed to attend the course, the fee paid is non-refundable. Registration fee includes lecture notes, refreshments and lunch.
- The Organising Committee reserves the right to cancel, alter or change the programme due to unforeseen circumstances. Every effort will be made to inform the registered participants of any changes. In view of the limited space, intending participants are advised to send their registrations as early as possible so as to avoid disappointment.
- 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.