



## THE INSTITUTION OF ENGINEERS, MALAYSIA

Bangunan Ingenieur, Lots 60 & 62, Jalan 52/4, P.O. Box 223, Jalan Sultan, 46720 Petaling Jaya  
Tel: 03-7968 4001/4002 Fax: 03-7957 7678 E-mail: [sec@iem.org.my](mailto:sec@iem.org.my)  
Homepage: <http://www.myiem.org.my>

### HALF DAY SEMINAR ON THE CIPAA 2012: PANACEA OR NIGHTMARE?

(Organised by the Subcommittee on Dispute Resolution Practice, IEM)

BEM Approved  
CPD/PDP: 4 Hours  
Ref No:  
IEM15/HQ/055/S

Date & Day : **21 March 2015 (Saturday)**  
Time : **9.00am – 1.00pm (Registration will start at 8.30am)**  
Venue : **C&S and TUS Room, Wisma IEM, Petaling Jaya, Selangor**

#### SYNOPSIS

In the construction industry, a common problem faced by suppliers and contractors is the delayed payment or non payment of sums falling due under the contract. This may cause cash flow difficulties which often lead to delayed project completion or even job abandonment. To address this problem, CIPAA 2012 has been enacted. It came into force on 15th April 2014. The Act provides for a speedy process for the resolution of payment disputes by an independent "adjudicator" whose decision is binding on the parties, and the process is mandatory once a party invokes his right under the Act. The mandatory nature of the Act makes it of utmost importance that all building and construction professionals familiarize themselves with its provisions. In fact, even consultancy contracts are caught within its ambit, so consulting engineers should not neglect the CIPAA. There have been differing opinions as to the efficacy of CIPAA in solving the perennial payment problems in the industry and whether it would rather create more problems for the involved parties because of very tight time frames imposed by the Act, insufficient number of trained, available and willing adjudicators to handle a possible avalanche of cases, and the dearth of in house personnel, for very large Employers (eg the JKR), to handle the process.

The Seminar will be carried out in 3 parts:

- Part 1: What is CIPAA 2012? An Overview
- Part 2: Adjudication – The Procedural Steps
- Part 3: Contractual and Statutory Adjudication : Understanding the Main Differences

**Ir. Dr. Ooi Teik Aun**

**Chairman, Subcommittee on Dispute Resolution Practice, IEM**

#### BIODATA OF SPEAKERS

**Ir. LAI SZE CHING** graduated as a Mechanical Engineer from the University of Malaya. He also holds LL.B degree from the University of London and LL.M from the University of Malaya, majoring in Alternative Dispute Resolution, Arbitration Law, Remedy and Construction Law. In addition he also holds a Certificate of Legal Practice from the Qualifying Board of Malaysia.

Ir. Lai has more than 30 years working experience in construction and property development. He is currently the Managing Director of an engineering firm and also as a claim consultant. Ir. Lai had been invited to deliver papers on water supply and sewage treatment in various international seminars and conferences. He has also written various articles on ADR, Arbitration and Construction Law and had conducted talks on Engineers and the Law and issues of Construction Law to local companies and Universities.

Being an accreditor of Engineering Accreditation Council Malaysia, he is also actively involved in the accreditation of local engineering programmes. He is currently a member of the Industry Advisory Panel for LimKokWing University of Creative Technology and Multimedia University. Ir Lai is also appointed as the Student Ambassador for the External Law Programme of University of London. He is currently empanelled as Arbitrator, Mediator and Adjudicator in the panel of Kuala Lumpur Regional Centre of Arbitration (KLRC).

**PROFESSOR DATUK SUNDRA RAJOO** is the Director of the Kuala Lumpur Regional Centre for Arbitration (KLRC). He was the Immediate Past President of the Asia Pacific Regional Arbitration Group (APRAG) [2011-2013], a federation of nearly 40 arbitral institutions in the region. Professor Datuk Sundra is a Chartered Arbitrator and an Advocate & Solicitor of the High Court of Malaya (non-practising). He is also a Professional Architect and Registered Town Planner. He has had numerous appointments as chairman, co-arbitrator of three-man panels and sole arbitrator in international and domestic arbitrations. He serves on the panel of numerous international arbitral institutions and organisations. He is also a Visiting Professor at The National University of Malaysia (UKM).

Professor Datuk Sundra has authored and co-authored several books on arbitration and contract law, including, "Law, Practice and Procedure of Arbitration" (2003); "The Malaysian Standard Form of Building Contract (The PAM 1998 Form)" (1999); the Arbitration title for Halsbury's Laws of Malaysia (2002); "Arbitration Act 2005 – UNCITRAL Model Law as Applied in Malaysia" (2007); "The PAM 2006 Form" (2010); "Construction Law in Malaysia" (2012); and "The Malaysia Arbitration Act 2005 (Amended 2011): An Annotation" (2013).

#### **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** His fields of experience include **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, KLRC, 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).

**TRAINER IN ARBITRATION** • Former **Course Director** and **Tutor** for **CIARB** Courses in Arbitration up to "Fellow" level. • **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

PROGRAMME	
8.30 am	Registration and Breakfast
9.00 am	What is CIPAA 2012? An Overview by Ir. Lai Sze Ching
10.00 am	Adjudication: The Procedural Steps by Datuk Sundra Rajoo
10.50 am	Break
11.00 am	Contractual and Statutory Adjudication : Understanding the Main Differences by Ir. Khoo Choong Keow
12.00 noon	Questions & Answers Session
1.00 pm	End of Session and Lunch

**REGISTRATION FEES** (Inclusive of documentation, breakfast and lunch)

	Online rate	Normal rate
IEM Student Members	<b>RM 50.00</b>	<b>RM 80</b>
IEM Graduate Members	<b>RM 120.00</b>	<b>RM 150</b>
IEM Corporate Members	<b>RM 200.00</b>	<b>RM 230</b>
Non IEM Members	<b>RM 350.00</b>	<b>RM 380</b>

(Note: For online registration, kindly login the IEM website at [www.myiem.org.my](http://www.myiem.org.my))

**CLOSING DATE FOR REGISTRATION: 18<sup>th</sup> MARCH 2015**

**REGISTRATION FORM**

Names	IEM M'ship No & Grade	H/P number	E-mail	Amount (RM)
<b>TOTAL AMOUNT PAYABLE (RM):</b> .....				

**PAYMENT DETAILS**

CASH RM \_\_\_\_\_

Cheque no. \_\_\_\_\_ for the amount of RM \_\_\_\_\_ (non refundable) and made payable to "THE INSTITUTION OF ENGINEERS, MALAYSIA" and crossed 'A/C Payee Only.

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

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

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

Mobile No : \_\_\_\_\_ Tel No (Office) : \_\_\_\_\_ Fax : \_\_\_\_\_ H/P: \_\_\_\_\_

Email : \_\_\_\_\_ Signature : \_\_\_\_\_

**IMPORTANT NOTES**

- 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, refreshment and lunches.
- 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.