



## JOINT COURSES ON ALTERNATIVE DISPUTE RESOLUTION FOR PRACTITIONERS

BEM Approved  
CPD/PDP Hours:  
13.0  
IEM15/HQ/366/C

Date & Time : **Wednesday 2 March & Thursday 3 March 2016 from 8.30 am – 5.30pm**  
 Venue : **C&S & 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 (DRP 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 mediation. 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): 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. 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 KLCA. 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.

**Day 1 (Afternoon): Mediation** - The use of ADR mechanisms to resolve construction disputes is not alien to the construction industry. Mediation is internationally regarded as a cost-effective and efficient means of resolving construction disputes, reducing the risks of costly conflict and delay. The presentation will touch on various ADR mechanisms and in particular mediation and the different models available. The facilitative mediation process model will be discussed to highlight how the mediator who acts as a catalyst to the mediation process assists parties in the resolution of their disputes. The mediator defines the issues, opens up channels of communication, explores options and alternatives and facilitates negotiation between the parties towards reaching a settlement using mediation techniques. Mediators encourage the parties to discuss their Interests rather than their legal entitlements. Mediators look to capture a solution that parties could live with, rather than identify rights and duties. The progress and current trends of mediation in Malaysia in the construction industry will also be covered in this presentation. The Mediation Act 2012 and its applicability to construction disputes will also be covered.

**Gunavathi Subramaniam** was admitted to the High Court of Malaya as an advocate and solicitor in 1987. She was accredited as one of the pioneer mediators of the Malaysian Mediation Center of the Bar Council in April 2000. She was instrumental in drawing up the working paper for the establishment of the Malaysian Mediation Center of the Bar Council, Malaysia in 1998 and its Code of Conduct and Rules. She was also responsible for drafting the draft "Mediation Act" on behalf of the Bar Council and was involved with deliberations on the said Act with the Attorney General's office which said Act has now come into force.

**Day 2 (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.

**Joshua Chong Wan Ken** is currently practicing as an advocate and solicitor in Messrs Raja, Darryl & Loh's Construction and Energy Department. He graduated from the University of Manchester in 2008 and he obtained his Certificate in Legal Practice in 2009 before being called to the Bar in 2010. Joshua is a council member and an Associate of the Malaysian Institute of Arbitrators b.

**Kevin Prakash's** practice is in dispute resolution and has been involved in complex disputes in various forms for over 15 years. He has wide experience in diverse types of disputes including corporate and commercial disputes, contractual, civil and shipping disputes. He regularly appears in Court proceedings as well as Arbitration mainly for building contract disputes. He was a partner with a large law practice in Kuala Lumpur before joining a boutique dispute resolution practice, Mohanadass Partnership. He is the current President of the Malaysian Institute of Arbitrators.

**Day 2 (Afternoon): Adjudication** - It is ironic that the construction industry, which more than all other industries, 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.

**Ar. Steven Thang Boon Ann** is the PAM ADR Committee Chairman. He has been practicing as an Architect since 1990 and is a PAM council member since 2011. Other than the ADR portfolio, he currently chairs the PAM 2006 Contract review subcommittee, Heritage and Conservation committee, and PAM seismic Guidelines and Code subcommittee. Steven also represents PAM in several committees in SIRIM and CIDB. He is also a registered Building Conservator and Adjudicator.

**Ar. David Cheah** APAM, APPM, FCI Arb is an Architect, Urban Planner, Adjudicator 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.

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

DAY 1 (2 MARCH 2016)		DAY 2 (3 MARCH 2016)	
0800-0900	Registration	0800- 0900	Registration
	<b>Common Issues in Construction Contract Management: Avoiding Disputes</b>		<b>Arbitration: Practical Aspects</b>
0900-1000	The Contract: How to use Standard Forms	0900- 1000	Introduction to Arbitration. Why Arbitrate?
1000-1015	Tea Break	1000- 1015	Tea Break
1015-1130	Common Issues in Construction Contracts and Avoiding Disputes	1015- 1130	The Hearing Process Procedure and Practice. Managing the Expert Witness
1130-1230	Document Management	1130- 1230	Enforcing the Arbitral Award
1230-1330	Lunch	1230- 1330	Lunch
	<b>Mediation</b>		<b>Adjudication</b>
1330- 1430	- An Introduction to ADR and Dispute Resolution Mechanisms - Mediation Models – Evaluative Vs Facilitative - The Process of the Facilitative Mediation Model	1330- 1545	Essentials of CIPAA 2012 - Overview of the Act and Its Purposes Practice and Procedure
1430- 1545	- Why Mediate Construction Disputes? - Factors to Consider Before Mediation	1430- 1545	Who can be Adjudicators and Their Qualifications
1545-1600	Tea Break	1545- 1600	Tea Break
1600- 1730	- Effective Mediation in Construction Industry - The Progress of Mediation in the Construction Industry in Malaysia - The Mediation Act 2012	1600- 1530	Common Challenges to Adjudication How to Become an Adjudicator?

**REGISTRATION FEES** (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>

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

**CLOSING DATE FOR REGISTRATION: 24 FEBRUARY 2016**

(Please fax the Registration Form at 03-7957 7678 or email to [sec@iem.org.my](mailto:sec@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.