

# Mark Your Calendar

## Introduction to The Construction Industry Payment and Adjudication (CIPA) Bill 2011

The Construction Industry Payment and Adjudication (CIPA) Bill 2011 as proposed by the Construction Industry Development Board Malaysia (CIDB) and related promoters has now been presented to Parliament wherein a first reading of the Bill was done on 1st December 2011. The other countries that have a similar enactment are the United Kingdom, certain States in Australia, New Zealand and Singapore. The rest of the world does not have such a law to date. The Bill provides for compulsory statutory adjudication and will have a great impact to the construction industry as it seeks to facilitate cash flow in the sector. As it stands, it applies to every construction contract made in writing relating to construction work carried out wholly or partly within the territory of Malaysia. Both the Government and the private sector are bound by the proposed Act.

This special talk will introduce participants to the provisions of the Construction Industry Payment and Adjudication (CIPA) Bill 2011 and seeks to discuss its ramifications to the construction industry. There will also be an opportunity to engage with the speakers during the Q&A session.

Admission is free. Limited seats are available.

### **Penang**

Saturday, 18<sup>th</sup> February 2012  
9.30am - 1pm (Registration at 9am)  
**Bayview Hotel, Georgetown**

### **Kuching**

Saturday, 25<sup>th</sup> February 2012  
9.30am - 1pm (Registration at 9am)  
**Merdeka Palace Hotel & Suites**

### **Ipoh**

Monday, 5<sup>th</sup> March 2012  
9.30am - 1pm (Registration at 9am)  
**Syuen Hotel**

### **Kota Kinabalu**

Saturday, 17<sup>th</sup> March 2012  
9.30am - 1pm (Registration at 9am)  
**Novotel Hotel**

### **Miri**

Wednesday, 21<sup>st</sup> March 2012  
9.30am - 1pm (Registration at 9am)  
**Miri Marriott Resort & Spa**

### **Johor**

Friday, 23<sup>rd</sup> March 2012  
9.30am - 1pm (Registration at 9am)  
**Thistle Hotel**

### **Kuantan**

Wednesday, 28<sup>th</sup> March 2012  
9.30am - 1pm (Registration at 9am)  
**Zenith Hotel**

*A copy of the Construction Industry Payment and Adjudication (CIPA) Bill 2011 will be provided to all participants.*

**CPD Points are being applied.**

Please tick on choice of venue:

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Penang        | <input type="checkbox"/> Miri    |
| <input type="checkbox"/> Kuching       | <input type="checkbox"/> Johor   |
| <input type="checkbox"/> Ipoh          | <input type="checkbox"/> Kuantan |
| <input type="checkbox"/> Kota Kinabalu |                                  |

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# About the Speakers

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**Mr Sundra Rajoo** is the Director of the Kuala Lumpur Regional Centre for Arbitration. He is also the President of the Asia-Pacific Regional Arbitration Group which is a regional federation of arbitration associations. He is a Chartered Arbitrator, and an Advocate and Solicitor of the High Court of Malaya (non-practising). Earlier, he had practised as an Architect and Town Planner. He has been appointed as chairman, co-arbitrators of 3-man panels and sole arbitrator in international and domestic arbitrations and serves on the panel of leading arbitral institutions, such as CIETAC, HKIAC, SIAC, KCAB, CIArb (UK), ACICA, WIPO and the Indian Council of Arbitration.

He is the founding President of the Society of Construction Law (Malaysia), past Chairman of the Chartered Institute of Arbitrators, Malaysia Branch and past Deputy President of the Malaysian Institute of Arbitrators. He is the author of The Law, Practice and Procedure of Arbitration (2003); The Malaysian Standard Form of Building Contract (The PAM 1998 Form), [2nd Edition, 1999]; the Arbitration title of the Halsbury Laws of Malaysia (2002) and was also co-author of "The Arbitration Act 2005 - UNCITRAL Model Law as applied in Malaysia" (2007), and "The PAM 2006 Standard Form of Building Contract" (2010).



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**Ir. Harbans Singh K. S.** 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). He is also the author of a series of four books entitled "Harbans Engineering & Construction Contracts Management", co-author of the book "The PAM 2006 Standard Form of Building Contract", contributor to the "Malaysian Standard Forms & Precedents: Construction & Engineering Contracts", "The Ingenieur" and the "Malayan Law Journal".



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**Mr Chong Thaw Sing** practised as a civil engineer as 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 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.

In addition, Chong was appointed to CIArb London's Practice and Standards Committee in 2008 for a two-year term. Amongst others, this committee was set up (under the CIArb's Royal Charter 2005) to develop and promote best practices in private dispute resolution all around the world and act in an advisory role to the CIArb Executive arm on matters concerning CIArb as a learned society.



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**Mr Wilfred Abraham** was called to the Malaysian Bar in June 1975. He practised in the firm of Shearn Delamore & Co until 2000. Thereafter, he joined Zul Rafique & Partners in 2001. He is presently the Chairman of the Bar Council Sub-Committee on Construction Law and The Society of Construction Law, Malaysia. Wilfred has appeared in many arbitrations locally and overseas, both as Counsel and Arbitrator. He is on the panel of arbitrators of the KLRCA, International Chamber of Commerce, Malaysia, The Malaysian Institute of Arbitrators and the Olympic Council of Malaysia.



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**Mr Gananathan Pathmanathan** has been in practice for more than 19 years. He is a Partner at Messrs Gananathan Loh which specialises in dispute resolution on a wide range of construction and commercial disputes. All such disputes are handled by specialised teams within the firm. Apart from acting as lead counsel in major construction and oil & gas disputes, Mr Gananathan was also lead counsel in the first adjudication of its kind in Malaysia involving the Prime Minister's Office and Residence in Putrajaya. He has served on the Construction Adjudication Sub-committee of the Bar Council set up to represent the Bar on the proposed Construction Adjudication Bill. He is admitted as a panel arbitrator with the Kuala Lumpur Regional Centre for Arbitration.

Mr Gananathan also has extensive experience in front-end advisory and drafting of construction contracts including amongst others, the Ipoh - Padang Besar Electrified Double Track Project and the KVMRT Project.

