

# The Practice and Procedure of Adjudication



**Monday, 21st November 2011**

8.30am to 6pm ■ The Prince Hotel, Kuala Lumpur

Proudly Presented by :

**The Malaysian Institute of Arbitrators**

## Programme Outline

8.30am	<b>Registration</b>
9.15am	Opening Remarks
9.45am	<b>"An Overview of the Singapore Building and Construction Industry Security of Payment Act"</b> by Mohan Pillay
10:45am	Tea Break
11.15am	<b>"The Proposed Construction Industry Payment &amp; Adjudication Bill 2011 - The Future of Adjudication in Malaysia"</b> by Belden Premaraj.
12:15pm	Question and Answer Session
12.45pm	Lunch
<b>Practice and Procedure of Adjudication</b>	
2.00pm	<b>"The Application Procedure"</b> by Johnny Tan
2.45pm	<b>"The Adjudication Procedure"</b> by Naresh Mahtani
3.30pm	Question and Answer Session
4.00pm	Tea Break
4.30pm	<b>"Adjudication Determination and Enforcement"</b> by Raymond Chan
5.15pm	Question and Answer Session
5.45pm	Closing Remarks

Players in the Construction Industry have long been engaging the government to enact legislation on adjudication to settle disputes that arise from construction projects. To this end, the proposed Construction Industry Payment and Adjudication legislation ("CIPA") has been tabled to the Attorney General Chambers and it is widely expected that it will soon become law and impose statutory adjudication on the industry. The experience of Singapore, Hong Kong, Australia, New Zealand and the UK who have already, for some years, embraced statutory compulsory adjudication shows us that adjudication will revolutionize how construction disputes are resolved. Malaysia will be next. This conference is intended to equip industry players with knowledge of how adjudication works to prepare them for the day when the CIPA will be passed into law. Expert practitioners in adjudication from Singapore will give us valuable insights on the distinctive features, requirements, practical and procedural aspects and the strategies involved in adjudication. They will advise us on how claims and applications are made, how they should be responded to, what happens at the hearing, what sort of directions are issued, and how submissions are crafted. They will also give us some insight as to the powers and duties of an adjudicator, what sort of matters adjudicators consider, what goes into an adjudication determination and how it is enforced.

# SPEAKERS



**Mohan Pillay**

Mohan is the Joint Head of Singapore Joint Law Venture of Pinsent Masons MPillay LLP, and Managing Partner of the Singapore constituent practice of MPillay. He has over 20 years experience in advisory, commercial litigation and regional arbitration work, particularly in construction and engineering projects. Mohan is the President of the Singapore Institute of Arbitrators and the Immediate Past Chairman of the Society of Construction Law (Singapore). He is a Chartered Arbitrator & accredited Adjudicator on the Panels of the SIAC, SI Arb and the KLRCA. Mohan also holds teaching appointments as Adjunct Associate Professor at the Faculty of Law, National University of Singapore and Visiting Professor, Centre of Construction Law, King's College London, University of London. He is one of the General Editors of Singapore Construction Adjudication Review, a Sweet & Maxwell series published in 2009, 2010 & 2011.

Belden is the principal partner of M/s Belden, a construction & engineering, oil & gas and energy & utility claims legal practice. He is the Vice President of the Malaysian Institute of Arbitrators, a council member of the Society of Construction Law, Malaysia and a member of the Malaysian ICC Committee on Arbitration. Belden sits on the Bar Council Committee on Arbitration and Sub-Committee on Construction Law. He is certified by the AOTS of Japan for Commercial Arbitration at Asian Countries. Belden is a Fellow of the Chartered Institute of Arbitrators, UK and the Malaysian Institute of Arbitrators and sits on the Panel of Arbitrators for the KLRCA and the Malaysian Institute of Arbitrators. Belden is a frequent speaker at many conferences on Arbitration and Construction. He has written many papers on issues arising in his field of practice.



**Belden Premaraj**



**Johnny Tan**

Johnny is the founding partner of LT&T Architects. He is the currently the Immediate Past President of the Singapore Institute of Arbitrators (SI Arb) having been the President from 2007 to 2011. He is a member of the panel of arbitrators of SIAC, KLRCA, HKIAC, DIAC, SI Arb, AABD and SIA. He is an accredited adjudicator with the Singapore Mediation Centre (SMC) where he also sits on the Construction Adjudicator Accreditation Committee. Johnny has held various positions in the Singapore Institute of Architects and served as its Vice-President from 1998 to 2000. He has been extensively involved in the drafting of the SIA Standard Conditions of Contract (5th to 9th Edition) including making it SOPA compliant. In addition to an active practice in architecture and alternative dispute resolution, Johnny also sits on the Board of Governors of the Singapore Polytechnic and chairs its School of Architecture and the Built Environment Advisory Committee.

Naresh has been in active legal practice for over 20 years in regional and international construction and oil and gas projects. He has acted as counsel as well as arbitrator and adjudicator in various cases in Singapore and the region (including India, Indonesia, Malaysia and Brunei). He was a founding partner of ATMD Bird & Bird LLP, at which firm he is now a practising consultant for projects and dispute resolution. He was a former Chairman of the Society of Construction Law, Singapore (2006-2008) and has served as council member on the Singapore Institute of Arbitrators and as CEO of the Law Society of Singapore for several years. He has been appointed as arbitrator in SIAC, ICC and various ad-hoc cases; is an accredited Adjudicator with the Singapore Mediation Centre and is on various industry and international arbitration panels. He was the key draftsman of the new S.I.A Rules for Expert Determination and has a keen interest in "New ADR" for more efficient and progressive means of resolving disputes to be used in conjunction with more established procedures such as arbitration and adjudication.



**Naresh Mahtani**



**Raymond Chan**

Raymond is a Partner of Chan Neo LLP. He is a member of the Panel of Arbitrators of the SIAC as well as an Accredited Adjudicator with the Singapore Mediation Centre. Raymond is the Honorary Legal Advisor to the Singapore Real Estate Developers Association ("REDAS"), the Singapore Institute of Architects ("SIA") and the Singapore Institute of Surveyors and Valuers ("SISV"). He was an external lecturer in Legal Studies for the Masters Degree Course in Architecture, National University of Singapore from 1990 till 1999. He is active as an arbitrator and adjudicator and for the past 15 years, he was involved in the drafting of various Standard Forms of Building Contracts. He co-authored the textbooks Construction Law in Singapore and Malaysia (2nd Edition) and The Singapore Standard Form of Building Contract –An annotation both published by Butterworths. Raymond is listed in the 2011 Edition of the International Who's Who of Construction Lawyers as a Leading Construction Lawyer in Singapore and by Euromoney Legal Media Group in 2010 as one of the world's leading experts in commercial arbitration.

# REGISTRATION

## REGISTRATION FEE

MIArb Members	RM300.00
Members of Supporting Organisations	RM500.00
Others	RM600.00

(Fee includes materials, lunch and refreshments)

## REGISTRATION FORM

(The Practice and Procedure of Adjudication)



Title: Tan Sri / Dato' /Datuk / Ir. /Prof /Dr / Mr / Mdm / Ms

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Profession:

Name of Business or Employer:

Address:

Tel:  Fax:  H/P:

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(where applicable)

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Enclosed is cheque No. \_\_\_\_\_ for RM \_\_\_\_\_ being payment for the Registration fee.

All cheques should be crossed A/C Payee only and made payable to:  
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The Malaysian Institute of Arbitrators  
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47400 Petaling Jaya, Selangor Darul Ehsan  
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### Supporting Organisations :



### CPD Points:

Board of Engineers Malaysia	2 CPD points
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