

THE MALAYSIAN INSTITUTE OF ARBITRATORS
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Minutes of the 26th Annual General Meeting (AGM) for the Council Year 2018/2019 of The Malaysian Institute of Arbitrators (Institut Penimbangtara Malaysia) held on Tuesday, 26 June 2018 at 6.15 pm at Hearing Room 1 (Ground Floor), AIAC Bangunan Sulaiman, Jalan Sultan Hishamuddin, 50000 Kuala Lumpur.

Present:

1.	Mr Sudharsanan Thillainathan	(F116)	President (Chairperson of Meeting)
2.	Ms Karen Ng Gek Suan	(M437)	Deputy President
3.	Mr Gregory Vinesh Das	(M458)	Vice President
4.	Ms Wan Syariah Razman	(M346)	Hon Secretary
5.	Mr Verghese Aaron Mathews	(M463)	Hon. Treasurer
6.	Mr Kevin Prakash	(M329)	Imm. Past President
7.	Ms Dawn Wong Keng Jade	(M480)	Council Member
8.	Mr Edward Vinodh Kuruvilla	(M481)	Council Member
9.	Ms Nereen Kaur Veriah	(F128)	Council Member
10.	Mr Lim Fan Chong	(M468)	Council Member
11.	Mr Anish Wadia	(F124)	
12.	Ms Chu Chai Yin	(M398)	
13.	Ms Lam Chia Yen	(A260)	
14.	Mr Mak Hon Pan	(M490)	
15.	Ms Ratnaning Wulandari	(M442)	
16.	Mr Soh Lieh Sieng	(F91)	
17.	Mr Tai Khai Meng	(A259)	
18.	Ms Victoria Loi Tien Fen	(F119)	
19.	Mr Wong Wee Hong	(M336)	
20.	Mr Ho June Khai	(F98)	
21.	Mr Nik Hasbi Fathi	(A177)	
22.	Ms Wong Ser Reen	(M499)	
23.	Mr Eddy Azhar Othman	(M439)	
24.	Mr Lam Ko Luen	(F89)	
25.	Mr Wai Chan Ming	(M475)	
26.	Ms Rubini Murugesan	(M493)	
27.	Ms Han Li Meng	(M492)	
28.	Ms Yew Yuh Hui	(M494)	
29.	Mr Clive Navin Selvapandian	(M503)	
30.	Ir Khoo Choong Keow	(F11)	
31.	Ms Jesslyn Khoo Sin Lay	(M471)	

In Attendance

1.	Raja Junaidah Raja Aris	Secretariat
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1.0 OPENING ADDRESS AND PRESIDENT'S MESSAGE

1.1 The President, Mr Sudharsanan Thillainathan wished all members a good evening and thanked the members for attending the Annual General Meeting (AGM). The President called the 26th AGM to order at 6.15 pm.

1.2 The President presented his speech and highlighted some of the main events that have taken place this term as follows.

1.3 To achieve the Institute goal, the Council's focus and mission over the past year has been to provide new and existing members with a platform and the tools to become successful or even more successful ADR practitioners by offering-

- a recognised and affordable gateway into the ADR profession.
- greater career opportunities, through qualifications that are credible and recognisable.
- effective and inexpensive opportunities for learning and education.
- regular social and networking opportunities.

The Council has also worked hard to raise and enhance the standing and profile of the Institute within Malaysia and internationally. Within Malaysia, the Council has sought to achieve this goal through partnerships and regular collaborations with the Malaysian Judiciary, the Asian International Arbitration Centre (AIAC), the Construction Industry Development Board (CIDB), industry bodies such as Master Builders Association Malaysia (MBAM) and professional bodies such as the Institute of Engineers Malaysia (IEM), Persatuan Akitek Malaysia (PAM) and Royal Institute of Surveyors Malaysia (RISM), as well as institutions of higher learning such as Universiti Malaya (UM) and Brickfields Asia College (BAC). Whereas internationally, the Council has sought to achieve this goal through regional groupings and collaborations such as the Regional Arbitral Institutes Forum (RAIF), in which the Institute plays a key and leading role.

Overall, it has been an eventful year for the Institute with the main highlights being:-

1.4 Launch of the MIArb Debate Series in honour of Mr. Jonathan Yoon, a former Deputy President and committed supporter of the Institute, as well as a wonderful friend and human being. The inaugural debate was held on 25 October 2017 between Dato' Varghese George (retired Judge of the Court of Appeal) and Mr. Mohanadass Kanagasabai (Past President of MIARB) on the topic *"This House Believes that the scope to challenge a domestic arbitration award under the Arbitration Act 2005 is too narrow at present"*.

1.5 Regional Arbitral Institutes Forum Conference which was held on 14th October 2017 in Hong Kong at the Grand Hyatt, Hong Kong.

1.6 Year-end networking party held on 15 December 2017 at the AIAC, which was attended by approximately 30 guests including the Honourable Justice Dato' Lee Swee Seng, representatives from the AIAC (then KLRCA), the Chartered Institute of Arbitrators, IEM, MBAM and the RISM, as well as former MIArb Presidents, Office Bearers and Council Members.

1.7 Courtesy visit to IEM which was held on 2 January 2018.

1.8 Courtesy visit to RISM which was held on 11 January 2018

- 1.9 Courtesy visit to PAM which was held on 23 January 2018.
- 1.10 Inaugural National Arbitration Conference held on 8 February 2018 at the AIAC with the theme "Future of Arbitration in Malaysia", which was held to raise the level and quality of the debate and discussion on arbitration in Malaysia.
- 1.11 Membership Upgrade Course which was held on 24 and 25 February 2018.
- 1.12 Diploma Course in Commercial Arbitration in Collaboration with BAC which was held between July 2017 and June 2018.
- 1.13 CIDB Conference on "Avoiding Dispute: Lessons from the Past" in collaboration with MBAM, MIARB and RISM which was held on 5 April 2018 at Vistana Hotel, Bukit Jambul in Penang.
- 1.14 Public Lecture on the "Future of Arbitration in Malaysia" at Universiti Malaya held on April 27, 2018.
- 1.15 MIArb CPD Seminar Series in collaboration with AIAC, inaugural seminar titled "*The Advantages of Alternative Dispute Resolution in the Resolution of Disputes*" which was held on 7 June 2018 and presented by The Honourable Justice Nantha Balan a/l E. S. Moorthy, Judge of the Kuala Lumpur High Court.
- 1.16 Exclusive MIArb Networking Session held on 7 June 2018 at the AIAC.
- 1.17 The President also informed that the interest in the Institute and its activities continues to be strong and vibrant both from within and outside of Malaysia. The Institute admitted a total of 110 Fellows and 261 Members over the past year of whom 27 are from overseas.

The President also reported that the financial health of the Institute remains robust and sustainable.

The President wish to acknowledge and thanked the predecessors for their efforts in building a solid foundation for the growth and stability of Institute which is now in its 27th year.

The President also recorded his appreciation to all fellow Council Members and Puan Raja Junaidah from the Secretariat for all their hard work and commitment in making the 2017/2018 term a successful one for the Institute, and to all our members for their continued support.

2.0 TO CONFIRM MINUTES OF THE 25TH ANNUAL GENERAL MEETING FOR THE YEAR 2017/2018

- 2.1 The President presented the Minutes of the 25th AGM held on 14 June 2017 for adoption.
- 2.2 The Minutes of the 25th AGM were confirmed and passed by Ms Karen Ng Gek Suan and seconded by Mr Verghese Aaron Mathews.

3.0 TO RECEIVE THE COUNCIL'S REPORT ON THE WORKING OF THE INSTITUTE DURING THE YEAR 2017/2018

3.1 The President and Council presented the Annual Report and highlighted some of the details. The Annual Report was opened to the floor for comments.

3.2 There being no comments from the floor, the report was adopted as proposed by Mr Verghese Aaron Mathews and seconded by Ms Dawn Wong Keng Jade.

4.0 TO RECEIVE THE TREASURER'S REPORT AND THE AUDITED ACCOUNTS OF THE INSTITUTE FOR THE YEAR ENDING 31 DECEMBER 2017

4.1 Mr Verghese Aaron Mathews, the Hon. Treasurer, presented the Annual Accounts. He pointed out that the Institute's financial position for year 2017 was slightly higher than 2016 due increase number in students for the BAC Course, conferences and also there is no longer room rental income.

4.2 The Annual Accounts was opened to the floor for comments.

There being no further comments from the floor, the Treasurer's Report and Audited Accounts was adopted as proposed by Mr Gregory Das and seconded by Ms Karen Ng Gek Suan.

5.0 ELECTION OF SIX (6) ORDINARY COUNCIL MEMBERS FOR THE YEAR 2018/2020 PURSUANT TO RULES 15.5 TO 15.7 OF THE RULES OF THE INSTITUTE IN RESPECT OF THE FOLLOWING POSITIONS:

5.1 The Hon. Secretary announced that at close of nomination on 19 June 2018 at 6.00 pm, the following candidates were nominated for the following positions:-

	<u>Position</u>	<u>Candidate</u>	<u>Proposer</u>	<u>Seconder</u>
1)	Ordinary Council Member	Nereen Kaur Veriah (F128)	Sudharsanan Thillainathan	Verghese Aaron Mathews
2)	Ordinary Council Member	Anish Wadia (F124)	Francis Xavier	Randolph Khoo
3)	Ordinary Council Member	Shaun Adrian Perera	Verghese Aaron Mathews	Sudharsanan Thillainathan
4)	Ordinary Council Member	Dawn Wong Keng Jade	Sudharsanan Thillainathan	Verghese Aaron Mathews

5.2 Noted that since Mr Shaun Adrian Perera could not be present for the meeting, his application has been invalidated.

5.3 In view of the fact that there are 6 vacancies for Ordinary Council, all 3 candidates have been elected as Council Member.

5.4 The President welcomed members to volunteer themselves to take the post and to submit their name soon as possible. Alternatively, the Council may appoint and co-opt the Ordinary Council Members at the next Council Meeting.

5.5 The President welcomed all to the Council.

6.0 TO APPOINT TWO (2) HONORARY AUDITORS FOR THE YEAR 2018/2019

6.1 The President explained the nature of the post and also invited those present to volunteer themselves.

6.2 The President proposed Ms Sharon Chong Tze Ying and Mr Wong Wee Hong; and seconded by Ms Nereen Kaur Veriah.

6.3 Ms Sharon Chong Tze Ying and Mr Wong Wee Hong were unanimously appointed as Hon Auditors for the ensuing year.

7.0 TO RE-APPOINT THE EXTERNAL AUDITORS, M/S WONG WENG FOO & CO

7.1 The re-appointment of M/s Wong Weng Foo & Co as the external auditors for the ensuing year was proposed by The President and seconded by Ms Wan Syariah Razman; and unanimously agreed by members present.

8.0 TO DEAL WITH SUCH OTHER MATTERS AS MAY BE PRESENTED

8.1 The President welcomed any suggestions, ideas and proposal from members on activities that the Institute should embark on in the coming year.

8.2 The President informed that there are ideas and proposal to amend the Rules of the Institute and to revise some of the provisions which are out-dated. Mr Verghese Aaron Mathews highlighted some of the proposal as follows:

- i) Name change
- ii) Update the change of business address
- iii) Change of membership categories
 - abolish Affiliate category
 - to amend the Member category requirements (new application will start from Member category)
- iv) Raise the annual subscription on average of RM50 for each category and to reduce the entrance fee
- v) Annual General Meeting - in respect of convening the AGM

8.3 In line with the current technology, Mr Anish Wadia proposed that we allow members to attend the Annual General Meeting via video conferencing. The President noted the idea and would see whether it is practical for us to do the same.

8.4 The President also briefed the members on the coming events for the year.

- 8.5 The president also recorded that MAIrb wish to promote more events on diversity in ADR, which includes, women in ADR, more inclusive ADR profession and also a conference that appeals to a broader session of ADR practitioners and users.
- 8.6 The President also informed that the Council is working on raising and enhancing the status/value of the membership. MIArb is working on creating new professional opportunities not only in Malaysia but overseas too.
- 8.7 The President thanked everyone for attending the meeting.

There being no other matters, the AGM was called to a close at 7.20 pm.

President,

Hon. Secretary,

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Mr Sudharsanan Thillainathan

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Ms Wan Syariah Razman

Date: