



JOINT COURSES ON CONSTRUCTION LAW AND ADR PART 3 : MEDIATION



BEM Approved
CPD Ref No
IEM13/HQ/176/C
(5.5 CPD Hours)

Date & Time : Saturday, ~~24 August 2013~~ **26 October 2013**
Venue : Tan Sri Prof Chin Fung Kee Auditorium, 3rd Floor,
 Wisma IEM, Petaling Jaya, Selangor
Co-organisers : Pertubuhan Akitik Malaysia * Malaysian Institute of Arbitrators * Royal Institution of
 Surveyors, Malaysia * The Institution of Engineers, Malaysia (DPR Subcommittee)

SYNOPSIS

The use of ADR mechanisms to resolve construction disputes is not alien to the construction industry. The most popular ADR mechanism used in the construction industry is Arbitration. Besides the use of Arbitration there are other ADR mechanisms like Adjudication, Mediation /Conciliation. Mediation is internationally regarded as a very cost-effective and efficient means of resolving construction disputes, reducing the risks of costly conflict and delay. This seminar will provide participants with a comprehensive insight into its usage, along with options as to how best to use it.

The seminar will touch on various ADR mechanisms and in particular mediation and explain the process and 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 do not talk about legal entitlements but about "interests". Mediators look to capture a solution that parties could live with, rather than identify rights and duties. Mediation is a party empowered process and parties are the decision makers. The remedies available in mediation are far wider than what can be achieved in Arbitration or Adjudication. More importantly it preserves and maintains harmony in the relationship between the parties involved in the construction dispute. The progress and current trends of mediation in Malaysia in the construction industry will also be covered in this seminar.

Ir. Dr. Ooi Teik Aun
 Chairman, Subcommittee on Dispute Resolution Practice, IEM

BIODATA OF SPEAKER

Miss Gunavathi has been in practice since being admitted to the High Court of Malaya as an advocate and solicitor in 1987. She was accredited as one of the pioneer mediator's of the Malaysian Mediation Center of the Bar Council in April 2000. She is also an accredited mediator of the Western Australian Dispute Resolution Service of the Law Society of Western Australia and also an accredited mediator of Lawyers Engaged in Alternative Dispute Resolution ("LEADR") Sydney, Australia. She has specialized in mediation and Alternative Dispute Resolution since 1998 after graduating from University Malaya with the Master in Laws (LLM). She was responsible for drawing up the working paper for the establishment of the Malaysian Mediation Center of the Bar Council, Malaysia in 1998.



Gunavathi Subramaniam
 Advocate & Solicitor
 Mediator, Malaysian Mediation
 Center, Bar Council
 and Kuala Lumpur Regional
 Center for Arbitration

She has been an active committee member of the Alternative Dispute Resolution Committee of the Bar Council, Malaysia since its inception in 1999. She took charge in drafting the "Mediation Rules", the mediators "Code of Conduct" of the Malaysian Mediation Center and the guidelines for accreditation of mediators onto the panel of the Malaysian Mediation Center of the Bar Council. 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.

Miss Gunavathi is an experienced mediation trainer.

- She taught mediation at the Faculty of Law University Malaya for the Master of Laws in Alternative Dispute Resolution from 1999 to 2008 and currently continues teaching there for the same Masters programme
- She continues to conduct continuing legal education programmes in negotiation and mediation for the undergraduates at the faculty of Law University Malaya
- She has conducted mediation skills training workshops for High Court Judges in Sabah and Sarawak, Sessions Court Judges and judicial officers at The Institut Latihan Kehakiman dan Perundangan, lawyers, bankers at The Central Bank of Malaysia, mediators at the Financial Mediation Bureau, Commissioners of the Human Rights Commission Malaysia and other professionals.
- She has facilitated numerous mediation workshops and presented numerous seminars and speeches on behalf of the Malaysian Mediation Center of the Bar Council, to promote mediation to lawyers and professionals around the country.
- Miss Gunavathi has successfully mediated several commercial and family disputes in Kuala Lumpur.

PROGRAMME

9.00 AM	Introduction
9.05 AM	An introduction to ADR and dispute resolution mechanisms
9.30 AM	Mediation models and advantages of mediation in the construction industry
10.00 AM	Factors to consider before mediation
10.30 AM	Tea break
11.00 AM	The progress of mediation in the construction industry in Malaysia
11.30 AM	The facilitative mediation model
12.30 PM	Lunch
1.30 PM	Mock mediation
3.00 PM	Tea break
3.30 PM	The Mediation Act 2012
4.00 PM	Q & A
4.30 PM	End of Programme

REGISTRATION FEES (Inclusive of documentation, tea breaks and lunch)

	Online rate/ Normal rate
IEM Student/Graduate	RM 200.00
IEM/RISM/PAM/MIArb Member	RM 350.00
Non-Member	RM 450.00

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

CLOSING DATE FOR REGISTRATION: 22 October 2013

REGISTRATION FORM

Names	IEM M'ship No & Grade	H/P number	e-mail	Amount (RM)
TOTAL AMOUNT PAYABLE (RM):				

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 : _____

Telephone No : _____ (office) : _____ (Fax) : _____ H/P: _____

Email : _____ Signature : _____

IMPORTANT NOTES

- For **ONLINE REGISTRATION**, payment **only ONLINE PAYMENT** [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/LOU/LOG/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 event, otherwise participants will not be allowed to enter the hall. If a place is reserved and the intended participant fails to attend the course, the fee is to be settled in full. If the participant 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 as early as possible so as to avoid disappointment.