



CPD 12/18  
Dated 21 Nov 2018



Jointly organised by the Penang Bar Committee and Malaysian Society of Adjudicators  
**“What Do You Do: Practical Issues Affecting Adjudicators”**

**3 CPD points**  
**Bar Council CPD Accreditation Code:**  
**T3/06122018/PGB/PGB181407/3**

**6 Dec 2018 (Thurs)**  
**9:30am to 12:30pm** (Registration will begin at 9:00am)  
**Penang Bar Auditorium, No 4 Green Hall**  
**10200 Penang**

Registration Fees:

- **RM60.00** members of the Bar
- **RM30.00** members Admitted from 1 July 2011, Pupils In Chambers & law students
- **RM120.00** non-members

The Construction Industry and Adjudication Act , 2012 is in full motion with a rising number of cases registered with the AIAC (Asian International Arbitration Centre, formerly known as KLRCA) each year. There are over 400 fully accredited adjudicators registered with the AIAC delivering decisions within the tight time frame imposed by the Act. There are also a rising number of practical issues faced by adjudicators in administering their role. It is time that an interactive workshop be held which will provide a platform for guidance and the exchange of ideas.

This interactive workshop will address numerous topical issues in adjudication including these practical issues:

- Non-payment of fees – the practical aspects of dealing with recalcitrant parties and dealing with appointment and retirement
- Non-responsive parties – addressing no payment response/conduct of proceedings
- Jurisdictional challenges – facing a challenge/injunctive threat/dealing with it in the decision making process
- Unpaid party’s burden of proof – how to deal with the burden of proof to be discharged in the decision making process
- Latest case law on CIPAA

I would like to register for the event (all fields must be completed):

Name: \_\_\_\_\_  
[tick where applicable]

Member of the Bar (BC Membership No.): \_\_\_\_\_  
Member Admitted from 1 July 2011 (BC Membership No.): \_\_\_\_\_

Pupil in Chambers (Petition No.): \_\_\_\_\_  
Law Student (College/University): \_\_\_\_\_

Non-Member (NRIC No.): \_\_\_\_\_

E-mail Add: \_\_\_\_\_

Name of Firm/Organisation: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tel No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

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

Payment options:  
(1) Direct deposit to Public Bank Berhad (Account: 3060545211); or  
(2) Cheque or bank draft, payable to “Penang Bar Committee”; or  
(3) Cash payment, at the Penang Bar Secretariat.

All payments must be made in advance of the event, and include all bank charges. Registration must be accompanied with payment to guarantee your place.

- Places are limited and registration is on a first-come, first-served basis.
- Cancellations must be made in writing. There will be no refunds for cancellations made after 3 Dec 2018 (Mon) but substitutions are allowed.
- The organiser reserves the right to modify, cancel or postpone the event, should circumstances arise that make such action necessary.
- Points for the Continuing Professional Development (“CPD”) Scheme will not be awarded to Members of the Bar and pupils in chambers who arrive more than 15 minutes late, are not present throughout the event, or leave before its scheduled end.
- Please direct all correspondence (including completed registration forms) and enquiries to:

Leena Chandrabala  
(T: 04-263 5977 / F: 04-264 5977 / [secretariat@penangbar.org](mailto:secretariat@penangbar.org))

**Issued by:**  
**Tan Swee Cheng & Imavathi Subramaniam**  
**Co-Chairpersons**  
**Professional Development Subcommittee**

The personal information that you provide to the Penang Bar Committee, whether now or in the future, may be used, recorded, stored, disclosed or otherwise processed by or on behalf of the Penang Bar Committee for the purposes of facilitation and organisation of this event, research and audit, and maintenance of a participant database for the promotion of this event, and such ancillary services as may be relevant.



#### About the speakers:

**Tan Swee Im** was called to the Bar as a Barrister-at-Law from the Middle Temple in 1987 and admitted as an Advocate and Solicitor of the High Court of Malaya in 1988.

In 1999 she started her own firm, Messrs Tan Swee Im & Co. and in 2006 merged with Messrs P Y Hoh & Tai to form Messrs Tan Swee Im, P Y Hoh & Tai. Since 2015 the firm is known as Tan Swee Im, Siva & Partners. Her main focus is on construction industry and privatisation matters. Recognised by *Who's Who Legal* as 1 of only 5 leading construction lawyers in Malaysia.

She is a Fellow of the Chartered Institute of Arbitrators, a Fellow of the Malaysian Institute of Arbitrators, a Fellow of the Asian Institute of Dispute Resolution, a Fellow of the Chartered Institute of Building, a Fellow of the Malaysian Society of Adjudicators, a Fellow of the Dispute Board Federation, an arbitrator, adjudicator and mediator on the panel of the Asian International Arbitration Centre, a qualified adjudicator, a CIDB Accredited Mediator, and holds a Diploma in International Commercial Arbitration. As an active contributor to the Master Builders Association of Malaysia she was actively involved in the drafting of the CIDB Form of Contract for Building Works and led the drafting on the new standard form of design and build contract promoted by the CIDB.

She and her team prepared the Working Guide, Standard Forms and Checklists on the adjudication process under the Construction Industry Payment And Adjudication Act 2012 (CIPAA) published by the Construction Industry Development Board (CIDB) to assist parties to make and defend payment claims under CIPAA.

**James P Monteiro** is the principal partner of the firm James Monteiro and has over 20 years of experience as an Advocate & Solicitor. James specialises in the areas of Energy and Construction & Engineering, including project advisory, risk management and dispute resolution. James has acted for a variety of clients both foreign and local, large multi-nationals, PLCs and GLCs. He is a founding Member and Current Chairman of the Society of Construction Law Malaysia, Member of the Malaysian Institute of Arbitrators, Sub-Committee of the Malaysian Bar Council Sub-Committee on Construction Law and he was the Past-President of the University of Hertfordshire Alumni Association of Malaysia.

**Leong Hong Kit** a construction claim consultant is attached to MAC Consultant in Kuala Lumpur.

He has extensive experience in contentious construction disputes, where over the past 24 months he has been involved in more than 300 adjudication cases as party's representatives.

With a Masters Degree in finance and economics earned in the UK, he followed the unconventional path of starting his career in the construction industry instead. After more than a decade of sheer dedication and hard work, he is now a Chartered Building Engineering, a Chartered Quantity Surveyor, AIAC certified Adjudicator and a certified Project Management Professional (PMP). As a certified trainer, Hong Kit regularly gives talks in his areas of expertise like contract management and construction dispute prevention. One of his main interests is to create knowledge sharing sessions that allow the development of a stronger relationship between the industry and the industry players. This also allows him to address how industry creates the right context that encourages the industry players to be more responsive to industry's changing needs, thus attaining sustainable competitive advantage.

**Rajendra Navaratnam** obtained his first degree in Electrical Engineering and started his career as an Engineer in the Power industry. He has worked in wide and various capacities in the then National Electricity Board of Malaysia, ranging from construction and maintenance of high voltage transmission lines and substations, test and instrument functions, culminating in managing international procurement contracts, for about 10 years before he retrained in law and started his legal career with Azman Davidson and Co in 1988. He became a Partner in 1993.

**Wong Chong Wei** is a Chartered Quantity Surveyor, AIAC Certified Adjudicator and Mediator with over 20 years of professional construction experience in a wide diversity of construction projects in Malaysia, Middle Eastern countries and Vietnam, in particular major infrastructure and commercial property development projects such as F1 Racing Circuit Facilities, Sepang, large scale commercial shopping mall and some overseas tenders and construction market research assignments etc. He started his career in 1997, as trainee quantity surveyor attached to WCT Construction Sdn Bhd and moved his way up to Senior Manager and Head of Commercial Department for Antah Schindler Sdn Bhd (a member of Jardine Schindler Group, Hong Kong), overseeing day to day commercial and contracts management for his company for various types of high rise projects as well as provide internal training, mentoring and coaching to sales and project team.

Mr. Wong has made a challenging move since Sept 2015 and has founded a boutique construction consultancy providing commercial and contract management, claims and dispute management, project management consulting and advisory, training and seminars services to the clients in the Malaysian construction and engineering industry. He is also passionate to train the next generation of construction professionals where he is currently part-time lecturer in construction law for the B.QS (Hons) programme at Taylor's University, Malaysia since Aug 2015 until present. He is actively involved in the activities of professional institution. He was elected to be a Board Member of Royal Institution of Chartered Surveyors (RICS) Malaysia for two terms of service (2014-2018). He is RICS Accreditation Panel Member for Q.S. undergraduate degree programme. He is also trained as RICS APC Assessor since 2015 for new RICS members.

**The Honourable Wayne Martin AC QC** was Chief Justice of Western Australia between 2006 and his retirement from the bench in July 2018. Prior to his appointment he practised at the Western Australian Bar in the field of commercial litigation, mainly involving disputes in the mining, energy, resources, construction and financial sectors. His practice included international and domestic arbitration. As Chief Justice he created and managed the Arbitration List of the Supreme Court of Western Australia and he has published many decisions in that field (and others).

Before taking judicial office, he held a number of elected positions such as president of the Western Australian Bar Association, chairman of the Law Reform Commission, president of the Law Society and Director of the Law Council of Australia. In 2012, he was appointed as a Companion in the General Division of the Order of Australia for his eminent service to the judiciary and the state's legal system. He is a qualified and experienced mediator and at 39 Essex Chambers will be taking appointments as an international arbitrator and mediator.