



## SINGAPORE INSTITUTE OF ARBITRATORS

Proudly Presents

### “Across the Causeway – The Malaysian Construction Industry Payment and Adjudication Act 2012: A New Regime”

Wednesday, 26 September 2012 | 5.30pm – 8.00pm | Coleman Room, Level 1, Grand Park City Hall

**Sign up early to enjoy early bird discount  
(Valid till 12<sup>th</sup> September 2012)**

#### About the Seminar:

Following the footsteps of Singapore, Malaysia has taken a positive step towards resolving payment defaults in the construction industry. The Construction Industry Payment and Adjudication Act 2012 (Act 746) that was gazetted on the 22 June 2012 (“CIPAA”) is a welcome development to construction industry players in Malaysia. The Act provides for compulsory statutory adjudication and will have a great impact on the construction industry as it seeks to facilitate cash flow in the sector. KLRCA has been named as the adjudication authority by virtue of Part V of the Act. As such, the KLRCA has a key role to play in being the default appointing and administrative authority in Malaysia and aims to carry out this responsibility effectively in a just and equitable way. There are no restrictions on representations for adjudication in Malaysia as such there will be opportunities for adjudicators, as well as legal and contract advisory practices, in Singapore, to play a role under the new Malaysian regime.

This seminar will:

- highlight the new payment legislation under CIPAA in Malaysia and how it is expected to operate in practice.
- look at the current issues in relation to the construction industry in Malaysia
- look at some differences between CIPAA and the equivalent in Singapore, the Security of Payments Act (“SOPA”) as well as some recent updates in Singapore

The seminar will feature speakers who are the best qualified to speak on CIPAA and SOPA, being internationally renowned authorities on arbitration and construction law and practices, namely:

- **Datuk Sundra Rajoo**, Director of the Kuala Lumpur Regional Centre for Arbitration (KLRCA)
- **Mr. Chow Kok Fong**, Chairman of the Construction Adjudicators Accreditation Committee at the Singapore Mediation Centre (SMC), the administrative authority for SOP adjudications in Singapore.

**Mr. Mohan Pillay**, President of the Singapore Institute of Arbitrators, will chair this seminar

5:30pm – 6:00pm	Registration
6.00pm – 6.05pm	<b>Opening Address by Chairman</b> <i>Mr. Mohan Pillay – President, SiArb; Joint Head of Office, Pinsent Masons MPillay LLP, Singapore</i>
6.05pm – 6.50pm	<b>Musings from Across the Causeway – The Malaysia Construction Industry Payment and Adjudication Act 2012: A New Regime</b>
	<i>Speaker:</i> <i>Datuk Sundra Rajoo – Director, Kuala Lumpur Regional Centre for Arbitration</i>
6:50pm – 7.20pm	<b>Seven Years Later: How Has The SOP Act Fared in Singapore</b>
	<i>Speaker:</i> <i>Mr. Chow Kok Fong – Chairman, The Construction Adjudicators Accreditation Committee – (SMC)</i>
7.20pm – 7.45pm	Panel Discussion and Questions
7.45pm – 8:00pm	Networking



**1.5 Public CPD Point**



#### **About the Speakers:**

**Sundra Rajoo** is the Director of the Kuala Lumpur Regional Centre for Arbitration (KLRCA). He is also the President of the Asia-Pacific Regional Arbitration Grouping (APRAG), a federation of nearly 40 arbitral institutions in the region. Sundra is a Chartered Arbitrator and an Advocate & Solicitor of the High Court of Malaya (non-practising). He is also a Professional Architect and Registered Town Planner. He has had numerous appointments as chairman, co-arbitrator of three-man panels and sole arbitrator in international and domestic arbitrations. He serves on the panel of numerous international arbitral institutions and organizations. He is a Visiting Professor at Universiti Teknologi Malaysia. Sundra has authored several books on arbitration and contract law, including, "*Law, Practice and Procedure of Arbitration*" (2003); "*The Malaysian Standard Form of Building Contract (The PAM 1998 Form)*" (1999); and the *Arbitration* title for *Halsbury's Laws of Malaysia* (2002). He was also the co-author of "*Arbitration Act 2005 – UNCITRAL Model Law as Applied in Malaysia*" (2007), "*The PAM 2006 Form*" (2010) and "*Construction Law in Malaysia*" (2012). Sundra was conferred the Panglima Jasa Negara which carries the title "Datuk" by his Majesty the Malaysian King on the occasion of his Majesty's birthday on June 2, 2012.



**Chow Kok Fong** is a Chartered Arbitrator and Chartered Quantity Surveyor. He currently practices as a mediator, arbitrator and adjudicator. He has been appointed to arbitration tribunals under ICC Rules and Rules of the SIAC as well as Dispute Adjudication Boards. Since the inception of the SOP Act, he has been appointed as an adjudicator or review adjudicator in respect of 45 matters. Mr Chow spent 32 years in a corporate career which included appointments as Chief Executive Officer of Changi Airports International, Managing Director of Capitaland Commercial Ltd and Director of Projects of City Developments Ltd. Prior to joining the private sector he was Chief Executive and General Manager of the Construction Industry Development Board (now the Building and Construction Authority). He is Founder President of the Society of Project Managers and Past Chairman of the Society of Construction Law. Currently, he is on the board of the Singapore Mediation Centre and is Chairman of the Construction Adjudicators Accreditation Committee. He has also held adjunct appointments with a number of institutions including the National University of Singapore and Nanyang Technological University. Between 1989 and 1998 he had served as an occasional consultant to the World Bank on various construction industry development assignments. He has published 8 books including *Law and Practice of Construction Contracts* (2 Volumes) (currently in its 4<sup>th</sup> Edition 2012); *Security of Payments and Construction Adjudication* (2005); *Construction Contracts Dictionary* (2007); *The Construction Agenda* (1989) and *Construction Joint Ventures* (1985) He is currently General Editor of the Singapore Construction Adjudication Review.



#### **About the Chairperson:**

**Mohan R Pillay** is a Singapore and UK qualified disputes lawyer with 25 years experience in commercial litigation and regional arbitration work. He is President of the Singapore Institute of Arbitrators and Joint Head of Pinsent Masons MPillay LLP, a Singapore Joint Law Venture and Managing Partner of the Singapore constituent practice of MPillay. His main areas of practice are commercial & corporate disputes, professional negligence, building & civil engineering contracts, and arbitration. Mohan is a Chartered Arbitrator & accredited Adjudicator, and on Panels of SIAC, SI Arb and KL Regional Centre for Arbitration. He is currently Vice Chair, Dispute Resolution Committee, IPBA. His teaching appointments have included Adjunct Associate Professor at the Faculty of Law, National University of Singapore (2003 – 2011) and Visiting Professor, Centre of Construction Law, King's College London (2005 – 2011)

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**REGISTRATION FORM**

**(Closing date: 19<sup>th</sup> September 2012)**

	<b>Early Bird Rate</b> <i>(Valid till 12<sup>th</sup> September 2012)</i>	<b>Regular Rate</b>
SIArb Members / Full Time Students / SIArb Member's Guest *	<input type="checkbox"/> S\$ 80.00	<input type="checkbox"/> S\$ 90.00
SCL Members	<input type="checkbox"/> S\$ 110.00	<input type="checkbox"/> S\$ 120.00
Others	<input type="checkbox"/> S\$ 130.00	<input type="checkbox"/> S\$ 150.00

\* Members are entitled to register 1 guest each at the members' rate. ( Subsequent guest(s) will pay non-member's rate).

^ **Group discount:** 10% off the above rates for registration of 3 participants and above (From the same organisation)

Name (\*Prof. / Dr. / Mr. / Mrs. / Ms.): \_\_\_\_\_

Company: \_\_\_\_\_

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

Primary Profession: \_\_\_\_\_

Member of \*SIArb / SCL / Others (please state): \_\_\_\_\_

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## Notes:

1. Closing date for registration is **19<sup>th</sup> September 2012**.
2. Registrations received on or before the closing date are confirmed upon **RECEIPT OF FULL PAYMENT**.
3. The Organiser reserves the right to cancel, curtail or change the content of the programme and the names of speakers without prior notice.
4. The Organiser reserves the right to cancel or postpone the seminar in which case refunds will be given, but otherwise, no refunds will be made for cancellations or no-shows by those who registered. If you are unable to attend the seminar, a substitute may attend in your place at no extra charge with at least 3 days prior notice being given to the Institute.
5. For enquiries, please call Tel: +65 6521 2888 or email [siarb\\_events@siarb.org.sg](mailto:siarb_events@siarb.org.sg)

<p>Practice Area : <b>Alternative Dispute Resolution</b> Training Level : <b>General</b> Public CPD Points : <b>1.5</b> (Based on 100% attendance)</p>	<p><b><u>SILE Attendance Policy</u></b></p> <p>To ensure the award of CPD Points, participants requiring CPD Points are reminded to <b>sign-in</b> on arrival and <b>sign-out</b> at the conclusion of the event, at the Registration Counter. Please refer to <a href="http://www.sileCPDcentre.org.sg">www.sileCPDcentre.org.sg</a> for more information on the Attendance Policy and the CPD Scheme.</p>
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