

TOPIC: CONSTRUCTION INDUSTRY PAYMENT AND ADJUDICATION ACT 2012 ACT 746 (CIPAA 2012) THE SALIENT FEATURES AND GUIDANCE FOR ADJUDICATION PROCEEDINGS

1. SUMMARY PROGRAM:

Construction Industry Payment and Adjudication Act 2012 (CIPAA) came into force since 15 April 2014, since then the CIPAA has been the most popular platform to resolve construction payment disputes among the construction industry participants. The purpose of the CIPAA is to facilitate regular and timely payment as well as to provide a mechanism for speedy dispute resolution by means of adjudication and to provide remedies for the recovery of payment in the construction industry. The CIPAA introduces statutory adjudication as one of the Alternative Dispute Resolution (ADR) methods in order to ensure the payment disputes can be resolved within a relatively short period of time and the adjudication decision is enforceable as a judgment or order of the high court. As of 15 April 2018, there are 1603 cases have been registered and the number is increasing as the awareness on CIPAA increases. Even so, many are not clear with regards to the process and procedure of adjudication as well as the contents of CIPAA.

2. OBJECTIVES:

The objective of this workshop is to disclose the salient features of CIPAA and to provide a practical guide to the adjudication proceedings.

3. LEARNING OUTCOME:

At the end of this workshop, the participants should be able to familiar with salient features of CIPAA, initiate and participated in adjudication proceedings.

4. DURATION:

The proposed duration is two days.

5. TARGET GROUPS:

The target groups for this workshop are those who affiliate with construction work and construction consultancy contracts.



6. TOPICS:

Part 1: Background to CIPAA 2012 and CIPAA Framework to include:

- CIPAA Act 2012
- CIPA Regulation 2014
- CIPA (Exemption Order) 2014
- AIAC Adjudication Rules and Procedure
- AIAC Circulars
- Reported Case Laws

Part 2: Features of CIPAA 2012 and Adjudication

- Salient features of CIPAA 2012
- Definition of Payment Disputes
- Types of Payment Disputes
- Possible Defences By Respondents
- CIPAA 2012 by Sections
- The Process of Adjudication
- Available Remedies Under CIPAA 2012
- Cost of Adjudication

Part 3: Preparing for Adjudication Proceedings

- Payment Claim
- Payment Response
- Notice of Adjudication
- Registration of Adjudication Case
- Appointment of Adjudicator
- Adjudication Claim
- Adjudication Response
- Adjudication Reply
- Effect of Non-compliance
- Adjudication Decision



Part 4: Connected and Incidental Matters to Adjudication

- The Roles of AIAC as the Adjudication Authority
- Withdrawal and Recommencement of Adjudication Proceedings
- Powers of Adjudicator
- Enforcement of Adjudication Decision
- Discussion on Judgment of Selected Court Cases Pertaining to Adjudication
- Overview of AIAC Circulars



TENTATIVE PROGRAM

Day 1

TIME	TOPICS
8.30 - 9.00	Registration
9.00 – 10.30	Part 1: Background to CIPAA 2012 and CIPAA Framework
10:30 - 10:45	Tea Break
10.45 – 13.00	Part 2: Features of CIPAA 2012 and Adjudication
13:00 – 14:00	Lunch
14.00 – 15.30	Part 3: Preparing for Adjudication Proceedings
15:30 – 15:45	Tea Break
15.45 – 16.45	Part 3: Preparing for Adjudication Proceedings (Cont.)

Day 2

TIME	TOPICS
9.00 – 10.30	Part 3: Preparing for Adjudication Proceedings (Cont.)
10:30 - 10:45	Tea Break
10.45 – 13.00	Part 4: Connected and Incidental Matters to Adjudication
13:00 – 14:00	Lunch
14.00 – 15.30	Part 4: Connected and Incidental Matters to Adjudication (Cont.)
15:30 – 15:45	Tea Break
15.45 – 16.45	Part 4: Connected and Incidental Matters to Adjudication (Cont.)

