

# **Arbitration - What Architects need to know : The Good, the Bad & the Ugly**

It is ironic that the construction industry, which more than all other industries, depends on coordination, cooperation, and teamwork among various parties, should be the most problematic and adversarial. A dispute might arise at any point during the construction process as a result of differing expectations or misinterpretations of the contract documents, which leads frequently to unnecessary problems and delays.

This seminar will explore dispute resolution processes in the PAM 2006 contract, in particular arbitration, which is a well-entrenched mechanism for resolving construction disputes. It will also discuss common disputes in arbitration, the future of arbitration and case law on construction disputes in Malaysia.

Topics covered will include :

1. What is arbitration - the legal framework under the Arbitration Act in Malaysia, when it is triggered and how does it proceed? PAM or KLRCA?
2. Arbitration under clause 34 of the PAM 2006 form of contract - how and when does a dispute go to arbitration?
3. Arbitration compared to other forms of dispute resolution under PAM 2006.
4. Duties of an Architect under his appointment in relation to arbitration. What is the Architect's position when projects go into arbitration? Can an Architect claim for additional fees?
5. What are the most common disputes that go into arbitration? Case law on landmark cases.
6. How to qualify as a PAM arbitrator?