



INTERNATIONAL MALAYSIA LAW CONFERENCE

CREATING PRECEDENCE

21–23 September 2016
The Royale Chulan Kuala Lumpur

Challenges of an ASEAN Community: Rule of Law, Business, and Being People-Oriented

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PROGRAMME PREVIEW 3

- **WATCH OUT** for sessions on advocacy and the handling of expert witnesses; democratic spaces at the Federal and State levels; international human rights treaties, including those on the rights of women, children, and people with disabilities; Goods and Services Tax (“GST”) in respect of corporate and real estate transactions; environmental law relating to haze; and much more.

CONFIRMED SPEAKERS



THE RIGHT HONOURABLE LIM GUAN ENG

Chief Minister of Penang

The Right Honourable Lim Guan Eng has served as Penang’s fourth Chief Minister since March 2008. In 1995, he became the Democratic Action Party (“DAP”)’s Deputy Secretary-General. He was elected as its Secretary General in 2004, and still holds that position today.

Prior to joining politics, he held a senior executive position in the banking industry. He holds a Bachelor’s degree in Economics from Monash University, Australia and is a qualified accountant.



PROFESSOR MICHAEL EWING-CHOW

WTO Chair, Faculty of Law, National University of Singapore (“NUS”)

Professor Michael Ewing-Chow worked in Allen & Gledhill before joining NUS, and was involved in the negotiations for some of Singapore’s early free trade agreements.

He has been a consultant to the Singapore Government, Asian Development Bank, ASEAN, UN Conference on Trade and Development, World Bank, and World Trade Organization. He has also advised clients all over the world on trade and investment law, as well as governance. He is a member of the Editorial Board of the *Journal of International Economic Law*.



DR AZMI SHAROM

Associate Professor, Faculty of Law, University of Malaya

Dr Azmi Sharom has taught at the Faculty of Law since 1990. He currently teaches private international law, international environmental law, and human rights law, and is Head of the Human Rights Research Group in his Faculty.

He is Chief Editor of the *Human Rights in Southeast Asia Series* by the Southeast Asian Human Rights Studies Network (“SEAHRN”) based in Bangkok. He writes regular newspaper columns, and a compilation of his articles was published last year in a book entitled *Brave New World: Greatest Hits*.



KIRAN DHALIWAL

Partner, Messrs Y N Foo & Partners

Kiran Dhaliwal was called to the Bar of England and Wales in 1990, and the Malaysian Bar in 1992.

Since 1997, her main practice area has been family law, with diverse cases including cross-border disputes involving children. Kiran is an accredited mediator, and a member of both the Bar Council Family Law Committee (“FLC”), and the Executive Committee of the Association of Women Lawyers (“AWL”). She has represented FLC and AWL at law reform consultations with the Attorney General’s Chambers and the Ministry of Women, Family and Community Development.



▶ **Hard Talk: Challenges of Enhancing Democratic Space at Federal and State Levels**

The Right Honourable Lim Guan Eng, Chief Minister of Penang; Dato' Ambiga Sreenevasan

With the advent of technology, the citizenry have more access to information and are better informed now than ever before. This plenary session, moderated by Dato' Ambiga Sreenevasan, will examine the democratic space available for the citizenry to obtain and share information, and provide feedback.

Come and listen to views about whether democratic space has shrunk at the Federal level, and if State Governments have gone far enough to create democratic spaces.

▶ **Hazy Days Ahead: Legal Rights under International and Domestic Law**

YA Dato' Azahar Mohamed; Dr Azmi Sharom; Roger Chan Weng Keng

Air pollution, as a result of burning to clear large tracts of land, is now an annually recurring problem in Indonesia, Malaysia and Singapore. As early as 2002, ASEAN Governments had come together to sign the ASEAN Agreement on Transboundary Haze Pollution.

Notwithstanding the Agreement, the haze situation has worsened. What options are available to private citizens and Governments in seeking remedies against the wrongdoers? Should countries have extraterritorial legislation such as Singapore's Transboundary Haze Pollution Act 2014, to combat the haze?

▶ **Grappling with GST Issues and Implications in Corporate and Real Estate Transactions, and Litigating the Aftermath**

Wong Tat Chung; Anand Raj

It is axiomatic that the introduction of a broad-based consumption tax in the form of the Goods and Services Tax ("GST") triggers a plethora of legal and compliance issues in transactional work.

How can law firms acting for the contracting parties deal with such issues, and what should they look out for? What are the respective roles of tax accountants and law firms in advising clients on tax and GST matters, and in the drafting of contracts, tax and GST clauses, representations and warranties? To what extent should a legal due diligence exercise cover GST and tax matters, and how does that differ from a financial and tax due diligence exercise? Who bears the GST, anyway?

This session will also examine the possible trends and developments in litigating tax and GST issues.

For registration and other enquiries, please contact the following persons:

- Suriati Dalilan (+603-2050 2121; suriati@malaysianbar.org.my) for **Delegate Registration**;
- Sangheetha K (+603-2050 2038; sangheetha@malaysianbar.org.my) for **Advertising and Exhibition, and Conference Sponsorship**; and
- Sumitha Shaanthinni Kishna (+603-2050 2090; sumitha@malaysianbar.org.my) for **other conference enquiries**.

▶ **Advocacy and the Handling of Expert Witnesses**

Audrey Campbell-Moffat, SC; Robert Low; James Khong Yoon Hong; Ira Biswas

Examination-in-chief and cross-examination of expert witnesses are areas of advocacy that require a different set of skills by an advocate.

Knowledge and awareness of these differences and how to conduct the examination of an expert witness are important to ensure that advocates are able to effectively handle such witnesses in court and in arbitration proceedings.

This session will explore the various types of experts we encounter, and the different ways to approach examination-in-chief and cross-examination of expert, as opposed to lay, witnesses. The session, presented by the Bar Council Advocacy Training Committee, will also include a live demonstration of how to conduct examination-in-chief and cross-examination of such witnesses.

▶ **Investment Arbitration**

Lucy Reed; Professor Michael Ewing-Chow; Dr Ioannis Konstantinidis; Philip Koh; Lim Chee Wee

This session will assess the investment arbitration landscape in the Asia-Pacific region, including a review of investment arbitration practice, the investment chapter of the Trans-Pacific Partnership Agreement ("TPPA"), and the role of regional institutions in investor-state dispute settlement.

▶ **The Hague Convention on the Civil Aspects of International Child Abduction: Beacon of Light in the Dark Tunnel**

Anselmo Reyes; Malathi Das; YAA Dato' Dr Haji Mohd Na'im Haji Mokhtar; Kiran Dhaliwal; Goh Siu Lin

When marriages break down, children often bear the brunt of the distress. Imagine a scenario of being abducted by one of your parents to another country. The Hague Convention on the Civil Aspects of International Child Abduction ("Hague Convention") provides a mechanism for the speedy return of abducted children. However, only three countries in ASEAN are signatories to the Hague Convention — Thailand, Singapore, and the Philippines. This begs the questions of whether the Hague Convention works well, and which aspects of it need improvement. What challenges do non-Hague Convention countries face, which are holding them back from becoming signatories? How can those concerns be addressed?

Note: Only the names of confirmed speakers and moderators are listed.

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Persons who accompany delegates but who do not pay for the Gala Dinner, are entitled to attend **only** the Opening and Closing Ceremonies, Raja Aziz Addruse Memorial Lecture, other Social Events, and Exhibition.

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