



10 Mar 2023 (Friday), 2:30 pm to 5:00 pm

CPD **Bridges**

2 CPD Points

Family Wealth Disputes and Equitable Doctrines: Constructive and Resulting Trusts

Families in Asia Pacific often acquire real estate and other properties using their collective earning power without considering explicitly the proprietary entitlement of each family member. The panelists will examine the different approaches to family wealth disputes in Malaysia, Singapore, England, and Australia. In particular, the panelists will consider the practical issues with respect to arguing and defending such claims, and the appropriate strategies when these claims are asserted.



Raja Aziz Addruse Auditorium
2nd Floor, 2 Wisma Badan Peguam Malaysia
Leboh Pasar Besar, 50050 Kuala Lumpur



This is an on-site event



Members of the Bar | RM90
Pupils in Chambers & Law Students | RM50
Non-Members | RM180



TANG
HANG WU



YING
KHAI LIEW



SITI
ALIZA ALIAS



IDZA HAJAR
AHMAD IDZAM

T3/10032023/BC/BC232012/2

Seats will be confirmed once the proof of payment is received. Registration will close at 3:00 pm, on three working days before the CPD event commences.

No additional registration will be accepted once the closing date has passed, or if the CPD event is full.

The CPD Department may not permit future registration if you fail to attend a CPD event after registering unless you provide an acceptable and valid reason(s).

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Overview

This seminar aims to explore issues relating to familial wealth disputes and equitable doctrines.

Families in Asia Pacific often acquire real estate and other properties using their collective earning power without considering explicitly the proprietary entitlement of each family member. When the relationship between family members fractures, there is often a dispute around the beneficial ownership of properties. As a result, a myriad of equitable doctrines is pleaded in family wealth disputes including constructive and resulting trusts. The law in this area is particularly complicated in Asian jurisdictions, one of the main reasons being that constructive trusts are developed by courts in different jurisdictions to respond to differing policy considerations arising from their unique social context. The panelists will examine the different approaches to family wealth disputes in Malaysia, Singapore, England, and Australia. In particular, the panelists will consider the practical issues with respect to arguing and defending such claims, and the appropriate strategies when these claims are asserted.

Programme

2:00 pm	Registration
2:30 pm	Opening Address by Idza Hajar Ahmad Idzam, <i>Partner, Zul Rafique & Partners</i>
2:45 pm	Recent Developments in England and Australia by Ying Khai Liew, <i>Professor, Melbourne Law School</i>
3:15 pm	Recent Developments in Singapore by Tang Hang Wu, <i>Professor, Yong Pung How School of Law, Singapore Management University</i>
3:45 pm	Tea Break
4:00 pm	Recent Developments in Malaysia by Siti Aliza Alias, <i>Lecturer, Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia</i>
4:30 pm	Panel Discussion Ying Khai Liew, Tang Hang Wu and Siti Aliza Alias Moderated by Idza Hajar Ahmad Idzam
5.00 pm	End

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Speakers

Tang Hang Wu is a professor at the Yong Pung How School of Law, Singapore Management University, and co-head of the Trusts & Private Wealth desk at TSMP Law Corporation, a boutique law firm in Singapore. He has published widely and has been instructed as counsel by Singapore law firms, and has provided legal opinions to Malaysian and international law firms, high-net-worth individuals, the US Department of Justice, banks, and trust companies on trust law. Recent trust issues that he has advised on include trusts over cryptoassets, gold bars, real estate, company shares, and offshore bank accounts.

Ying Khai Liew is a professor at the Melbourne Law School, University of Melbourne. He teaches and researches in private law, with a particular focus on the law of equity and trusts, contracts, remedies, and the law of assignment. He is the author of *Rationalising Constructive Trusts* (Hart Publishing, 2017) and *Guest on the Law of Assignment* (currently in its fourth edition, Sweet & Maxwell, 2021). He is also the General Editor of the *Asia-Pacific Trusts Law* book series with Hart Publishing. Ying is the Associate Director (Private Law) of the Asian Law Centre at the Melbourne Law School, and is also an editor of the *Journal of Equity*.

Siti Aliza Alias is a lecturer at the Legal Practice Department, Ahmad Ibrahim Kuliyyah of Laws, International Islamic University Malaysia ("IIUM"). She was admitted to the Malaysian Bar as advocate and solicitor of the High Court of Malaya in 2007 and had practiced as a civil and commercial litigator in Kuala Lumpur before joining IIUM. She holds a 1st class LL.B (Hons) degree from IIUM and a Bachelor of Civil Law ("BCL") from University of Oxford. In Oxford, she studied unjust enrichment and commercial remedies from scholars such as Prof Andrew Burrows, Prof Charles Mitchell and Prof William Swadling.

She is currently completing her PhD thesis on the law of unjust enrichment and restitution in Malaysia, with a component looking at remedial constructive trust. Her research interests are mainly in the area of commercial law and remedies, and law of obligations, primarily in contract law and unjust enrichment. She has done research and consultancy work for, amongst others, Centre for International Law, National University of Singapore ("NUS") jointly with New York University ("NYU") on international law; Siam University and the Council of State of Thailand on land law; and she was a Research Fellow at the Asian Law Institute ("ASLI"), NUS for research on unjust enrichment. She was chosen by the Australian Department of Foreign Affairs and Trade for the Malaysian Muslim Young Leaders Program in Australia and by MyWin Academy, Prime Minister's Department for Women with a Mission ("WWM"), a 2-year leadership program. As a former Jessup and World Finalist (2005), she is also passionate about teaching moots and oratory skills to law students and served as Director of IIUM World Debate and Oratory Centre and authored a textbook on mooting.

Moderator

Idza Hajar Ahmad Idzam is a partner in the litigation practice group of her firm. She obtained her Bachelor of Laws Degree from Universiti Teknologi Mara and was admitted as advocate and solicitor of the High Court of Malaya in 2007.

Idza's main area of practice is corporate and commercial litigation and arbitration. She has been involved in some of the most complex shareholder, boardroom, and corporate insolvency, restructuring and fraud disputes in the country and has been involved in a number of landmark decisions on novel principles of law in Malaysia. Idza is also involved in estate planning, trust, intestacy and inheritance matters and disputes.

Idza is a "Recommended Lawyer" in the Legal500 2019 Asia Pacific for Dispute Resolution and was named "Future Star" by Benchmark Litigation Asia Pacific for 2019, 2020, 2021 and 2022. Idza was also named as "Outstanding Lawyer 2020 for Client Service Excellence" by Asialaw for dispute resolution, where Idza has the distinction of being the only practitioner in dispute resolution ranked in Malaysia in 2020. Idza is named as one of Asian Legal Business' "Malaysia Rising Stars" of 2022.

Terms and Conditions

- Materials will be emailed only. No printed notes will be provided.
- No recording of the event is permitted via any means at any time.
- No part of the event content may be used/reproduced in any form without the written and explicit consent of the Bar Council and speaker(s).
- Registration will be confirmed once proof of payment is received, and will be allocated on a first come, first serve basis.
- The registration for any session will close at 3:00 pm, three working days before the session commences. Cancellations must be made in writing. There will be no refunds for cancellations made fewer than three working days before the session but substitutions are allowed.
- No additional registration will be accepted once the closing date has passed, or if the CPD event is full.
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- The organiser reserves the right to modify, cancel or postpone the event, should circumstances arise that make such action necessary, whereupon all registration fees paid will be refunded.

- Points for the 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.
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If you have any enquiries, please email us at: cpd.events@malaysianbar.org.my.



Issued by:

Jaspal Singh Gill and Richard Wee Thiam Seng
Co-Chairpersons, Professional Standards and Development Committee