

Hybrid Seminar

EINSTEIN'S CONTRIBUTION TO MODERNISING CONSTRUCTION CONTRACTS IN MALAYSIA

Tagline: Now everyone can ~~fly~~ understand
construction contracts

Organised by:



Est. 1961

RISM QS Division
QS Academy

DATE: 24 JANUARY 2024, WEDNESDAY
TIME: 9.00 AM - 1.00 PM (Malaysia Time)
VENUE: MENARA STAR, 15 JALAN 16/11
46350 PETALING JAYA, SELANGOR
* Nearest MRT Phileo Damansara (KG12)

ONLINE: 

Co-Organiser: Supported by:

Star
MEDIA GROUP



Limited to 100 physical attendees.
Inclusive breakfast and tea break.
First Come First Serve.

Fee: Physical or Online (inclusive 6% SST)
RISM Member – RM50.00
Non-RISM Member – RM70.00
Non-Malaysian - USD30

RISM Student Member - FOC (Online Only)

Payment details:
ROYAL INSTITUTION OF SURVEYORS MALAYSIA
RHB BANK - A/C No.: 2140 3500 1329 88
Swift Code: RHBBMYKL

Speaker



**Associate Professor Sr Dr.
Naseem Ameer Ali**

Associate Professor & Internationalisation Lead,
Massey University, New Zealand
Past President, Royal Institution of Surveyors
Malaysia

SCAN QR CODE
TO REGISTER



<https://shorturl.at/oxFL8>

2 CPD Points
Approved by
BQSM

SEMINAR OUTLINE

Background

Construction contracts are considered by some to be complex. But they need not be. Not surprisingly, some main contracts especially for smaller projects and subcontracts are contracted orally or on the back of incomplete contracts.

In Malaysia, unlike nearly all other equivalent Acts in the world, the Construction Industry Payment and Adjudication Act 2012 (CIPAA) only applies to written contracts – not oral contracts. That means many contracts do not get the protection of CIPAA.

All these give a negative impression on the construction industry generally and on construction contracts specifically.

* see next page - What you will gain by the end of the seminar

Contact us: RISM QS Secretariat at +6016-9142477 or email to qsdiv@rism.org.my

What you will gain by the end of the seminar

By the end of this seminar, participants would gain a good understanding of the following from most recent developments within Malaysia and from international experiences. They would get this understanding with the help demonstrated from the first construction contract in the world to attain the Clear English Standard accreditation from the Plain Language Commission UK - the Standard Terms of Construction Contract for Renovation and Small Projects STCC-RSP 2015 - published by the Construction Industry Development Board - downloadable free here: <https://www.cidb.gov.my/wp-content/uploads/2022/10/Terma-BI.pdf>

1. Good contract administration skills up within hours.
2. Contracts need not be complex.
3. Now no one needs to enter into contracts orally or on the back of incomplete contracts.
4. Contracts can be grouped within just 7 main clauses.
5. Contracts can be easily understood by all primary users like clients, contractors, subcontractors, and contract administrators.
6. Contracts can equally be understood by secondary users like lawyers, claims consultants, and dispute resolvers like judges, arbitrators, adjudicators, and mediators.
7. Contracts can be written flexibly without the need for multiple standard forms with mostly repeated clauses.
8. Contracts can be written consistent with the 4 principles from the most recent International Standards Organization's ISO 24495-1 Plain language - Part 1: Governing principles and guidelines, published in June 2023.
9. Contracts can be written consistent with modern legislation in some countries such as the New Zealand Plain Language Act 2022.
10. The Malaysian construction industry may want to consider incorporating some ideas from the latest Standards New Zealand's NZS 3910:2023 published in November 2023 on expressly splitting the dual roles of the person administering construction contracts.
11. The 20-point plain language drafting guideline developed for and used by the NZS 3910 drafting committee.
12. The construction industry can benefit from heeding Einstein's (paraphrased) advice: make everything as simple as possible but not simpler.
13. Academic institutions can benefit from using these principles in educating young aspiring construction professionals.
14. Evidence from Artificial Intelligence tools like Chat-GPT to validate and rationalise the superiority of plain language contract drafting over traditional writing.
15. A demonstration of the potential development of a clause that could be modelled as a future smart contract.

About the speaker:

Associate Professor Sr Dr. Naseem Ameer Ali

Over 30 years' experience as a construction professional and academic. Worked in the UK, Malaysia, and New Zealand. Former director of the Malaysian branches of two international project management and construction contracts consultancies. Developed, and now teaching on the Master of Construction degree at Massey University, New Zealand – with various specialisations including Construction Project Management and Construction Law.

Naseem also developed a set of 'Plain Language Drafting Guidelines for the Construction Industry' that was referred to by the Standards New Zealand review and drafting committee. Naseem was the New Zealand Society of Construction Law representative on the drafting committee which published the latest version of the NZS 3910:2023 construction contract in November 2023.

Naseem's Vision 2030: all construction contracts are written in modern plain language.