



Construction Law in 8 Hours Masterclass

8th November 2018

Cliftons Auckland

Overview

The building, infrastructure and construction sector faces unique challenges when it comes to legal duties and responsibilities.

This masterclass is designed for practitioners in the construction industry interested in the basic principles of construction law. It will review general rights and obligations of contractors and employers, as well as time, payment, SOP and dispute related issues in construction contracts. It is principally designed for non-lawyers in the construction industry but lawyers seeking an introduction to this area may also be interested.

This masterclass also seeks to provide an introduction to the legal problems arising out of construction contracts. Many construction contracts are of high value and involve many parties: the customer (employer, principal); a (main) contractor; sub-contractors; suppliers and a range of professional advisers (architects, engineers, quantity surveyors). The interests of these parties often diverge and disputes are common.

Construction Law in 8 Hours Masterclass is a one stop for all updates including HR & OHS compliance, managing contractors and consultants, insurance and liabilities, contractual risks and concerns, as well as procurement and tender management.

Learning Objectives:

- Understand the basics of contract law – intention, offer, acceptance, consideration, capacity and legality
- Stay up to date on the latest industry developments
- Discuss the state of current security of payment regime
- Overcome legal issues in BIM
- Ensure effective compliance with the latest changes
- Learn how to minimise your risk in the tender process
- Deal with damages for breach of contracts in construction
- Understand the dispute resolution process – negotiation, mediation, arbitration, and litigation
- Assess how to best manage disputes in construction contracts
- Avoid disputes in construction
- Understand the types of insurance used in construction and manage risk through effective insurance
- Examine consultants liabilities

Featuring Presentations from Key Industry Experts Including:



Kate Sheehan
Director
Kate Sheehan Lawyers



Sarah Sinclair
Partner
Minter Ellison Rudd
Watts



David Broadmore
Partner
Buddle Findlay



Tom Bennett
Partner
Bell Gully



Christina Louise Bryant
Principal
Hesketh Henry



Oliver Collette-Moxon
Barrister
Princess Chambers



Tim Rainey
Barrister
FortyEight Shortland



Howard Thompson
Partner
McMahon Butterworth
Thompson



Marcus Beveridge
Principal
Queen City Law

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8:50 Chairperson Opening Remarks

Kate Sheehan, *Director, Kate Sheehan Lawyers*

9:00 Understanding the Fundamental Elements of a Contract

- Identifying the essential elements of a contract
- Understanding Intent & its relevance in contracts
- Analysing the concepts of invitations to – treat, offer & acceptance in a tender process
- Different types of contracts and when to use them
- Recognise differences between implied and explicit Warrantees
- Learn key legal maxims for what constitutes good consideration
- Evaluating capacity to contract and how it affects the validity of an agreement

Tom Bennett, *Partner, Bell Gully*

9:45 Examining Consultants Liabilities

- An overview of consultant's liabilities at law (contract, tort, statutory)
- Design and Build Contracts – A different regime?
- Indemnities, warranties and the proportionate liability regimes
- Defining the duty to warn

Oliver Collette-Moxon, *Barrister, Princes Chambers*

10:30 Morning Coffee and Networking Break

11:00 A review of the payment claims provisions in the Construction Contracts Act 2002

- Requirements for valid claims
- Common pitfalls
- Responding to payment claims
- Dealing with retentions

Howard Thompson, *Partner, McMahon Butterworth Thompson*

11:45 Managing Risk Through Effective Insurance

- The relationship between the insurance contract and the construction contract
- Composite insurance - Who is insured and for what?
- The importance of defining the scope of cover
- Defining damage
- Defect exclusions and how they work

Sarah Sinclair, *Partner, Minter Ellison Rudd Watts*

12:30 Networking Luncheon

13:30 Managing Risk In Construction Contracts

- Inserting risk management clauses in construction contracts
- Exploring warranties and guarantees
- Examining liquidated damages clauses
- Assessing limitation periods and time bar exclusions of liability
- Dealing with exclusive remedies

Christina Louise Bryant, *Principal, Hesketh Henry*

14:15 Avoiding Disputes In Construction

- Steps to take to avoid disputes arising
- The importance of good contract administration
- Assessing the various dispute resolution mechanisms
- Using dispute resolution boards
- Separating the contract administration from dispute management

Tim Rainey, Barrister, FortyEight Shortland

15:00 Afternoon Coffee and Networking Break

15:30 Dispute Resolution in New Zealand Standard Contracts

- Dispute resolution clauses used in New Zealand Standard construction contracts – common pitfalls to avoid;
- Considering amendments to your standard dispute resolution clause; and
- When and how do I get the lawyers involved?

Marcus Beveridge, Principal, Queen City Law
Tina Hwang, Associate, Queen City Law

16:15 Dealing With Damages For Breach Of Contracts In Construction

- Examining the general principles for damages
- Assessing the various types of damages
- Proportionate liabilities and consequential loss
- Practical tips for recovering damages

David Broadmore, Partner, Buddle Findlay

17:00 Closing Remarks

17:50 End of Masterclass

Who Should Attend:

- Contract Managers
- Construction Managers
- Project Managers
- Builders
- Architects
- Engineers
- Quantity surveyors
- Contractors
- Site Managers
- Private Owners & Developers
- In-house legal teams
- Government Agencies and Public Owners
- Engineering and construction dispute panel