

PRESENTERS



Sam Holden, Chapman Tripp, Auckland

Sam is a disputes partner in the construction & major projects team. He acts for the firm's largest clients in complex construction disputes, achieving excellent results in the courts, arbitration, adjudication and settlements. Sam also advises on insolvency issues impacting construction projects, assisting receivers, voluntary administrators and liquidators.



Richard Hutchison, Chapman Tripp, Auckland

Richard is a senior associate in the firm's litigation team, acting for clients in relation to tortious and contractual claims, and insurance disputes. His recent experience includes representing a product manufacturer in significant weathertightness litigation claims, as well as acting for clients in complex construction disputes.

CONTENTS

1. INTRODUCTION	1
NZS 3910	1
THE CONSTRUCTION CONTRACTS ACT	1
2. <i>NORTHLAKE INVESTMENTS LTD V CIVIL CONSTRUCTION LTD</i> [2023] NZHC 2715.....	3
FACTS	3
<i>The COVID claim</i>	3
<i>The Stage 12 Claim</i>	3
<i>Adjudication</i>	4
WHAT DOES “CHALLENGING” AN ENGINEER’S DECISION UNDER CLAUSE 13.1.1 REQUIRE?	4
WAS THE ADJUDICATOR’S DECISION BINDING?	6
CAN NORTHLAKE CLAIM FOR MONEY HAD AND RECEIVED?.....	7
3. <i>RAU PAENGA LTD V CPB CONTRACTORS PTY LTD</i> [2023] NZHC 2974.....	9
FACTS	9
WOULD THE LIKELY HARM BE ADEQUATELY REPARABLE BY AN AWARD OF DAMAGES?.....	10
DOES THE HARM SUBSTANTIALLY OUTWEIGH THAT LIKELY TO RESULT TO CPB IF THE INTERIM MEASURES ARE GRANTED?	11
COMMENT	11
4. <i>SRG GLOBAL REMEDIATION SERVICES (NZ) LTD V BODY CORPORATE 197281 & ORS</i> [2023] NZSC 22.....	13