PRESENTERS

Carolyn Culliney, Meredith Connell, Auckland

Carolyn is an associate in Meredith Connell's commercial corporate team in Auckland. She has worked in private practice specialising in commercial and corporate law since 1999. Carolyn's practice encompasses advising a wide range of large to medium-sized enterprises on their business interests, particularly drafting, negotiating and advising on domestic and international contracts, corporate restructuring, formation of joint ventures and funding. Carolyn regularly advises on construction contract issues and is a member of the Society of Construction Law NZ Inc.

Howard Thompson, McMahon, Butterworth, Thompson, Auckland

Howard is a partner at Auckland law firm McMahon Butterworth Thompson. He has more than 20 years' experience as a commercial lawyer, encompassing transactional, advisory and dispute resolution work. He primarily practices as a dispute resolution and litigation lawyer. Howard has substantial experience in construction law, having acted for principals, contractors and subcontractors in a wide range of construction related transactions and disputes.

CONTENTS

| 1. | INTRODUCTION | 1 |
|----|---|----|
| | WHAT IS A CONSTRUCTION CONTRACT INTENDED TO ACHIEVE? | 1 |
| 2. | KEY PROVISIONS IN NZS 3910:2003 | 3 |
| | Design | 3 |
| | PRICE AND ELEMENTS OF PRICE. | 4 |
| | INSURANCE | 5 |
| | Warranties/Guarantees | |
| | TIME OF COMPLETION AND LIQUIDATED DAMAGES | |
| | VARIATIONS | |
| 3. | | |
| ٥. | | |
| | PrincipalFinancier | |
| | | |
| 4. | EXAMINATION OF COMMON CONTRACTUAL ARRANGEMENTS | 13 |
| | ANALYSIS OF ISSUES SPECIFIC TO HEAD CONTRACTORS, SUBCONTRACTORS AND SUPPLIERS | 17 |
| | SOME ISSUES AFFECTING HEAD CONTRACTORS | |
| | SOME ISSUES AFFECTING SUBCONTRACTORS | |
| | SOME ISSUES AFFECTING SUPPLIERS | |
| 5. | STATUTORY SETTING | 27 |
| | WHAT LEGISLATION IS OF MOST RELEVANCE TO CONSTRUCTION CONTRACTS? | 27 |
| | CONSTRUCTION CONTRACTS ACT 2002 | |
| | CASE LAW | |
| | Building Act 2004 | |
| | RESOURCE MANAGEMENT ACT 1991 | |
| | | |
| 6. | DISPUTE RESOLUTION | 37 |
| | Architect's reviews and Engineer's decisions | |
| | NEGOTIATION & MEDIATION | |
| | ARBITRATION | |
| | DETERMINATION BY AN EXPERT | |
| | ADJUDICATION UNDER THE CCA | |
| | WEATHERTIGHT HOUSES RESOLUTION SERVICES ACT 2006 | |
| 7. | | |
| • | BACKGROUND | |
| | Contractor's payment claim: | |
| | Letter from Principal: | |