

CONSTRUCTION LAW: WHAT YOU MUST KNOW

FACE-TO-FACE



WHEN	Thursday 19 March 2015
TIME	9.00am – 12.15pm
MCLE	3 MCLE units
WHERE	Level 16, 111 Elizabeth Street, Sydney
PRICE	\$324.00 Member/alumni \$360.00 Non member
CODE	CN150318_PRO1

Hear three of Sydney's leading construction lawyers discuss the latest developments in construction law, including issues surrounding drafting and proportionate liability.

THE PROGRAM

9.00am – 10.00am

Proportionate Liability in Construction Claims

Speaker: **Gregory Sirtes SC** 12 Wentworth Selbourne Chambers

Gregory Sirtes SC will analyse current issues impacting proportionate liability including the latest cases. This presentation discusses commercial applications of the legislation in the construction industry and provides practical guidance concerning proportionate liability for those concerned with contract drafting and dispute resolution.

10.00am – 10.15am *Morning Tea*

10.15am – 11.15am

The Effectiveness of Time Bars in Construction Contracts after *Andrews*

Speaker: **Grant Parker**, Partner Sparke Helmore

This presentation will analyse the application of the penalties doctrine in *Andrews v ANZ* [2012] HCA 30 to time bars and the enforceability of time bars under the security of payment legislation.

11.15am – 12.15pm

Practical Tips for Overcoming, Breach, Bias and Conflict: The Dual Roles of the Superintendent in Construction Contracts

Speaker: **Jennie Baker**, Senior Associate, K&L Gates

A Superintendent's obligations are usually fraught with inherent conflict between the opposing interests of the principal and the contractor under a construction contract. This conflict is even greater when the superintendent is an agent or an employee of the principal, or even the employed architect on the project. In these situations, a Superintendent must walk a fine line to avoid the accusations from a contractor for breach of contract or even Superintendent bias.

It appears in practice that there is little guidance available for Superintendents to understand the strict obligations at law on them, the resulting consequences of breaching those obligations and how to avoid and manage such conflict situations.

The presentation will be divided in to the following 3 sections:

The first section will begin with an explanation of the law concerning the role and obligations of the Superintendent in construction contracts.

The second section will outline the common mistakes and pitfalls made by superintendents and provide guidance and practical tips for Superintendents to avoid and manage these situations to ensure the proper administration of the contract.

The final section will discuss:

- current case studies – what went wrong and why;
- the advantages and disadvantages of appointing an employee, agent, architect as a Superintendent,;
- when to use an independent certifier; and
- drafting tips for principals or contractors amending Australian Standard form contracts.

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