

Building and Construction Conference

Tuesday 21st Oct 2014, The George, Christchurch



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CPD HRS



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CCH Learning is proud to be bringing you this one day Building and Construction conference.

This highly topical conference has an interesting mix of presentations by leading industry specialists. It offers attendees from across the industry a varied programme of informative discussion around current issues and opportunities within the New Zealand building and construction industries.

The conference is suited to Lawyers, Building and Construction Managers, Project Managers, Commercial Property Developers, Civil Engineers, Quantity Surveyors, Mediators and others with an interest in the issues faced by the industry today.

The conference will be followed by networking drinks.

CCH professional development solutions

CCH Learning's primary focus is to provide professionals with easy and cost-effective access to knowledge, information and professional development solutions. Our offerings provide professionals with the skills and knowledge to improve efficiency, develop best practice, stay in touch with their changing legal obligations and help them to succeed in the competitive business environment.

Now offering conferences and seminars

In addition to CCH Learning's highly successful webinar programme, we are pleased to announce that in 2014 we are also running a series of conferences and seminars. Some of the conferences were previously run by LexisNexis®.

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Building & Construction Conference Programme

8.15 Registration and Coffee

8.45 **Opening from the chair**

Matt Maling, Partner, Lane Neave

9.00 **Keynote:** Challenges, Issues and Solutions around the Christchurch City Council Rebuild.

David Adamson, Director, Facilities and Infrastructure Rebuild, Christchurch City Council.

9.45 **Cashflow vs retention payments: options and challenges**

In this session we will discuss:

- Defining the problem – contractor/principal cashflow vs subcontractor security
- Should we have retentions at all?
- Options for reform
- Pros and cons of deemed and statutory trusts
- Wider impacts on the insolvency regime
- Unintended consequences – who carries the costs of regulation?

Edward Scorgie, Partner, Chapman Tripp

10.30 Morning Tea

10.45 **Financial distress in the Construction Sector**

During this session hear from a Receivers perspective about the pressures the sector is facing, measures that can be taken to help protect suppliers and discussion around real life examples of receivership. Topics covered will include:

- Causes of distress
- Maximising recoveries
 - Contract receivables – NZS3910 the practical implication of this and what it means for a Receiver
- Protection and Risk Management
- The unique opportunities of the Christchurch rebuild, and the issues we are seeing
- Issues and lessons learned from the Mainzeal receivership

Malcolm Hollis, Partner, PwC

11.30 **Cost escalation risk**

In this session we will discuss effective ways to treat cost escalation risk. We will consider current market conditions and who is best placed to manage this risk. We will also look at treatment and allocation of the risk via delivery methods (procurement options), through contractual machinery and by use of other strategies.

Matt Maling, Partner, Lane Neave

12.30 **Unravelling the mysteries of construction insurance**

What lies behind those contract provisions and insurance 'certificates'. This session will look at:

- Understanding the relationship between the contract indemnity provisions and the insurance provisions
- What does the construction contract require and what do insurance contracts deliver
- What type of policies should you look for, and which ones should you look out for
- What you need to tell the insurer about the project when you place the insurance
- What other policies or extensions should you also consider and why
- What should you have done - realisations after the event
- Understanding the insurance market

Mark Crosbie, Partner, Minter Ellison Rudd Watts and Stephen Kane, General Manager Construction, AON New Zealand

1.15 Lunch

2.15 **The new safety legislation: effects on building owners and the sector**

The construction industry in New Zealand has a poor safety record and major changes in health and safety legislation are due in 2015. Based on definitions and requirements in the Health and Safety Reform Bill 2014 and overseas experience, this session will focus on how each 'person having control of a business or undertaking' associated with building and construction may need to change their business models.

Two cases will be used to help explore the effects of the legislation and, potentially, the NZS 391X suite of standards.

The session will also explore the benefits that may accrue from such changes.

Christchurch - Gordon Ashby, Tonkin & Taylor

3.00 **Early Contractor Involvement / Relationship Contracting**

Can a construction contract be much more than just a process for resolving disputes? Can it assist the project such that project teams don't just want to keep the contract 'in the bottom drawer' but use it to achieve successful outcomes?

Construction projects usually involve competitive tendering, an adversarial relationship and the practice of trying to pass risk onto the other party, even if this is an improper allocation of risk. ECI / relationship contracting can offer a framework to create 'win-win' outcomes, rather than 'win-lose'. The result can be optimised project outcomes for the benefit of all parties, including in respect of cost, time and quality.

This session will cover:

- How an ECI project is structured
- Advantages and disadvantages of an ECI approach
- Approaches to tendering and procurement under an ECI model
- Features of an ECI contract compared to the traditional model

Karen Overend, Partner, Duncan Cotterill

3.45 Afternoon Tea

4.00 **The Case For Partnering With Offshore Firms – A New Zealand Perspective**

Hawkins Group, a leader in NZ building and infrastructure markets, has successfully delivered some of New Zealand's most iconic projects for the last 70 years.

In more recent time, Hawkins has also partnered successfully with a variety of offshore firms to deliver projects with community shaping outcomes.

This session looks at reasons for NZ companies partnering with offshore firms, some of the pros and cons of doing so and highlights some of the lessons Hawkins has learnt in the process.

Ben Lawlor, General Manager Infrastructure, Hawkins

4.45 **Public Private Partnerships: Involvement of the Construction Subcontractor**

An overview presentation on Public Private Partnerships (PPPs), with a particular focus on the involvement of the construction subcontractor in the New Zealand PPP market. This presentation will include:

- A general overview of PPPs
- Role of the construction subcontractor
- A focus on construction risks
- The impact of limited recourse project financing on the construction subcontractor
- Interaction with the Construction Contracts Act 2002
- Security arrangements

David Holden, Partner, Anderson Lloyd

5.30 Closing Remarks

5.45 Networking Drinks

