

Network with your peers

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Queensland 5th Annual Construction Law Masterclass

Enhancing legal expertise in a
changing environment

18 February 2009
Masterclass

19 February 2009
Post-Masterclass
Micro-Workshops

Marriott Hotel
Brisbane

Don't miss this opportunity to:

- Determine **risk-allocation issues** when drafting construction contracts
- Discover the tips and tactics of **drafting effective applications to the CCT**
- Examine **innovative insurance solutions** in project alliances
- Factor in the **legal risks of joint ventures**
- Make best use of **BCIPA adjudication**
- Assess the implications of the **carbon trading scheme** on future projects

Hear from over 10 leading experts including:

Benjamin Whitten, *Barrister-at-Law*, QLD Bar

Stephen Fall, *Partner*, Clayton Utz

Michael Creedon, *Special Counsel*, Minter Ellison Lawyers

Patrick Mead, *Partner*, Carter Newell Lawyers

Joshua Paffey, *Partner*, McInnes Wilson Lawyers

Robin Lonergan, *Partner*, Macrossans Lawyers

David Rodighiero, *Partner*, Carter Newell Lawyers

David Maunsell, *Partner*, Maunsell Pennington Solicitors

Christopher Taylor, *Principal*, The Construction Lawyer

Peter Lamont, *Associate*, HopgoodGanim Lawyers

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Professional Development

18th February 2009: Construction Law Masterclass

8:30 **Conference registration**

9:00 **Opening address from the Chair**

Benjamin Whitten, Barrister-at-Law, QLD Bar

9:10 **Australian Standard Construction Contracts: practical implications of how they operate and can be applied in different circumstances**

- Using professional skills and best practice as a CA to reach an impartial agreement
- Ensuring that the contract becomes a tool to assist the parties
- Major and risk-allocation issues relating to construction projects

David Rodighiero, Partner, Carter Newell Lawyers

9:40 **Delivering practical advice on contract administration**

Examining general communications, notices, record keeping, instructions in writing, section 67 J QBSAA, superintendents, waivers and the duty to warn.

Michael Creedon, Special Counsel, Minter Ellison Lawyers

10:20 **Morning tea**

10:50 **Solving practical and legal pitfalls in construction disputes in the courts and Commercial and Consumer Tribunal**

- An overview of recent decisions handed down in disputes concerning construction law in the CCT
- Considering what constitutes a 'minor commercial building dispute' and 'domestic building dispute' as the matters that the CCT can hear
- Tips and tactics on drafting applications and responses with the CCT

David Maunsell, Partner, Maunsell Pennington Solicitors



Case Law Update

11:30 **The Emissions Trading Scheme and the NGER Act**

An overview of the *National Greenhouse and Energy Reporting Act* and the proposed Carbon Pollution Reduction Scheme and the possible implications for the construction and contract mining industries.

Stephen Fall, Partner, Clayton Utz



Hot Topic

12:10 **Networking lunch for speakers and delegates**

1:10 **The implications of the decisions in *Hervey Bay Pty Ltd v Civil Mining and Construction Pty Ltd* and *620 Collins Street v Abigroup***

- Superintendents' discretion
- Can the duty to act honestly and fairly be avoided by contract?
- Has the duty of good faith been diminished?
- Drafting updates in response to the decisions

Joshua Paffey, Partner, McInnes Wilson Lawyers



Legal Commentary

1:50 **Considering joint ventures and alliance participants in respect to preferred delivery methods for commercial building, civil and infrastructure projects**

- Determining the legal issues, problems and challenges of alliance partnerships in the construction industry
- Risk-sharing contracts: how to effectively draft clauses which are beneficial to all parties
- Legal risks of joint ventures, alliance partnerships and consortia

Robin Lonergan, Partner, Macrossans Lawyers

2:30 **Afternoon tea**

2:50 **Judicial interpretation of contract works and construction liability insurance**

- Scope of policy coverage - property/liability
- Rights of recovery against co-assureds and waiver of subrogation
- Application of dual insurance where there is principal controlled cover
- Damages for breach of contract for failing to note other parties' interests
- Defective workmanship/design exclusions
- Innovative insurance solutions in project alliances

Patrick Mead, Partner, Carter Newell Lawyers

3:30 **Preparation of payment claims, payment schedules, adjudication applications, and adjudication responses under BCIPA**

- A reminder on the workings of the Act
- Determining the minimum requirements for each process
- What else can be provided?
- What can assist an adjudicator?
- Suggestions for making the best use of BCIPA

Christopher E. Taylor, Principal, The Construction Lawyer

4:10 **Expert Determination -v- Arbitration: The real differences, which to choose and what can you do if your Expert acts like an Arbitrator**

- When do you see Expert Determination clauses?
- How do they differ from an Arbitration clause?
- What are the distinguishable powers of both the concept of 'final and binding' ?
- How can you challenge an Expert Determination?

Peter Lamont, Associate, HopgoodGanim Lawyers

4:50 **Closing remarks from the Chair**

5:00 **Networking drinks**

A relaxing end to the day... Enjoy a drink or two whilst finding the opportunity to ask questions, find answers and review the proceedings of the day.



Networking Drinks

19th February 2009: Post-Masterclass Micro-Workshop

Construction Law Micro-Workshop Part A

8:30 **Construction Law Micro-Workshop registration**

9:00 **Construction update: Strategies to be a winner in the Green War**

- Understanding Green ratings systems including Greenstar and NABERS – what do they mean and what do you get
- Looking into the future and what rating systems will the market be looking to adopt
- Managing the green risk and appropriate risk allocation under construction contracts, design contracts, leases and facility management agreements
- Protecting yourself from unexpected green liabilities

About your Micro-Workshop Facilitator:

Scott Lambert, Partner, **Holding Redlich Lawyers**, practises in the areas of building, construction, workplace relations and occupational health and safety and has experience in the construction and development industry which spans more than 20 years. Prior to joining Holding Redlich, Scott was the National Executive Director of Industrial Relations, Legal and OH&S for the Housing Industry Association, Australia's largest Building and Construction Industry Association.

He advises leading national construction companies, major commercial and domestic builders, developers and project managers.

For more than 8 years, Scott was a member of the Standards Australia Committee which developed the AS4000 suite of contracts. He has an in-depth understanding of construction and engineering contracts, employment agreements, consultancy contracts and OHS systems and risk management.

10:00 **Close of Micro-Workshop Part A**

10:00am
Morning tea

Construction Law Micro-Workshop Part B

10:30 **Construction update: Security of payment**
Recent developments in security of payment to ensure that you are adequately protected

- Recent developments in BCIPA
- BCIPA and its effect of on contract drafting
- Practical tips to enhance your prospects of succeeding under BCIPA

About your Micro-Workshop Facilitator:

Troy Lewis, Partner, **Holding Redlich Lawyers**, practises in construction litigation, specialising in advising clients and acting on their behalf in relation to claims involving the Building and Construction Industry Payment Act ("the Act"). Troy has advised both Claimants and Respondents in relation to claims under the Act and has been involved in the preparation of numerous payment claims, payment schedules, adjudication applications and adjudication responses.

Troy has also advised on and been involved in applications for judicial review and appeals from adjudication decisions under the Act.

Troy also represents a broad range of plaintiff and defendant clients in both the superior Courts and alternate forms of dispute resolution.

12:30 **Close of Micro-Workshop Part B and lunch for delegates registered for both Construction and Property Micro-Workshops**

Special Conference Discount

There are strong ties between property and construction practice - with one area often requiring an up-to-date awareness of issues occurring in the other. Attend both the property law and construction law masterclasses and you can save up to \$550!

Who Should Attend:

- Construction Law Specialists
- Property and Construction Practice Groups
- Developers
- Construction Project Managers
- Contractors

ADVANCE NOTICE SPECIAL

Book at 2008 prices!

Register before 28 November 2008 and pay 2008 prices.

See registration page for details.

Priority registration form Queensland 5th Annual Construction Law Masterclass

**4 easy ways
to register**

Phone: 1800 772 772

Fax: (02) 9422 2338

Online: www.lexisnexis.com.au/pd

Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222, Chatswood Delivery Centre,
Chatswood NSW 2067
or: DX 29590 Chatswood

Please complete sections A, B, C, D

Conference code: **PD0709** ABN: 70 001 002 357

A Delegate 1 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Organisation: _____

Postal address: _____

Suburb Postcode State

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 3 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

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** to send conference confirmation

3rd Delegate FREE!

B Please tick as many practice areas you work in which apply:

- | | |
|--|---|
| <input type="checkbox"/> Banking and Finance | <input type="checkbox"/> Family Law |
| <input type="checkbox"/> Commercial litigation and ADR | <input type="checkbox"/> Insolvency & restructuring |
| <input type="checkbox"/> Corporate and commercial law | <input type="checkbox"/> Insurance and risk |
| <input type="checkbox"/> Criminal Law | <input type="checkbox"/> Property |
| <input type="checkbox"/> Energy and resources | <input type="checkbox"/> Wills and Estates |
| <input type="checkbox"/> Environment and planning | <input type="checkbox"/> Workplace relations, employment and safety |
| | <input type="checkbox"/> Other: _____ |

This will help us keep you informed about topics relevant to your business needs.

CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for the Queensland 5th Annual Construction Law Masterclass \$360.00 + GST = \$396.00

PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

CANCELLATION

Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing up to but not including 1 month prior to the date of the event. If we receive written notification – any time up to but not including 2 weeks prior to the date of the event, you will receive a 50% refund & seminar documents. No cancellation requests will be accepted during the period 2 weeks prior to the event. You may nominate a replacement, however no refund will be issued.

C Advance Pricing* (register & pay before 28 November 2008)

<input type="checkbox"/> Construction & Property Days + both Micro-Workshops	\$2400.00 + GST = \$2640.00
<input type="checkbox"/> Construction & Property Days + Micro-Workshop#	\$2150.00 + GST = \$2635.00
<input type="checkbox"/> Construction & Property Conferences only	\$1850.00 + GST = \$2035.00
<input type="checkbox"/> Construction Conference + Micro-Workshop#	\$1350.00 + GST = \$1485.00
<input type="checkbox"/> Construction Conference only	\$950.00 + GST = \$1045.00
<input type="checkbox"/> Construction Micro-Workshops only	\$500.00 + GST = \$550.00

Early Bird Pricing* (register & pay after 28 November and before 19 December 2008)

<input type="checkbox"/> Construction & Property Days + both Micro-Workshops	\$2600.00 + GST = \$2860.00
<input type="checkbox"/> Construction & Property Days + Micro-Workshop#	\$2300.00 + GST = \$2530.00
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<input type="checkbox"/> Construction Micro-Workshops only	\$550.00 + GST = \$605.00

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<input type="checkbox"/> Construction & Property Conferences only	\$2050.00 + GST = \$2255.00
<input type="checkbox"/> Construction Conference + Micro-Workshop#	\$1700.00 + GST = \$1870.00
<input type="checkbox"/> Construction Conference only	\$1150.00 + GST = \$1265.00
<input type="checkbox"/> Construction Micro-Workshops only	\$650.00 + GST = \$715.00

I would like to attend the Property Micro-Workshop Construction Micro-Workshop (part A & B not separately bookable)

TEAM DISCOUNTS*

- Register a team of 2 for Queensland 5th Annual Construction Law Masterclass at the same time, from the same organisation and receive a free pass for the 3rd delegate.

* Early Bird, team discounts and any other discount cannot be taken concurrently

D Payment details

Payment is due upon registration

- Enclosed is my cheque for: \$ _____ made payable to LexisNexis

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- Tick here if you DO NOT wish to receive information about upcoming events