

CHARTERED 
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NEW ZEALAND CONSTRUCTION CONTRACT LAW AND DISPUTE MANAGEMENT

**Fully Accredited
By:**

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CPD
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PROGRAM OVERVIEW

Over 90% of large construction projects in New Zealand firms face contractual disputes annually. **The value of construction disputes has increased by 22% over the past 5 years with the average dispute now crossing over NZD \$1.3 million.** In addition, these disputes have become more complex, often involving complex delay analysis, valuation of variations and assessment of prolongation costs requiring expert evidence.

This certified program is designed to empower you with critical knowledge to navigate the complexities of construction claims and disputes in New Zealand. You will learn how to address a wide range of challenges encountered by contractors and subcontractors in disputes, including **interpreting construction contracts claims, managing and mitigating risks, quantifying damages, dealing with breaches of contracts, and exploring various methods of dispute resolution.** You will also be equipped with a holistic understanding of the intricacies involved in maintaining legal and contractual compliance in construction projects.

Throughout the program, you will be equipped with the skills to **identify and handle potential claims, calculate damages, and manage contract breaches.** You will also learn how to utilize effective dispute avoidance strategies, including collaborative contracting, mediation, arbitration, and the unique adjudication process under the Construction Contracts Act 2002. Emphasis will be placed on pre-emptive measures, such as risk identification, allocation, and management, as well as the role of insurance in mitigating construction risks. By the end of the program, you will be adept at **identifying red flags early and implementing strategies to prevent disputes, leading to smoother project execution and increased success rates.**

Upon successful completion of the program, you will attain the **Certification in New Zealand Construction Contract Law and Dispute Management.** This certification will serve as a testament to your expertise to **managing construction claims and disputes in the construction sector.** Globally sought-after and recognized, this industry-recognized certification holds lifelong validity and will underscore your credentials in the sphere of construction law and dispute resolution.

ACCREDITATIONS



4.8



4.6



KEY SKILLS YOU WILL GAIN

From This Program



**NEW ZEALAND CONSTRUCTION LAW
CONSTRUCTION CONTRACTS ACT 2002
BUILDING ACT 2004
NZS3910**

**CLAIMS MANAGEMENT STRATEGIES
DISPUTE RESOLUTION METHODS
CONTRACT INTERPRETATION
CONTRACT BREACH MANAGEMENT**

**CONTRACTUAL OBLIGATIONS AND LIABILITIES
RISK MANAGEMENT PRINCIPLES
QUANTIFICATION OF DELAY AND DISRUPTION IN
PROJECTS**

**MEDIATION TECHNIQUES
ARBITRATION PROCEDURES
BUILDING REGULATIONS 1992
DAMAGE MITIGATION TECHNIQUES
DISPUTE PREVENTION STRATEGIES**

**INSURING RISK IN CONSTRUCTION CONTRACTS
PROJECT LIABILITY IDENTIFICATION**

YOUR FACULTY DIRECTOR



Julia Flattery

Highly-Regarded Building and Construction Legal Expert and Trainer

Julia Flattery is a seasoned **construction and commercial property law expert with over 15 years of experience** in the industry. She is a trusted advisor to head contractors, subcontractors, consultants, and funders on contract packages and has **extensive experience in contract drafting and dispute resolution**.

Julia has delivered results for clients in large mixed-use joint venture developments and large-scale infrastructure projects. She is a respected member of the construction community, actively participating in organizations such as the **Women in Infrastructure Network and the Society of Construction Law**.

Julia is also a **sought-after speaker, author, and trainer, delivering presentations and training sessions on construction law topics** to organizations such as the NZIQS and the NZ Construction Law Conference. As a **member of the consultation group for the Construction Sector Accord**, she works to ensure the needs of the industry are being addressed in important policy decisions. Her expertise and commitment make her a valuable asset to any organization seeking to navigate the complexities of the construction sector.

OUR PARTICIPANTS

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PROGRAM AGENDA

MODULE 1: INTRODUCTION TO NEW ZEALAND CONSTRUCTION LAW AND LEGISLATION

- Overview of Fundamental Principles, Concepts, and the Legislative Framework
- Detailed Review of Building Act 2004, Construction Contracts Act 2002, Building Regulations 1992, and the Building Code
- Current Trends and Legal Issues in the New Zealand Construction Sector

MODULE 2: ESSENTIALS OF CONSTRUCTION CONTRACTS IN NEW ZEALAND

- Examination of the Key Provisions of NZS3910 Standard Contract and Recent Review
- The Importance of Careful Contract Drafting and Understanding of Risk Allocation
- Review of the Use of Other Contracts Including FIDIC, NEC, CCC, and NCIA

MODULE 3: ROLES AND RESPONSIBILITIES IN CONSTRUCTION PROJECTS

- Defining the Roles and Responsibilities of Various Parties Involved in Construction Contracts, Including Engineer to the Contract (and Split New Roles Under the NZS3910 Update)

- Identifying Potential Conflicts of Interest and How to Manage Them
- Legal Protections and Obligations for Each Party

MODULE 4: PROCUREMENT METHODOLOGIES AND KEY CONSIDERATIONS IN CONSTRUCTION PROJECTS

- Understanding Recent Public Sector Procurement Guidelines, Best Procurement Practices, and Common Mistakes
- Discussion on Retentions, Extensions of Time, and Supply Chain Disruptions
- The Role of Early Contractor Engagement and Staged Contracting, and How to Effectively Use Risk Allocation Matrices

MODULE 5: BREACH OF CONSTRUCTION CONTRACTS AND DAMAGES

- Defining What Constitutes a Breach of Contract in the Construction Context
- Potential Consequences of Breach and Remedies Available
- Understanding the Concept of Damages in Construction Law, Including Compensatory, Consequential, and Liquidated Damages



PROGRAM AGENDA

MODULE 6: APPLICATION OF CONTRACT LAW AND TORT TO CONSTRUCTION CONTRACTS

- New Zealand Contract and Tort Law Overview
- Analysis of Common Disputes Under Construction Contracts
- Deep Dive Into "Leaky Building" Claims and Relevant Recent Case Law

MODULE 7: DISPUTE AVOIDANCE, MANAGEMENT AND RESOLUTION

- Importance of Collaborative Contracting and the Use of Dispute/Project Boards
- Review of the Adjudication Process Under the Construction Contracts Act 2002
- Understanding the Role and Procedures of the Building Disputes Tribunal

MODULE 8: PROFESSIONAL LIABILITY AND INSURING RISK IN CONSTRUCTION CONTRACTS

- Introduction to Professional Indemnity Insurance, Contract Works Insurance, Public Liability Insurance, and Statutory Liability
- Discussion on Liability Caps and Differentiation Between Direct and Indirect Liability

MODULE 9: PLANNING, BUILDING CONSENTS AND LICENCES

- Overview of the Resource Consent Process and Proposed Changes to the Resource Management Act 1991
- Understanding the Building Consent Process and Recent Changes Related to Offsite Manufacturing

MODULE 10: RECENT DEVELOPMENTS IN CONSTRUCTION LAW

- Review of Recent New Zealand Case Law Related to Construction claims, Damages, Breach of Contract, and Dispute Resolutions
- Analysis of the Impact of These Cases on the Legal Landscape and Potential Future Trends
- Discussion on How These Cases Should Inform Business and Legal Strategies in the Construction Industry

YOUR CHARTER DESIGNATION



Chartered Institute of Professional Certification's programs are unique as they provide you with professional charter designation and mark that can be used across your lifetime once you have completed our programs.

Upon completion of this comprehensive program, you will earn the prestigious **Certification in New Zealand Construction Contract Law and Dispute Management**, a globally recognized and lifelong designation that will set you apart from your peers, demonstrating your expertise and critical knowledge in navigating the complexities of New Zealand's construction law, particularly in effectively managing construction claims & damages and contract breaches & disputes. This achievement will bolster your professional credentials, enhancing your resume and CV to showcase your comprehensive knowledge and expertise to potential employers.

Developed by the Chartered Institute of Professional Certifications and certified by the CPD Certification Service, this program adheres to the highest continuing professional principles, ensuring that your certification reflects your dedication to excellence in your field.

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CONTACT US TODAY

We Thank You for Your Ongoing Support
of Our Programs

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