



Specialist Construction Law Conference

Details

Date

Thursday 20 September 2018

Time

9.00am to 4.45pm with drinks and canapés to follow

Registration from 8.00am

Venue

Rydges South Bank
9 Glenelg Street
South Brisbane

Enquiries

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Format

Seminars are delivered in a relaxed environment, involving short presentations followed by questions and answers.



Conference agenda

9.00am **Welcome**

Session 1 **Panel Discussion: Year in review**

The last 12 months have seen significant legislative changes and legal developments affecting the construction industry including:

- major legislative reforms related to Security of Payment and the introduction of Project Bank Accounts, which will impact how construction contracts are drafted and administered on building projects in Queensland;
- labour hire licensing in Queensland;
- industrial manslaughter;
- an increase in renewables projects being established with new solar, wind and hydro projects being considered; and
- important changes to the New South Wales Model Procurement Rules and moves to encourage collaborative contracting.

Our panel will discuss how these developments have impacted, and will continue to impact, industry stakeholders, and in doing so, will explore the practical effects of the key recent cases and legislative changes.

Session 2 **Paper: Security of Payment and Bringing on the BIF Act**

Security of Payment in the Construction Industry has always been an issue that has been hotly debated. In this session led by our Claims Team, we will outline the current state of affairs with respect to:

- the Commonwealth Government's Murray Review and its recommendations for Security of Payment;
- the High Court's recent decisions and their practical effect; and

Session 2*cont*

- an update on the BIF Act and some of the key considerations with respect to:
 - subcontractors' charges;
 - the Regulations and prohibited and mandatory contract terms;
 - possible amendments to contracts;
 - penalties that will be imposed for non-compliance;
 - systems that your organisation should have in place; and
 - how we foresee the new regime impacting upon industry and the way in which claims are dealt with.
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10.50am**Morning tea**

Session 3**Paper: Dealing with defects and the changing landscape**

When closing out a project, the mechanism for dealing with defects under the contract will be critical to ensure the works can be used as intended. This paper will explore such issues, touching on:

- utilising contractual notices and processes;
- recourse to security;
- the position under the QBCC Act;
- non-conforming products and their legislative treatment across various jurisdictions; and
- insurance considerations when dealing with defects and policy requirements.

There will be an opportunity for Q&A at the conclusion of this interactive session.

Session 4**Case study: Security of Payment (BCIPA v BIF Act)**

With the introduction of the legislative reforms under the BIF Act, it will be imperative that industry participants have systems in place to deal with the new regime. Non-conformance will be costly and the ramifications severe.

Led by our experienced Claims Team, this session will explore by way of a practical case study the matters discussed in the earlier paper and provide delegates with an understanding of some of the key aspects of the BIF Act, what should be identified and how the new Act will differ from the existing framework under BCIPA.

1.00pm**Lunch**

Session 5**Panel Discussion: Industry developments and collaborative contracting**

The construction industry is never static and always adapting to address legislative developments, technological advancements and new market opportunities. During this session, our expert panel will discuss what they are seeing in the industry right now in terms of reactive change and opportunities for future innovation. You will hear from industry experts who work across a variety of sectors.

We will explore the recent collaborative delivery models used on projects across Australia and the effectiveness of these models. We will also discuss ways to improve these collaborative delivery models to ensure they work for your project.

Session 6**Paper: How to ensure the effective engagement of consultants and subcontractors**

The transfer of risk in the contracting framework for a project can often be inadvertently overlooked. It is not until assumptions are tested that 'gaps' may be discovered, particularly when the interface between design and construction obligations is scrutinised.

In this keynote paper, we will discuss the various contract models that are in existence in the construction industry and how risk can be appropriately managed. The application of security, limits of liability and consequential loss will also be considered.

3.10pm **Afternoon tea**

Session 7 **Claims Management: In times of Peace, prepare for War?**

Projects are embarked upon in the expectation that they will be delivered on time and under budget without protracted dispute. However, experience dictates that claims resolution is a consistent part of project delivery in Australia.

We will outline steps that delegates can take to proactively minimise such risks and manage claims, including steps to ensure that privilege is maintained, how experts should be retained, and how document control should be undertaken if a dispute arises.

4.15pm **Q&A**

4.45pm to **Networking - Soleil Pool Bar, Rydges**
8.00pm

Refreshments and canapes will be provided during our traditional 'post-conference' networking event.

Our Industry Network

Thank you to our industry supporters:

