

THOMSON REUTERS' BUILDING & CONSTRUCTION LAW CONFERENCE

Whether your client is the builder, owner, contractor or sub-contractor, supplier or lender the issues in building and construction law are complex and difficult to clarify especially in the age of COVID-19.

The third annual Building & Construction Law Conference is a one-day in person and live steamed conference for construction lawyers and industry professionals in the building, construction, property, infrastructure, engineering and associated industries. The building and construction industry must anticipate and ready itself for COVID-19's effects: supply chain disruptions and material shortages, redundancies and insolvencies, contracts and construction disputes, and not to mention delays and disruptions to projects and payments. Everyone in the building and construction industry must know how to effectively manage the contractual impacts of COVID-19 to navigate a path for the future.

The Conference aims to remove uncertainty, reduce the risk of litigation and increase building compliance.

We look forward to you joining us.

YOUR INVESTMENT:

Early Bird:

\$595 +GST

(Early bird closes 20 October 2020)

Full Price:

\$695 +GST

To register visit:

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The conference earns 6 CPD points in substantive law.

For any event enquiries, please email
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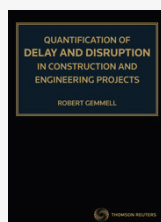
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Keep up to date with all of your building and construction legal and compliance needs with Thomson Reuters' wide range of information products, including:



Construction Law in Australia

Construction Law in Australia is an authoritative and accessible text on the law relating to building and construction in Australia and now appears in its fourth edition. Ian Bailey SC, working with a team of experienced practitioners, provides succinct, yet accurate, legal statements which explain the legal and practical context in which the industry operates.



Quantification of Delay and Disruption in Construction and Engineering Projects

Robert Gemmill's text book is as comprehensive as it is valuable, providing as it does a practical guide to the critical exercise of quantification of the loss.



Building & Construction Law Conference

1 DECEMBER 2020 | Sydney

SHERATON GRAND SYDNEY HYDE PARK

LIVESTREAMING:

1 December 2020

FEATURING SPEAKERS:

Simon Croft, Executive Director - Building Policy, Housing Industry Association Ltd

Ly Hoang, Partner - Commercial + Insolvency, Vincent Young

Ben Sewell, Principal, Sewell & Kettle

Scott Alden, Partner, Holding Redlich

Michael Morrissey, Managing Director, Morrissey Law + Advisory

Helen Kowal, Partner, Swaab

Bronwyn Weir, Lawyer & Managing Director, Weir Legal & Consulting

David Bannerman, Principal Lawyer, Bannermans Lawyers

Wayne Liddy, Vice President, Australian Institute Of Building Surveyors

Sydney Jacobs, Barrister, 13 Wentworth Selborne Chambers

Kim Lovegrove, Lovegrove & Cotton, Construction & Planning Lawyers

Brett Feltham, Partner, Gadens

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AGENDA

9:00 WELCOME FROM THE CHAIR

Simon Croft, Executive Director - Building Policy, Housing Industry Association Ltd

INSOLVENCY UPDATE FOR BUILDING & CONSTRUCTION

9:05 The latest in insolvency reform and temporary amendments to Australian insolvency laws due to COVID-19

The Coronavirus Economic Response Package Omnibus Act 2020 has come into force making temporary amendments to Australian insolvency and corporation laws.

- What are the implications of the amendments?
- What has been the impact of the temporary reforms?

Ly Hoang, Partner- Commercial + Insolvency, Vincent Young

9:45 How to manage subcontractor insolvency

During Covid-19 the Government signalled that SMEs may continue to trade whilst insolvent. The risk to builders and developers is that their subcontractors will fail once the Covid-19 safe harbour ends. What can be done pre-contract and post-formal insolvency appointment (e.g. voluntary administration) to ensure continued service is provided by subcontractors? After six months of many subcontractors trading whilst insolvent what's going to happen next?

Ben Sewell, Principal, Sewell & Kettle

10:25 NETWORKING AND REFRESHMENT BREAK

CONSTRUCTION CONTRACTS

10:45 A Never Again... what Covid-19 taught us about force majeure, frustration and construction contracts

Most Australian Standard Construction Contracts do not contain a Force Majeure definition or clause, instead leaving such unforeseeable events to the other mechanisms of the contract, such as the EOT regime etc. During the Covid-19 Principals and Contractors had cause to look to their contracts to navigate the unexpected issues that arose, and found they were left wanting. This Presentation steps through what FM is and where it is used, contrasts that with Frustration and then puts that in the context of popular construction contracts. The purpose of this overview is to identify how these contracts and principles let us down, and what we can do to futureproof our contracts against recurrence.

Scott Alden, Partner, Holding Redlich

CONSTRUCTION LAW & REGULATION

11:25 Design & Construction of NSW Apartment Buildings: Major Changes & the Implications

This session to cover:

- The Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020
- Changes to the way the NSW Government will regulate the design and construction of new apartment buildings and the practical implications
- What the changes mean for builders, developers, architects & others responsible for the design and construction of Class 2 buildings under the Building Code of Australia

Michael Morrissey, Managing Director, Morrissey Law + Advisory

12:05 Understanding the Design and Building Practitioners Act 2020

Statutory duty of care provisions coming into force immediately and retrospectively, with additional provisions set to commence later.

- What does it mean for persons performing 'construction work'?
- What are the obligations of design and building practitioners under the Act?
- What is a 'regulated design' and what buildings does it apply to?
- What are the new registration and licensing requirements for practitioners?
- What is adequate insurance?
- Penalty and enforcement provisions

Helen Kowal, Partner, Swaab

12:45 LUNCH

1:35 Panel discussion: Strengthening compliance & enforcement in the building industry

- What do we need to achieve a nationally consistent approach to regulatory reform?
- Understanding reforms that are required to ensure safety of residential building
- What actions are being put in place to ensure safe, compliant infrastructure?

Bronwyn Weir, Lawyer & Managing Director, Weir Legal & Consulting

David Bannerman, Principal Lawyer, Bannermans Lawyers

Wayne Liddy, Vice President, Australian Institute Of Building Surveyors

PAYMENTS

2:15 SOPA: Impugning an adjudication determination on the basis of jurisdictional error of law

This session will address jurisdictional error of law on the face of the record which will permit an attack on an adjudication determination in circumstances including:

- Where there is an error of reasoning on the part of the adjudicator – including NSW Court of Appeal in *Cockram Construction Ltd v Fulton Hogan Construction Pty Ltd* (2018) 97 NSWLR 773; [2018] NSWCA 107;
- Where the respondent does not submit any evidence availing with the valuation of the claim – including *Iskra v MMIR Pty Ltd* [2019] NSWCA 126; and
- Denial of natural justice – including *Fulton Hogan Construction Pty Ltd v QH & M Birt Pty Ltd* [2019] QSC 23; *Parliament Square Hobart Landowner Pty Ltd v Tonkin* [2020] TASSC 30.

Sydney Jacobs, Barrister, 13 Wentworth Selborne Chambers

2:55 NETWORKING AND REFRESHMENT BREAK

CONSTRUCTION DISPUTES

3:15 Resolving building and construction disputes: why negotiation is the imperative

Misunderstandings, discrepancies and different interpretations can create disputes between builders, owners, contractors, and subcontractors at any stage of the construction project. Now using negotiation strategies to resolve disputes in this post Covid-19 environment is an imperative instead of going directly to litigation to resolve disputes. As the negotiator how do you achieve the best terms for the party that you represent? How do you preserve the parties' relationship? How to stop the problem from escalating? How to solve disputes efficiently and create fair outcomes?

Kim Lovegrove, Lovegrove & Cotton, Construction & Planning Lawyers

EMPLOYMENT LAW UPDATE FOR BUILDING & CONSTRUCTION SECTOR

3:55 COVID-19 and employment issues

This session will cover important employment issues which have arisen as a result of the COVID-19 pandemic including:

- general employer obligations, including safety considerations for working on-site and employees working remotely
- the JobKeeper scheme, temporary flexibility changes to the Fair Work Act, and other pandemic measures
- options for dealing with slowdowns and reductions in a JobKeeper context, including directions to employees to reduce and change hours
- options available outside of the JobKeeper framework, including encouraging/directing leave and non-JobKeeper stand downs

Brett Feltham, Partner, Gadens

4:35 END OF CONFERENCE