

# Subcontracting and Risk Management Seminars

Presented by Specialist Trade Contractors Federation

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## Why You & Your Employees Should Attend This Seminar

Subcontracting is a cruel, harsh and unfair business – it always will be.

Do you understand the risks you are taking on when you are subcontracting, and do you know how to minimize them?

The fallout from the Mainzeal collapse has seen many subcontractors suffer large and potentially crippling losses. It has become apparent that in many cases these losses could have been reduced substantially by a proper understanding of contractual conditions, negotiating appropriate terms, understanding and controlling the risks, and by proper contract administration.

Regrettably many subcontractors just accept the subcontract terms presented by the head contractors as “standard” without fully understanding them and realizing what risks they are really taking on. They go ahead expecting to be paid. It turns out fine most of the time, but construction company failures have always occurred and must be accepted as an on-going reality.

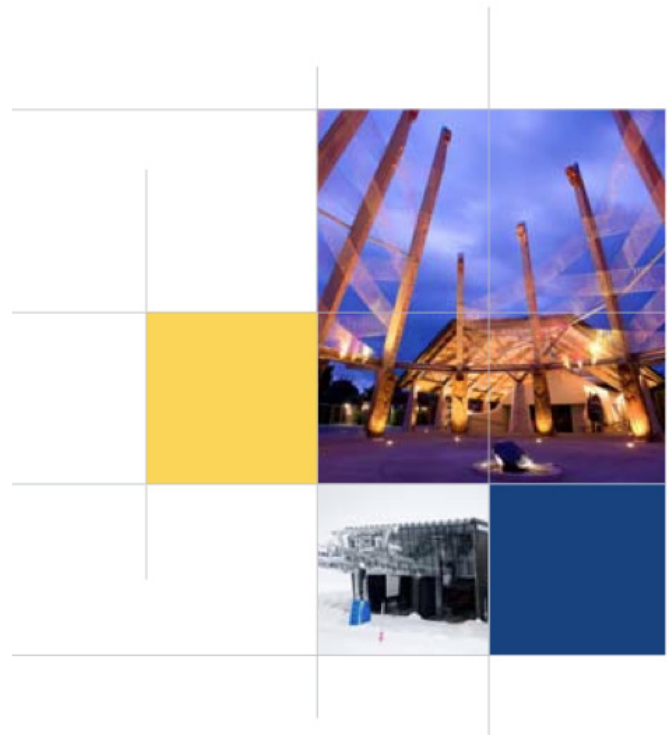
### **This seminar series will present information on the basics of contract law as it applies to the construction industry in New Zealand.**

It provides practical advice on items to be aware of and to negotiate before entering into a subcontract. It will help you understand which are the critical conditions and terms you should be aware of before entering into a binding contract.

Matters covered will include responding to an “acceptance of your tender” that is really just a counter offer, negotiating acceptable terms, understanding the critical items, signing a contract, and ongoing contract administration.

It will explore options for reducing your risk and will include a session on use of SA-2009 to show participants how to use the Specific Conditions to ensure their agreed terms are incorporated. SA-2009 is the current Master Builders Subcontract agreement and was developed with input from subcontractors. All subcontractors should be insisting on its use.

Participants should bring their copy of SA-2009, or copies will be available for purchase at a seminar special price of \$20 incl GST



### **Other Benefits**

- Comprehensive resource through the seminar notes
- Knowledgeable experienced speakers with good platform skills
- The opportunity to network with industry peers

### **Who Should Attend**

All subcontracting organizations that want to know more about the law applying to subcontracting, reduce their risks, and ensure their tenders and subcontracts are on the best possible terms should have at least one representative attend this seminar.

### **Investment Details:**

\$195.00 (GST exclusive) per person

### **SA-2009 Subcontract Agreement**

\$17.39 (GST exclusive) per copy

### **Seminar fees include:**

- Tea and coffee on arrival
- Afternoon tea
- Comprehensive seminar notes

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## Programme:

**12.30 – 1.00pm** Registration

**1.00 – 1.10pm**

**Rod Fulford** Welcome & Introduction

**1.10 – 2.15pm**

**Andrew Hazelton** will outline what a contract is, how it is formed and how it is interpreted. What comprises the contract, what are its terms. This session will highlight the importance of making sure you properly document what it is you are intending to supply or undertake.

**2.15 – 3.00pm**

**Rachel Connor** on the Construction Contracts Act 2002. How to use it to best protect your position.

**3.00 – 3.30pm** Afternoon Tea

**3.30 – 4.15pm**

**Andrew Hazelton** will then cover a range of issues that often arise in contracts but which are often left unexplained or unattended to, for example, bonds and guarantees, warranties, continuity agreements, insurance, and remedies available when things go wrong.

**4.15 – 5.00pm**

**Rod Fulford** on the practical aspects of SA-2009. What to watch out for, what to negotiate, and how to ensure agreed terms are incorporated. He will also highlight the important bits of administration and the relevance of timing in the whole process.

**5.00 – 6.00pm** Discussion, networking and refreshments

## Speakers Profiles

### Rachel Connor

Rachel Connor is an Associate at Hazelton LAW who has conducted her own caseload for our construction clients as well as assisting the Partners on significant files.

She has appeared in the District Court, mediations in the High Court and has undertaken enforcement proceedings against debtors including obtaining charging orders and liquidation proceedings. She has undertaken a number of adjudications under the Construction Contracts Act 2002 usually relating to the common issues of time and money.

Rachel is currently engaged in a number of High Court actions defending contractors in leaky building litigation.

Rachel has also advised a number of trade associations on issues of relevance, including matters such as withholding compliance documentation and Commerce Act issues in relation to a common policy on the refusal to accept retentions in contract agreements.

### Rod Fulford

Rod Fulford was a member of the working group responsible for SA-2009, the first Registered Master Builders subcontract agreement developed with input from the subcontracting industry. He is also a member of the committee currently reviewing NZS3910 Conditions of Contract for Building and Civil Engineering.

Rod has 30 years of experience in the subcontracting industry and is passionate about appropriate and balanced subcontract conditions that recognize the interdependency and professionalism of each party to the subcontract.

Since selling his company, Rod has taken a part time position as Executive Director with Precast NZ Inc. He is on the Executive of the Specialist Trade Contractors Federation.

### Andrew Hazelton

Andrew Hazelton is a Partner in one of New Zealand's premier construction law practices, Hazelton Law. He is a graduate of King's College London with a Master's degree in construction law. He has practised in the field of construction law for over 20 years and appeared as Counsel in many High Court cases, arbitrations and adjudications.

He also advises parties on forms of contract and tender processes. He advised the Specialist Trade Contractors' Association on SA-2009. Andrew is a Member of the Chartered Professional Engineers Council and is the Honorary Solicitor for the New Zealand Specialist Trade Contractors' Association and has been for over 10 years.

Andrew sits as an adjudicator and is a panel member of both AMINZ and the Building Disputes Tribunal. He is a Council member of the Society of Construction Law and has presented papers for it on a range of issues.

## Venues

### Wellington

**Monday 26 August 2013**

InterContinental  
2 Grey Street, Wellington

### Christchurch

**Tuesday 27 August 2013**

Chateau on the Park  
Cnr Deans Ave & Kilmarnock St,  
Christchurch

### Auckland

**Thursday 29 August 2013**

Ellerslie Event Centre  
80-100 Ascot Avenue (Ellerslie Racecourse),  
Greenlane, Auckland

**The STCF acknowledges the following supporting organisations for making this seminar series possible:**



[www.hazelton.co.nz](http://www.hazelton.co.nz)

*The ACC Says!*

[www.manageacc.info](http://www.manageacc.info)

### Presenters

**Rachel Connor**, courtesy of Hazelton LAW

**Rod Fulford**, courtesy of Precast New Zealand Inc.

**Andrew Hazelton**, courtesy of Hazelton LAW



### SA 2009 – Subcontract agreement

The 34 page document is simple and easy to use and is available at the special seminar price of \$17.39

# Subcontracting and Risk Management Seminars

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*The ACC Says!*

Reviewing your ACC returns to reduce your costs.

## Registration Form - Tax Invoice: GST Registration Number 45-364-682

Name(s): \_\_\_\_\_

Company: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

### Please indicate which seminar and venue:

Wellington, Monday 26 August 2013

Christchurch, Tuesday 27 August 2013

Auckland, Thursday 29 August 2013

### Payment details:

No. of registrants [ ] at \$224.25 GST inclusive = \$ \_\_\_\_\_

No. of SA 2009 Subcontract Agreement [ ] at \$20.00 GST inclusive = \$ \_\_\_\_\_

Total= \$ \_\_\_\_\_ I have enclosed our cheque of \$ \_\_\_\_\_

Or prefer to pay by credit card:  Visa  MasterCard  Amex \_\_\_\_\_

Card No:

Expiry Date: \_\_\_\_\_ Cardholders Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Please complete this form, take a copy for your records and forward it to:

STCF Seminars: PO Box 12, Beachlands, Auckland 2147, fax: (09) 536 5442.

Email: seminars@bluepacificevents.com

If paying by cheque or bank draft please make payable to STCF Seminars. For all enquiries phone (09) 536 5410

NOTE: Full payment must be received prior to each seminar.