



FOURTH INTERNATIONAL CONSTRUCTION LAW CONFERENCE

GLOBAL
CHALLENGES
SHARED
SOLUTIONS

Melbourne 2012 May 6 - 8

The Society of Construction Law Australia and the Society of Construction Law New Zealand are jointly hosting the Fourth International Construction Law Conference in Melbourne from 6 to 8 May 2012. The Melbourne conference is the fourth in the series of successful international conferences organised by Societies of Construction Law.

The organisers of the Melbourne conference have planned a stimulating programme that will maintain the high standard of previous conferences, and anticipate it will attract delegates from around the world to "down under". The keynote speaker will be the Right Honourable Rupert Jackson, Lord Justice of Appeal England and Wales.

The conference theme: **"Global challenges, shared solutions"** encapsulates the idea that the issues in construction law that transcend boundaries and jurisdictions commonly have similar solutions, despite the formal and informal differences in the law. The papers from eminent practitioners from around the world address a range of common issues in construction law from a civil law, as well as a common law perspective. The conference program also includes an academic forum for construction law teachers and researchers, and country reports from Societies of Construction Law.

The conference will be preceded by a cocktail party at a unique Melbourne venue. The conference sessions will be held at the Sofitel Hotel at the top end of Collins Street, adjacent to Melbourne's extensive parks and its iconic sporting

venues. The conference dinner will be held at the well known Melbourne Cricket Ground, and delegates have the option of a pre-dinner tour of the MCG and the National Sports Museum. Following the conference, there will be a full day Mornington Peninsula winery tour, visiting two vineyards and the stunning Port Phillip Estate for lunch.

Conference delegates will have a unique opportunity to attend two other functions of considerable interest to construction law practitioners:

- A construction law seminar in Melbourne on Sunday 6 May: **"International Roundtable and Perspectives"**. The speakers are distinguished practitioners from the American College of Construction Lawyers and the Canadian College of Construction Lawyers, who are hosting this seminar. [www.constructionlaw2012.com]
- The 12th Annual International Dispute Resolution Board Foundation Conference in Sydney from 4 - 5 May: **The Benefits of Dispute Boards to Major Projects** [www.drba.com.au/conference/].

Further details of the conference program, speakers and social activities can be found on the conference website:

www.constructionlaw2012.com

Hosted by



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Preliminary Programme

Session times on Monday 7 May
and Tuesday 8 May 2012

Pre-Conference Seminar of The Canadian College of Construction Lawyers & The American College of Construction Lawyers will be held on Sunday 6 May 2012.

To view the Seminar's program, please visit The Fourth International Construction Law Conference website www.constructionlaw2012.com

Opening session - Monday 9.30-10.30

Chair: **The Honourable Peter Vickery**,
Justice of the Supreme Court of Victoria and Patron of Society of Construction Law Australia.

Welcome to country

Official opening: **The Honourable Marilyn Warren**,
Chief Justice of the Supreme Court of Victoria

Keynote address: **The Right Honourable Rupert Jackson**,
Lord Justice of Appeal England and Wales.

Common aspects of international construction law - Monday 11.00-12.30

Tómas Kennedy-Grant QC (NZ):

Good faith, unconscionability, reasonableness - what on earth do they have to do with construction law?

Dr Götz-Sebastian Hök (Germany):

Private international law (conflict of laws) before construction dispute resolvers: the DAB approach.

John Bellhouse (UK):

The application of civil law in the context of international construction contracts.

Aisha Nadar (UK): Design-build and standard forms of contracts: perspectives, perceptions and practice.

Vive la difference - formal law - Monday 13.30-15.00

Professor Philip Britton (UK):

Public procurement law: Lessons from Europe?

Virginie Colaiuta (UK):

Differences between the practice of construction law under civil law and common law.

Roger Ter Haar QC (UK):

What flexibility is there in relief from liquidated damages: a comparative view.

Adrian Hughes QC (UK): Judicial intervention and performance bonds - a comparative analysis.

Soft law, cultural differences and national characteristics of the practice of construction law - Monday 15.30-17.00

Júlio Bueno (Brazil):

The practice and challenges of construction law in Brazil.

Deborah Ballati (USA):

Distinctive features of the practice of construction law in the USA.

Nicholas Brown (HK):

A clash of civilisations: cross-border construction dispute resolution involving "emerging" east Asian societies.

Peter Wood (Australia):

An international perspective on bribery and corruption in the construction industry.

Academic forum - Tuesday 8.00-10.30

A breakfast meeting for construction law teachers and researchers.

SCL country reports - Tuesday 9.30-10.30

Societies of Construction Law:

Updates on construction law in the various SCL countries.

Stuart Kennedy Carribean, **Peter Shaw** Gulf,
Nicholas Turner Hong Kong, **Ivan Loo** Malaysia,
Kailash Dabeesingh Mauritius, **Anil Changaroth** Singapore

Risk allocation and meeting time, cost, quality expectations in construction projects Tuesday 11.00-12.30 (concurrent session)

John Bellhouse (UK):

Risk - avoidance, transfer, acceptance or management?

Derek Firth (NZ):

Construction documentation preparation - protecting the principal without being unfair to the contractor.

Phillip Blunden (Australia):

The design & construction risk has been allocated - what now?

Dr Andrew Potts & Dr Paul Sincock (Australia):

Managing design risk.

The big risk game

Tuesday 11.00-12.30 (concurrent session)

Arent van Wassanaer (Holland):

Dredging the channels: Managing project success by playing scenarios.

Dispute management - Tuesday 13.30-15.00

The Honourable Peter Vickery (Australia):

Managing the documents - taming the leviathan.

Professor Doug Jones (Australia):

Arbitration around the world: Alive or dead?

Dr Götz-Sebastian Hök (Germany):

Dispute resolution in civil law jurisdictions.

Bruce Reynolds (Canada):

Collaborative dispute resolution.

Back to the future - convergence or divergence? - Tuesday 15.30-17.00

Chair: **The Honourable Robert Brooking AO QC**

2012 Brooking First Prize winner:

Title to be announced at the conference dinner on 7 May by
The Honourable Robert Brooking AO QC.

2012 Brooking Second Prize winner:

Title to be announced at the conference dinner on 7 May by
The Honourable Robert Brooking AO QC.

Closing address:

The Honourable David Byrne QC (Australia)