

From the Editor

Welcome to the 34th issue of BuildLaw® in which we draw on the experience and expertise of leading experts in the field to bring you commentary, articles and reviews on topical matters relating to construction law.

In this issue we investigate how the new retentions regime stacked up in it's first court case, in the Wellington High Court. We look at the new NEC4 Alliance Contract, trends in Asian leisure and hospitality, liquidated damages and receivables projects, and ground condition clauses. On page 20 we feature Derek Firth's follow up to his article on problems in the construction industry that was featured in our last issue (see [BuildLaw issue 33](#)).

In 'Case in Brief' Michael Taylor and Michelle Mau discuss the recent High Court ruling in *Ministry of Education v H Construction North Island Limited* [2018] NZHC 871. This case shows the court's willingness to find that builders owe duties of care in negligence as well as contractual duties. This matters because there is often a longer time period within which the client can bring a claim for negligence. A builder wishing to avoid this outcome should use very clear language in the contract.

I wish to take this opportunity to thank all our contributors. We are most grateful for the support we receive from dispute resolution professional, law firms, and publishers, locally and overseas, that allows us to share with you papers and articles of a world class standard, and to bring you a broad perspective on the law and evolving trends in the delivery and practice of domestic and international dispute resolution and construction law.

Contributions of articles, papers and commentary for future issues of Buildlaw® are always welcome. I do hope you find this issue interesting and useful. Please feel free to distribute BuildLaw® to your friends and colleagues – they are most welcome to contact us if they wish to receive our publications directly.

Wishing you all a safe and enjoyable holiday season and a successful and prosperous New Year from all of us at BDT.

Warmest regards,



Editor and Director Building Disputes Tribunal



John Green

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