

From the Editor

Catherine Green



Tēnā koutou katoa

Welcome to the 46th 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.

This issue of BuildLaw is packed with interesting news, insights and updates from around the world. We start with the question: can you cancel a contract for failure to satisfy a condition where your own behaviour had a material effect on that failure? Belinda Green discusses this issue in the context of the recent Supreme Court of New Zealand case of Melco Property Holdings (NZ) 2012 Limited v Hall and gives us some pointers on how to make the most of a conditional contract (page 10).

In Case in Brief, Kate Holland takes us to England to look at how the Technology and Commercial Court weighed up competing expert evidence – a useful reminder to ensure expert witnesses are well prepared, cooperative and impartial (page 15). Continuing to look at the topic of expert evidence, Adrian Sharma discusses a recent decision of the Queensland Civil and Administrative Tribunal that emphasised the need for expert evidence to be more than just bald assertions (page 17).

Keeping us up-to-date on regulatory matters, Sam Dorne steps us through the Ministry of Business, Innovation and Employment's proposed overhaul to the regulation of engineers (page 19), before Maria Cole takes us back to the English Technology and Construction Court to look at a recent decision that reinforces the high threshold to meet to oppose enforcement of an adjudicator's determination (page 23).

With more on implied licenses and copyright of design work (page 24), an exploration of the limits of the Fiona Trust presumption (page 28), supply shortages and managing cost escalations under NZS3910:2013 (page 31), and NEC's new climate change clause (page 35), I'm sure you will all find something of interest in this 46th issue.

As always, I wish to take this opportunity to thank all our contributors. We are most grateful for the support we receive from dispute resolution professionals, 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.

Ngā mihi nui

A handwritten signature in blue ink, appearing to read 'Catherine Green'.

Nā Catherine Green
Editor

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