

**CHARTERED**   
INSTITUTE OF PROFESSIONAL CERTIFICATIONS

# AUSTRALIA LAWS OF CONSTRUCTION DELAY AND DISRUPTION

**Fully Accredited  
By:**

Chartered Institute of  
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CPD  
Certification Service

# PROGRAM OVERVIEW



Construction projects in Australia are prone to disputes due to **complex legal landscape and multiple stakeholders' involvement**. In addition, it is not always clear what the law means especially when it comes to situations that involve multiple contractors and subcontractors. And this can frequently lead to **contractual dispute among different parties especially when a project is delayed or disrupted**. In addition, each state's construction laws are governed by different statutory bodies, which reduces the clarity on what should happen when something goes wrong.

Led by Angus Faulkner, a highly sought-after construction commercial disputes advisor, this program will empower you with the crucial knowledge necessary to navigate the complex legal landscape of delays and disruptions in construction projects.

You will receive a comprehensive overview of the key components of Australian construction law and how they vary by state. The program covers a wide range of crucial topics, including the **Construction Contracts Act, The Civil Liability Act, and The Building and Construction Industry Security of Payment Act**, as well as the provisions of these Acts. Through understanding these laws, you will learn how to effectively deal with project delays and **manage delay and disruption claims** using key provisions such as extension of time claims, liquidated damages clauses, and contractual notice provisions.

Furthermore, this program will delve into **effective dispute resolution processes**, including mediation, arbitration, and expert determination, to resolve any disputes that may arise. Additionally, you will gain a thorough understanding of the **quantification of loss in delay and disruption claims**, exploring the importance of **delay analysis, disruption measurements, quantifying loss methods, and the use of experts and independent assessors to your advantage**.

Upon successful completion of the program, you will earn the coveted **Certification in Australia Construction Laws and Management**. This certification will elevate your professional credentials and showcase your mastery of the key principles related to **Australia's Construction Laws, the overall claims process, and quantifying losses and expenses**. This industry-recognized certification holds lifelong validity, offering a testament to your expertise and commitment to excellence in the construction industry.

## ACCREDITATIONS



4.8




4.6



# KEY SKILLS YOU WILL GAIN

## From This Program



**CONSTRUCTION CONTRACTS ACT  
AUSTRALIA CONSTRUCTION LAW  
EXTENSIONS OF TIME (EOT) REGIMES  
DELAY ANALYSIS**

**KNOWING DUTY OF GOOD FAITH  
CLAIMS PROCESS FAMILIARITY  
EXTENSION OF TIME PROVISIONS  
MEDIATION PROFICIENCY**

**ARBITRATION UNDERSTANDING  
EXPERT DETERMINATION TECHNIQUES  
ADJUDICATION KNOWLEDGE  
FORENSIC DELAY ANALYSIS**

**DRAFTING CONSTRUCTION CONTRACT  
THE CONSTRUCTION CONTRACTS ACT 2004  
THE CIVIL LIABILITY ACT 2002  
DELAY OR DISRUPTION CONTRACT PROVISION  
RECORD KEEPING**

**LOSS QUANTIFICATION METHOD DISRUPTION  
MEASUREMENT METHOD**

# YOUR FACULTY DIRECTOR



## Stephen Ipp

### Distinguished Construction Lawyer & Arbitrator

Stephen Ipp is a distinguished barrister with over 25 years of legal experience, specializing in **arbitration, building, construction law and construction disputes**, including delay and disruption issues. His outstanding contributions have earned him recognition in **The Best Lawyers in Australia from 2021 to 2024**. His expertise is rooted in a combination of practical litigation experience and academic achievements, notably his **Master of Laws in Construction Law from the University of Melbourne**, where he received the **Piper Alderman Award for Construction Dispute Resolution**. Before his tenure at the Bar, Stephen worked as a solicitor in top-tier law firms in Sydney, Melbourne, and Perth, and gained international experience in London as well.

Stephen is also a **Fellow of the Chartered Institute of Arbitrators**, highlighting his arbitration skills in the construction sector. His extensive legal background, combined with his strategic approach to construction law and dispute resolution, positions him as a key resource for participants seeking to navigate the comp

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# PROGRAM AGENDA

## **SESSION 1 – OVERVIEW OF CONSTRUCTION DELAY AND DISRUPTION**

- Examples of Major Cost Over-Runs On Construction Projects (Crossrail, Gorgon, ...)
- The Impact On Contractors And Project Owners
- A System Dynamics View Of Delay And Disruption
- The Difference Between Prolongation Costs, Productivity Costs, And Other Costs

## **SESSION 2 – OVERVIEW OF AUSTRALIA LEGAL FRAMEWORK IN CONSTRUCTION DELAY AND DISRUPTION**

- The Legal Framework For Construction Delay And Disruption Claims
- The Role Of Contracts On Construction Projects.
- Essential Legislation That Regulates Delay And Disruption Claims (The Construction Contracts Act 2004 (ACT), The Civil Liability Act 2002 (NSW), The Building And Construction Industry Security Of Payment Act 1999 (NSW),....)

## **SESSION 3 – DIFFERENT TYPES OF CONTRACTS IN CLAIMS FOR TIME AND MONEY RELIEF (JCT, NEC, FIDIC....)**

- A Comparison Of Three Common Standard Form Contracts: NEC, FIDIC, AS 2124-1992
- Practical Implications Of Contract Requirements For Owners And Contractors
- Security Of Payment Requirements In Australia: Key Learning Points

## **SESSION 4 – EXTENSION OF TIME REGIMES**

- The Concept Of Practical Completion
- The Prevention Principle
- Typical Considerations For An Extension Of Time:
  - Excusable Events
  - Notice And Time Bars
  - Critical Path
  - Mitigation
  - Concurrent Delays

## **SESSION 5 – LIQUIDATED DAMAGES**

- The Concept Of Liquidated Damages For Delay
- Other Types Of Liquidated Damages
- Benefits Of Liquidated Damages For The Owner And Contractor



# PROGRAM AGENDA

## **SESSION 6 – DISPUTE RESOLUTION PROCESSES**

- Dispute Resolution Processes
  - Negotiation
  - Mediation
  - Expert Determination
  - Adjudication
  - Arbitration
  - Litigation
- The Role Of Expert Witnesses In Construction Delay And Disruption Disputes

## **SESSION 7 – DELAY ANALYSIS**

- Types Of Delay Analysis Under The SCL Protocol And AACE Guidance Notes – Including Retrospective And Prospective Methods
- Factors To Consider When Choosing A Delay Analysis Method
- The Use Of Construction Programmes For Delay Analysis
- The Importance Of The Critical Path
- Assessing Concurrent Delay
- Common Sense In Delay Analysis

## **SESSION 8 – DISRUPTION MEASUREMENT**

- Production As A Measure Of Output
- Ideal Case: Direct Measurement Of Disruption Using Project Records
- Usual Case: A Productivity Analysis Is Required
- Available Productivity Analysis Methods
  - Project Specific Studies
  - Project Comparison Studies
  - Specialty Industry Studies
  - General Industry Studies
  - Cost Basis
  - Productivity Impact On Schedule
- Typical Causes Of Disruption

## **SESSION 9 – QUANTIFICATION OF LOSS FROM DELAY**

- Direct vs. Indirect / Time-Related Costs
- Examples Of Time-Related Costs
- Identifying Relevant Periods Of Time-Related Costs For Quantification Of Loss From Delay



# PROGRAM AGENDA

## SESSION 10 – QUANTIFICATION OF LOSS FROM DISRUPTION

- Costs That Can Be Recovered In A Disruption Claim
- Demonstrating The Causal Link Between Claimed Events And Disruption Impact
- Demonstrating That The Tender Allowance Was Adequate
- Considering The Impact Of Other Potential Disruption Causes

## SESSION 11 – RECORD KEEPING DURING DELAY AND DISRUPTION EVENTS

- The Importance Of Contemporaneous Project Records
- Types Of Project Records
  - Programme Records
  - Progress Records
  - Resource Records
  - Cost Records
  - Correspondence And Administration Records
  - Contract And Tender Documents

## SESSION 12 – GLOBAL CLAIMS

- What Is A Global Claim?
- Advantages And Disadvantages
- Likelihood Of Success In Australia vs. Other Jurisdictions (e.g. UK)
- Key Factors To Consider In A Global Claim



# YOUR CHARTER DESIGNATION



Chartered Institute of Professional Certification's programs are unique as they provide you with professional charter designation and mark that can be used across your lifetime once you have completed our programs.

After successfully attending this program, you will be awarded the certification in **Australia Construction Laws and Management** that can be used in your resume, CV, and other professional credentials. This certification is industry-recognized with lifelong validity. Globally demanded and recognized, this designation will help you distinguish your skillsets and you will have attained expertise and critical knowledge in Australia construction law and its application in managing construction delay and disruption claims. This program is developed by Chartered Institute of Professional Certifications and the content of this program has been certified by CPD Certification Service as conforming to continuing professional principles.

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# CONTACT US TODAY

We Thank You for Your Ongoing Support  
of Our Programs

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