

# Stuart Robertson

## Partner



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## Overview

Stuart is co-leader of New Zealand's largest construction and major projects team. He advises national and international clients on how to ensure a successful project and specialises in resolving disputes.

Stuart works with clients involved in a wide range of projects, from standalone residential developments to large infrastructure projects in the civil, transport, water, electricity and telecommunications sectors. He has experience in resolving multi-party claims and in dealing with disputes involving leaky buildings.

Stuart co-wrote the New Zealand Law Society's submissions to the select committees dealing with the numerous amendments to the Building Act and the CCA. Stuart identified, and with CCNZ lobbied MBIE for the change to the Construction Contracts Amendment Act 2015 clarifying that the new retentions regime should not apply to all current contracts as at 31 March 2017.

Before he became a lawyer Stuart spent a number of years working as a registered electrician then completed a New Zealand Certificate in Engineering. His hands-on experience means he can give you practical, pragmatic advice to resolve any issues that arise during your project. If a dispute is unavoidable he can represent you at mediation, in adjudication, arbitration, or, if necessary, in court.

## Experience

- **Drilling contractors:** Advised more than 90 directional drilling contractors in 23 High Court proceedings against Ericsson. This related to the failed rollout of a cable television network in Auckland and Christchurch. Achieved multi-million dollar settlement.
- **International head contractor:** Advising on the largest water reservoir tank construction in New Zealand, on design and engineering issues for variations and extensions of time.
- **The Crown:** Advised on identifying liable parties and negotiating innovative settlements for over 600 leaky building claims over the breadth of New Zealand.
- **International head contractor:** Advised head design/build contractor on the replacement of 8 rail bridges on North Island Main Trunk Line, against designers and client. Successfully resolved both proceedings.

- **Developer:** Engaged as expert witness on interpretation of complex bespoke design obligation clauses affecting head contractor's right to EOTs and time related costs.
- **Downer NZ Limited:** Advised on numerous state highway projects, water and wastewater treatment plants, road maintenance contracts, wharf construction, motorway widening and piling projects.
- **UGL (NZ) Limited:** Advised on the North Island transmission line upgrade project (400KV Auckland electricity supply), involving various contractual issues.
- **HEB Construction Limited (a member of the Vinci Group):** Advised on numerous contractual and technical issues including the NZ\$65 million motorway interchange, the NZ\$200 million motorway extension, iconic bridge replacement, state highway improvements, wastewater treatment plant upgrades, subdivision infrastructure and piling works.
- **Head contractor:** Substantial claims in relation to adequacy of asbestos removal by client against head contractor, and by the head contractor against asbestos consultant.
- **Head contractor:** Successfully defending and settling the head contractor's liability in New Zealand's largest High Court leaky building claim, involving 330 apartments and NZ\$110 million.
- **Hotel developers:** Providing project advice on head contractor claims and defending adjudication for NZ\$2 million of variation and EOT claims.
- **Hotel developers:** Defending multiple adjudications on two 5 Star Hotel redevelopment projects from head contractors. Issues included earthquake strengthening works, delay and disruption costs.
- **Head contractor:** Successfully defending an adjudication with 301 separate claims by the head contractor on the construction of a prison.
- **International head contractor:** Providing project advice and defending successfully several adjudications in relation to substantial high rise buildings, including a hotel.

## Recognition

- *Chambers Asia Pacific* 2020 and 2021: Ranked Lawyer
- *The Legal 500 Asia Pacific* 2019: Recommended Lawyer

## Honors and Awards

## Insights

- "Costs in adjudication (Ace v Firma)," *Contractor*, September 2019
- Co-author, "Fish out of water: When is a boat a 'building' subject to the Building Act 2004 ," *New Zealand Lawyer*, August 28, 2019
- Co-author, "Cutting the red tape?" *Build Magazine*, June 1, 2019
- Co-author, "Custom Street (Court of Appeal)," *Contractor*, May 2018
- Co-author, "Who's heard of the Contractual Remedies Act 1979?" *Contractor*, November 2016.
- Co-author, "Right to suspend left dangling," *Contractor*, October 2016
- Co-author, "Fish hooks in the CCA amendments on retentions," *Contractor*, February 2016
- Co-author, "Asbestos: Managing the 'miracle mineral,'" *Contractor*, August 2015

- "Claiming a variation for unforeseen physical conditions," *New Zealand Construction News*, April/May 2015
- Co-author, "Change coming for contractors," *Build Magazine*, Build 144, October 1, 2014
- "Residential subdivisions – will we ever learn?" *New Zealand Construction News*, August 2014
- "There were two in bed and the contractor said..." *New Zealand Construction News*, April/May 2014
- Co-author, "NZA 3916:2013 NZ's new design and construct contract - what you need to know," *Contractor*, December 2013/January 2014
- Co-author, "NZA 3910:2013 What contractors need to know," *Contractor*, November 2013
- "Setting the Standard – benefits of the newly released NZS 3910:2013," *New Zealand Construction News*, October 2013
- "The Lost art of mediation," *Contractor*, December 2009/January 2010
- "Delays in Construction Contracts: Duties of certifier when ruling on claims for delay," *BuildLaw*, Issue 4, December 2009
- "CCA Update at Paihia," *Contractor*, October 2009
- "Mount CCA Erupts again," *Contractor*, April 2009
- "Is Volcanic extinct or merely dormant?" *New Zealand Lawyer*, August 8, 2007

## Activities and Affiliations

### Presentations

- Stuart regularly presents workshop and training sessions to clients in all sectors on construction law issues and dispute resolution.
- In addition to presenting at legal conferences, Stuart also presents for such professional/industry organisations as the Society of Construction Law NZ, Adjudicators Association of NZ, Institute of Public Works Engineering Australasia and Civil Contractors NZ.

### Memberships

- Member and President, Society of Construction Law New Zealand
- Member, Engineering New Zealand
- Associate member, Arbitrators' and Mediators' Institute of New Zealand
- Member, Infrastructure New Zealand
- Member and Auckland branch executive, Civil Contractors New Zealand

### Prior and Present Employment

- Partner, Dentons Kensington Swan (formerly Kensington Swan), 2008 - Present
- Graduate, solicitor, Associate and Senior Associate, Kensington Swan, 1995 – 2007
- Computer Hardware Engineer, IBM (NZ) Limited, 1990-1991
- Apprentice Electrician, Electrician and overseas travel, 1979 – 1987

# Areas of focus

## Practices

- Litigation and Dispute Resolution
- Real Estate

## Industry sectors

- Construction

## Education

- University of Waikato, 1995, Bachelor of Laws, LLB, Honours
- Waikato Institute of Technology, 1989, New Zealand Certificate of Engineering, Registered Electrician, 1983

## Admissions and qualifications

- Barrister and Solicitor, High Court of New Zealand, 1996