



## MARK HOLLAND

PARTNER

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### PROFESSIONAL QUALIFICATIONS AND MEMBERSHIPS

Barrister & Solicitor New Zealand 2014.  
 (BE) Bachelor of Engineering, University College Dublin 1998.  
 LLB (Hons) Griffith College Dublin 2009.

### PROFESSIONAL APPOINTMENTS

Member of the Chartered Professional Engineers Council of New Zealand (2023-present)

### PROFESSIONAL MEMBERSHIPS

Society of Construction Law, member 2014-2023.  
 Arbitrators and Mediators Institute of New Zealand (AMINZ), member 2019-2023

### BACKGROUND

Prior to qualifying as a solicitor, Mark had a 14-year career as a civil engineer. His previous work experience includes acting as Engineer's Representative and Engineer to the Contract on large infrastructure projects, particularly water and waste water. Examples of projects Mark worked on are:

- Construction of waste-water and potable water treatment, with different project using traditional employer design contracts and design/build contracts.
- Construction of waste-water collection systems and potable water reticulation systems including water towers and reservoirs.
- Seismic up-grading and increased capacity works of the Te Marua storage lakes.
- Motorway construction.
- Working on all his projects, Mark was responsible for certifying interim and final accounts, assessing entitlements to variations and extensions of time, and valuing variations, time related costs and payments for cost fluctuations.

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- certifying interim and final accounts;
- assessing entitlements to variations and extensions of time; and
- valuing variations, time related costs and payments for cost fluctuations.

Mark therefore has a very "hands on" appreciation of the pressures that all parties face on site. Mark's experience makes his legal analysis of contract documents particularly focused on the practicalities of running a site.

Mark is currently working in the areas of construction and insurance law. He has worked on several adjudications concerning claims for variations and extensions of time. Mark also works in in both drafting construction contracts and other dispute resolution matters.

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Previous work examples include:

- Acting for claimants in adjudication proceedings arising from unforeseen ground conditions leading to variations and extensions of time (2018).
- Acting for claimants and respondents in adjudication proceedings in relation to residential construction contracts (2018 - 2023).
- Acting for claimants in adjudication proceedings arising from unforeseen ground conditions leading to variations and extensions of time (2018).
- Acting for a contractor on claims concerning unforeseen ground conditions and piling construction (2017-18).
- Counsel for the prosecutor in criminal proceedings under the Dog Control Act 1996 (2017).
- Acting for defendant in High Court proceedings for a leaky building claim (2017 - 2018).
- Acting for respondents in Weathertight Homes Tribunal proceedings (2015 - 2021).
- Acting for insurers in subrogated arbitration proceedings pertaining to defective air conditioning systems (2017 - 2020).
- Advising and acting for insurers in a professional indemnity matter pertaining to failed retaining walls (2016 - 2017).
- Appearing in the High Court in liquidation proceedings (2015), applications pertaining to conduct of liquidations (2022), and numerous proceedings pertaining to demands.
- Appearing in the High Court in a professional service proceeding pertaining to pavement design (2022 - 2023).
- Appearing in the Court of Appeal regarding applications pertaining to conduct of liquidations (2023).
- Acting for applicant creditor in bankruptcy proceedings (2017 - 2018).
- Revising Registered Master Builders Association standard form of Subcontract, SA-2017 (2016 - 2017).
- Revising Registered Master Builders Association standard forms of residential construction contracts, RBC1 (2017 - 2018).
- Representing plaintiffs in District Court proceedings against pre-purchase inspectors (2016).
- Representing plaintiffs in District Court proceedings against Owners in relation to a residential construction contract (2019 - 2020).
- Representing plaintiffs in District Court proceedings against the Principal in relation to the development of a sub-division (2019 - 2021).
- Representing client in the High Court and Court of Appeal in relation orders against a liquidator (2021 -2023).
- Representing a liquidator in recovering sums due to the company in liquidation (2023-2024).
- Advising clients on rights and obligations under standard form contracts such as NZS 3910:2013 and NZIA SCC 2014 (2015 - 2023).
- Advising clients on negotiating contract terms in the residential, commercial, and civil engineering sectors.
- Acting for plaintiffs in summary judgment proceedings in the District Court & High Court for Construction Contracts Act 2002 matters and enforcing Adjudication Determinations (2015 - 2022).
- Representing a claimant in an arbitration arising from civil engineering works under NZS 3910-2013 (2020 - 2021).
- Representing clients at mediations and judicial settlement conferences in a broad range of disputes.

- Advising incorporated societies on administrative and operational matters, including carrying out legal reviews of documents before publication (2015-2023).

## **RECENT PAPERS, SEMINARS & CONFERENCES**

Panel member at Registered Master Builders Association Constructive 2023.

Principal Panel Member on "How are novations and assignments likely to dovetail with increasingly sophisticated procurement models?" at the 9<sup>th</sup> International Society of Construction Law Conference 2021

Presenting a workshop on Commercial Subcontracts to the Window and Glass Association of New Zealand – August 2019

Commercial Contract Law Training on NZS 3910:2013 for Registered Master Builders members – May 2019

Quantum dissected? – for the Society of Construction Law Conference September 2017

Common Issues in Residential Construction Contracts – Registered Master Builders Annual Conference 2017

Contract Law Training for Registered Master Builders members, including Webinars – (2017 and 2020)

Implied Warranties in the Building Act 2002 – RANZ Annual Conference 2015