

# The Construction Contracts Act 2013 - 8 years on

Wednesday 3<sup>rd</sup> July 2024

**ciarb.**  
Ireland Branch

## Date

Wednesday 3<sup>rd</sup> July 2024,  
1pm (Lunch),  
Conference 1.40pm.

## Cost

**FREE**

Registration required  
See links below.

## Delivery

Hybrid:  
Zoom & In-person

## Venue

Byrne Wallace LLP,  
88 Harcourt Street,  
Saint Kevin's Dublin,  
D02 DK18

**BYRNE  
WALLACE  
LLP**

## CPD

3Hrs (Certificates  
available on request)

## Registration

Registration is essential  
and can be made  
via the following links:

[In Person](#)

[Online](#)

Live streaming will  
commence at 1.40pm.  
In person numbers will  
be **limited to 80**.

**Register early to avoid  
disappointment.**



## Overview

**Ciarb Ireland Branch** is delighted to announce this year's Annual Conference on the **Construction Contracts Act 2013**. Following the success of last year's event, we will have three panels each with their own topic and speakers from the industry, see below for more details. We will also have a live presentation from a practitioner in Australia at the beginning of the conference. The event will kindly be hosted by Byrne Wallace LLP and will be held both in-person and online. In-person tickets are strictly limited.

## Timetable

**13.00 Light Lunch**

**13.40 Welcome**  
Dermot Durack, Chairperson Ciarb Ireland Branch

**13.50 Opening Remarks**  
Bernard Gogarty, Chair of the Ministerial Panel of Adjudicators

**14.00 Live Stream Presentation**  
Janelle Kerrisk, Helix Legal, Australia

**14.30 Panel 1**  
**Topic: Adjudication abroad and lessons that can be exchanged.**  
Chair: Martin Waldron BL. Speakers: Noel Hamilton,  
Niaiv O'Higgins, Mark Kehoe

**15.10 Coffee Break**

**15.20 Panel 2**  
**Topic: Caselaw review: where are we now?**  
Chair: Peter O'Malley. Speakers: Mark McGreevy, Maeve  
Mac Dermott Casement, Denise Kennedy, Martin Cooney

**16.00 Panel 3**  
**Topic: Consequences of Failure to issue a response under s4(3).**  
Chair: Lisa Maloney. Speakers: Deirdre Hennessy,  
Keith Kelliher, James Golden, Jonathan Fitzgerald BL

**16:40 Q+A**

**17.00 Close**



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**Bernard Gogarty**



**Dermot Durack**



**Janelle Kerrisk**



**Martin Waldron**



**Noel Hamilton**

### **Bernard Gogarty**

Bernard Gogarty, chair of the Ministerial Panel of Adjudicators under the Construction Contracts Act 2013, qualified as a solicitor in 1979. He has been appointed by the International Court of Arbitration in Paris to several arbitrations and has been a member of the Engineers Ireland Conciliators panel. Bernard has extensive experience in dispute resolution, he has acted as consultant to several Local Authorities and has advised many of the major Civil Engineering and Building Companies operating in Ireland and abroad. He has extensive experience of all forms of alternative dispute resolution including mediation, conciliation, adjudication, and expert determination.

### **Dermot Durack**

Dermot Durack is the Chair of Ciarb Ireland Branch, a Chartered Quantity Surveyor and qualified as a Barrister at Law. Dermot is a Fellow of the Chartered Institute of Arbitrators and the Society of Chartered Surveyors. Dermot has acted as an Expert Witness, Arbitrator, Adjudicator, Mediator, Conciliator and Standing Conciliator in Construction related Disputes. Over his 30 years in the Construction Industry Dermot has worked with Contractors, Clients and Sub-contractors and has Irish and International Experiences of Pharmaceutical, Food, Medical Technology, Data Centers, High Tech, Education, Residential and Commercial Projects. Dermot is a member of a number of Dispute Resolution Panels including the Ministerial Panel of Adjudicators.

### **Janelle Kerrisk**

Janelle is the CEO of the Helix group of companies which include, Helix legal, Helix Compliance Solutions and Diligence by Helix. She first established Helix Legal in 2016 to create an alternative legal business that embraces innovation and provides a positive work environment for all employees. Janelle has worked across property, construction and infrastructure for the past 20 years. Prior to establishing Helix, Janelle was an equity partner in a national firm and was the first female partner appointed for Queensland, as well as the youngest person nationally.

### **Martin Waldron, BL**

Martin has built a career spanning 29 years as a Barrister and Chartered Quantity Surveyor, specialising in construction and property disputes. His experience includes working on some of the largest disputes in the state in roles as counsel, arbitrator, mediator and adjudicator. Currently, he chairs the SCSJ Dispute Resolution Standing Committee and serves as Treasurer for the Construction Bar Association. He is the past Chairperson of CIARB's Irish Branch.

### **Noel Hamilton**

Noel graduated from University of Ulster with BSc (Hons) Degree in Quantity Surveying in 1990. From 1990 to 1999 he worked in a small PQS Practice in Belfast. He became a Chartered member of RICS in 1994. In 1999 he joined O'Hare & McGovern Ltd, a Main Contractor based in Newry Co Down, with an annual turn-over circa £80M across all sectors including Education, Healthcare, Sport, Residential, Commercial, and Hospitality with a considerable portfolio of PFI/PPP. Since then, he has worked in different jurisdictions including NI, ROI, Isle of Man and South of England and has been involved in landmark projects such as Obel Tower (tallest building in Ireland), refurbishment of the Manx Parliament (Tynwald-the oldest continuous Parliament in the world) and Windsor Park Stadium. He was elected Fellow of RICS in 2010 and appointed to OHMG Board of Directors 2016. He has been involved in several Mediations, Conciliations, Adjudications and litigations. Noel is an active member of RICS acting as an APC Assessor, sitting on APC Appeals Panels and has served as External Examiner for UU.

### **Niav O'Higgins**

Niav is widely regarded as one of the leading construction lawyers in Ireland and has some 30 years' experience of advising various parties across a broad range of construction and infrastructure projects, in both the private and public sectors, and has advised state and semi-state bodies, and various stakeholders including developers, tenants, contractors, consultants, as well as institutional and other investors and funders. Niav's breadth of experience, across different



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Níav O'Higgins



Mark Kehoe



Peter O'Malley



Mark McGreevy



Maeve MacDermott  
Casement

sectors, gives Níav a real understanding of the imperatives driving the different players involved in construction, allowing her to unlock solutions in the drafting and negotiation of construction contracts, professional appointments, and related transactional documentation. She also provides solution-driven advice on dispute avoidance and resolution, and has experience in advising clients involved in adjudications, conciliations, mediation, and arbitration. Níav is a CEDR Accredited Mediator (2007). She also completed the RICS Diploma in Adjudication in 2014 and since 2021, has been an adjudicator on the Ministerial panel of adjudicators, and has acted as both adjudicator and party representative on numerous statutory adjudications under the Construction Contracts Act 2013.

### Mark Kehoe

Mark is a Chartered Quantity Surveyor (QS) and Director at DGA Ireland. In addition to his QS qualifications, Mark has a Masters in Construction Law, from University of Melbourne. Mark is an accredited mediator, registered expert witness with the RICS and works as a party representative. His area of expertise includes delay analysis, the quantification of disruption, and additional work claims. Mark holds comprehensive knowledge of contractual relationships and valuation mechanisms, gained from working on live projects in numerous sectors on both client and contractor side. Mark has worked in UK, New Zealand, Asia, and Australia. Mark has been instructed on numerous proceedings including the New South Wales and Queensland Supreme Court in Australia. Mark is also frequently engaged for early involvement for the allocation of risk between parties.

### Peter O'Malley

Current past Chair of the Ireland Branch, Peter is a Chartered Architect with over thirty years international experience, with an MSc in Construction Law, and other postgraduate Construction Law qualifications, Peter now directs his efforts to dispute resolution in the construction industry in Ireland and the UK through mediation, conciliation, adjudication and arbitration. Peter has had academic papers and articles published

on the development of adjudication through the Construction Contracts Act 2013 (CCA 2013). In addition, Peter is a member of the Construction Contracts Adjudication Panel established by the Department of Enterprise, Trade and Employment under the CCA 2013

### Mark McGreevy

Mark McGreevy has been on the Board of John Sisk & Son for over 15 years with particular responsibility for the Commercial and Contractual oversight of the business. His experience over 30 years in the sector, spans multiple international geographies, construction sectors and legal structures. His role has involved him mitigating the contractual risk of major project delivery in addition to leading on the resolution of multi million euro legal disputes in international jurisdictions.

### Maeve MacDermott Casement

Maeve is a senior associate in the Construction Department of McCann FitzGerald LLP. Maeve has specialist knowledge and expertise in all aspects of Construction and Health and Safety law. Maeve advises on a range of matters through dispute resolution, contract drafting and negotiations. Maeve deals with a wide range of construction contracts and related documents, including building agreements, development agreements, forward funding agreements, fit-out works contracts, professional appointments and collateral warranties. Maeve has experience with all the commonly used forms of building agreements, in particular the RIAI, JCT and FIDIC forms of contract. Maeve also has experience in drafting commercial contracts on behalf of private and public sector clients, with a particular experience in connection with agreements involving the sale and licensing of telecommunications infrastructure. Maeve provides advice on Health and Safety law including in particular, all aspects of the Health, Safety and Welfare at Work Act 2005, the Building Control Acts 1990-2014 and all relevant health and safety regulations and codes of practice. She was elected to the Health and Safety Lawyers Association of Ireland Committee in 2017.





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Martin Cooney



Denise Kennedy



Lisa Maloney



Deirdre Hennessy



Jonathan Fitzgerald

## Martin Cooney

Martin is a Partner and Head of the Infrastructure, Construction and Energy Group at ByrneWallace. He advises on all aspects of construction law including both contentious and non-contentious matters. He holds a Masters in Construction Law and Dispute Resolution from Kings College London and is a lecturer on the Law Society of Ireland's Diploma in Construction Law course. Martin regularly acts for clients in many forms of alternative dispute resolution including mediation, conciliation, adjudication, expert determination and arbitration. He is also experienced in traditional litigation having represented clients at all court levels. He has been involved a number of the main High Court decisions dealing with statutory adjudication in Ireland, including the first enforcement decision in Gravity Construction Limited v Total Highway Maintenance Limited. Other cases include Construgomes & Carlos Gomes SA v Dragados Ireland Ltd & Ors, Principal Construction Ltd v Beneavin Contractors and McGurran Civils v K&J Townmore.

## Denise Kennedy

Denise is a Chartered Engineer with over 27 years' experience working in the Irish Construction Industry. Denise holds an LLM in Construction Law, Arbitration and Adjudication. Denise works as a Construction Consultant in RDJ LLP where she acts for parties involved in dispute resolution processes under various forms of contract and also acts for parties in adjudication proceedings referred under the Construction Contracts Act 2013. Denise is a member of the Engineers Ireland Dispute Resolution Board and is a lecturer in construction law at the University of Galway on the undergraduate Civil Engineering and Construction Management degree programmes. Denise is a Fellow of the Chartered Institute of Arbitrators and an Accredited Mediator with the MI. Denise is also a member of the 'Adjudication Ireland: Low Value Dispute Process' Working Group and is currently appointed as the Standing Conciliator on a HSE West project.

## Lisa Maloney

Lisa is a Senior Associate in the ByrneWallace Infrastructure, Construction and Energy Department. She advises clients on all aspects of construction, public procurement and health and safety law (contentious and non-contentious). Lisa has expertise on the various forms of dispute resolution and advises clients on construction claims and contract management. She has represented employers, contractors and consultants in mediation, conciliation, adjudication and arbitration. Lisa is also experienced in litigation and has represented clients at all court levels. Lisa's client base includes public authorities, statutory bodies, developers, funders, contractors, sub-contractors and designers. Lisa is a member of the Chartered Institute of Arbitrators and tutors on negotiation skills in the Law Society. Lisa is a sub-committee member of the Health and Safety Lawyers Association of Ireland and is also a contributor to the construction law working group known as "The Chancery Lane Project" Ireland.

## Deirdre Hennessy

Deirdre is a Business Legal Partner for BAM Ireland and has over 20 years' post qualification specialist experience in construction litigation. Deirdre has worked in top tier and medium-sized niche legal practices and has a wide range of experience including Circuit Court, High Court and Commercial Court as well as all forms of alternative dispute resolution. Deirdre has specialist experience and technical knowledge and advises on construction dispute management and dispute avoidance. She is also a member of the Alternative Dispute Resolution Committee with the Law Society of Ireland.

## Jonathan S. Fitzgerald BL

Jonathan was called to the Bar in 2005 and practices in Civil, Commercial and Chancery matters. A founding member and former chair of the Construction Bar Association of Ireland, Jonathan is an experienced practitioner in construction law and construction dispute resolution.



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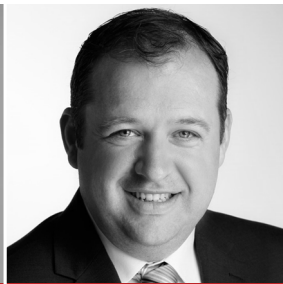
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James Golden



Keith Kelliher

## James Golden

James is a seasoned construction adjudicator, mediator, and party representative. He has over 30 years' experience helping and representing employers, contractors, subcontractors and consultants throughout the UK, Ireland, as well as experience in Hong Kong and the Middle East. He regularly acts as the dispute resolver in adjudication, conciliation and mediation, in addition to representing parties in all forms of ADR forums, including litigation and arbitration. James is experienced in all aspects of dispute resolution and large-scale project management. Always commercially minded, he has a reputation of grasping the key issues quickly and thoroughly and an ability to explain them to decision makers and clients alike. He is a practising adjudicator: a member of a number of appointing body panels including the Institution of Civil Engineers, TeCSA and the ministerial panel in Ireland. James' experience includes acting as an Expert Witness in arbitration and litigation. He has acted as an expert on programming and commercial matters in litigation and arbitration. James Golden is an active member of a range of organisations including the CIARB, ICE, the Society of Construction Law, the Adjudication Society, the Institution of Civil Engineering Surveyors, the NEC users group and also serves as Chair of the ICE DRP committee.

## Keith Kelliher

Keith is a Chartered Quantity Surveyor and is a past Chair of the CIARB Ireland. He also sat on the executive council of the MII until 2019 and is the current vice chair of the ADR committee in the SCSI. Keith has advocated for parties in over 150 adjudication cases in Ireland. Keith has sat as adjudicator on a handful of occasions and is appointed to the Ministers panel of Adjudicators under the Construction Contracts Act 2013. Keith was the first to apply and receive an appointment from the Ministers Panel of Adjudicators under the Act, he was involved in the first enforcement of an adjudicator's decision (*Gravity V THM*) and was also involved in the *O'Donovan V Bunni* and others Judicial Review proceedings.

