

SCHEDULE 5 QUALIFICATION REQUIREMENTS FOR AANZ MEMBERS

The AANZ membership rules require a minimum qualification standard for AANZ members. This includes proven competency in the Construction Contracts Act 2002 and in the process of adjudication. The knowledge and competency requirements are constituted of the following components.

1. A practical knowledge of the legal principles involved in the law of contract.
2. An understanding of common contract terms in the construction industry.
3. An understanding and practical experience in the principles of contract formation and contract interpretation.
4. A working knowledge of the principal rules of evidence.
5. Practical experience in drafting clear and concise documents that can withstand legal scrutiny.
6. An understanding of dispute resolution methods and the place of adjudication amongst other forms of dispute resolution
7. A basic understanding of the New Zealand Court system.
8. A practical knowledge of finding legislative sources and relevant case law.
9. An in-depth working knowledge of the Construction Contracts Act 2002, and associated regulations:
 - a. Overview and structure of the legislation
 - b. Definition of terms used in the Act
 - c. What is included and excluded in the Act
 - d. Payment provisions
 - e. Meaning of dispute
 - f. The selection and appointment of an adjudicator
 - g. The process of adjudication and its limits
 - h. Required adjudication documents and procedures
 - i. Adjudicator's jurisdiction, duties and powers
 - j. Determination, including costs fees and expenses
 - k. Effect of determination, enforcement and remedies
 - l. Suspension of work
 - m. Charging orders
10. Practical experience in executing adjudication process, including:
 - a. Selection process, inquiries, accepting a nomination.
 - b. Adjudication agreement, fees
 - c. Providing directions, complying with time limits
 - d. Chairing a conference
 - e. Drafting a determination.
11. Familiarity with standard forms described by the Act