

JOHN G WALTON

TECHNOLOGY ENGINEERING & CONSTRUCTION



Qualifications and memberships

- LLM (University of Auckland) 2012
- Solicitor England & Wales 1992
- Solicitor Hong Kong 1992
- Barrister and Solicitor High Court of New Zealand 1984
- LLB (Victoria University of Wellington) 1983
- FAMINZ (Arb)
President December 2015 to 2018
Chair AMINZ International Subcommittee
- FCIArb (UK)
- Fellow International Academy of Mediators
- Co-Vice Chair of the ICCA Sydney 2018 Congress
- Council Member NZ Society of Construction Law 2008-2010
- Member Institute of Directors (2003 to 2015)
- Identified by *Who's Who Legal – Construction* as one of only two construction lawyers in New Zealand who are global leaders in the field

—BANKSIDE CHAMBERS

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Expertise

- Technology, engineering and construction law specialist (advising on successful project delivery in major projects, infrastructure development and public sector procurement)
- International arbitrator
- Commercial mediator
- Construction contracts adjudicator
- Peer reviewer / probity auditor
- Disputes avoidance specialist

Independent Neutral, Arbitrations and Adjudications

In his advisory capacity, John provides strategic advice to boards and senior management on procurement strategies, successful project delivery and dispute avoidance.

John has peer reviewed, probity audited and participated, either as advocate or neutral, in over 100 arbitrations, construction adjudications and commercial mediations since going to the Bar in 2003.

Notable examples include:

- Appointed to arbitrate a dispute between the Crown and *iwi* over a multi-million dollar land settlement
- Recently appointed to advise the Church Property Trustees on the ChristChurch Cathedral rebuild
- North Island Electricity Grid Upgrade (adjudication)
- Custom Street Hotel development (acting for Plus Construction in adjudications (3), arbitration, High Court & Court of Appeal appeals – *Custom Street Hotel v Plus Construction*)
- Independent electricity procurement review (Serious Fraud Office)
- Construction of multi-million dollar superyachts by Vitters Shipyard BV, McMullen & Wing, Alloy Yachts, Sensation Yachts and others
- Auckland rail electrification project (probity audit and evaluative mediation)
- Ultrafast Broadband Project (peer review and dispute avoidance advice for Crown Fibre Holdings)
- Auckland Transport integrated ticket (AFIS – Hop Card) project (peer reviewer).

Experience (major projects)

Water and Wastewater

- Watercare Services Limited:
 - *Central Interceptor* (a \$1 billion tunnelling project from central Auckland to the Mangere Wastewater Treatment Plant)
 - *Hunua 4 Project* (NEC3 engineering and construction contract)
 - *Hobson Bay sewer rehabilitation* (a project specific tunnelling contract, based on FIDIC)
 - *Waikato River Water Treatment Plant* (design and construct contract, based on FIDIC)
 - *Mangere Wastewater Treatment Plant* – upgrades to the existing plant (a mix of IChemE, NEC3, FIDIC based and one-off contracts)
 - Network management and procurement projects (including standard amendments to NZS3910, FIDIC and NEC3 forms of contract)

Transportation

- Probity audit and project mediation Auckland rail electrification project
- Peer review integrated ticketing system for Auckland Transport
- Northland Regional Council's Marsden Point rail link
- Infrastructure Auckland on funding Auckland's public transport network
- Government of Hong Kong's new Chek Lap Kok airport projects

Energy Sector

- Central North Island Grid Upgrade (adjudication)
- Crest Energy's *Kaipara tidal generation project* – strategic advice on project delivery (advisory)
- Advising on a major gas supply contract
- Vector's acquisition of *United Networks* – review and advise on network management contracts
- *Mokai geothermal project* – review and renegotiate supply and EPC contracts with the Tuaropaki Tribal Trust and Ormat Industries
- *Government of Kenya's* emergency power project 2000, and on electricity sector reforms – managing tender and award process for the emergency supply of electricity for Nairobi, and advising on energy sector reforms
- Watercare's cogeneration plant at the *Mangere wastewater treatment plant* – acting for Watercare on its bio-gas generation plant, and securing gas supply

- Contact Energy Limited:
 - *Otahuhu B* 394 MW combined cycle power plant – draft special conditions for the design and construct construction contract (FIDIC Orange Book), assist with tender negotiations and contractor selection, draft and negotiate long term maintenance contract, and assist with contract administration (including dispute management)
 - *Te Rapa* cogeneration plant - negotiate power supply agreement with NZCDC, draft construction contracts (FIDIC based contract) and assist with tender negotiations, advise on contract administration (including dispute management)
 - *TCC Stratford* acquisition – review and advise on EPC contract and maintenance contract
 - *Oakey* power station – review and advise on project management and operation and maintenance agreements
 - *Southern Hydro* acquisition – assist with due diligence on acquisition and purchase agreement
 - *Otahuhu C* – draft design and construction contract (one-off tailor made contract)
 - *Standard project documentation* – prepare standard form tender procedures and contract documentation for all Contact Energy’s asset management programme expenditure

Telecommunications / ICT

- Watercare Services’ networks control upgrade
- Waitakere City broadband project
- Northland Regional Council IT projects, and its Northland broadband project
- Southern Cross Cable, Pacific Ocean fibre optic project
- Vector’s Tangent broadband fibre optic network

Health

- expert determination of dispute over Christchurch acute services building
- Probity audit the tendering of orthopaedic services for a major health insurer
- development of the Botany Superclinic

Local Government

- Peer review Auckland Transport’s common ticketing (Hop card) project)
- Probity audit Auckland City Council’s 10 year waste collection and disposal contract for Waiheke Island
- Northland Regional Council’s *Northland Events Centre* for the 2011 Rugby World Cup

- Waitakere City Council's *Waitakere Central* and new library (*Henderson Hub*) projects
- Development of Auckland's *Viaduct Harbour* for the America's Cup defence in 2000

Work History

2003 to present	Commercial Barrister, arbitrator, construction adjudicator and commercial mediator (Bankside Chambers since 2009)
1995 to 2002	Auckland, NZ (<i>Buddle Findlay</i>)
1991 to 1994	Hong Kong (<i>McKenna & Co</i>)
1986 to 1991	London, UK (<i>Nabarro Nathanson and Park Nelson</i>)
1982 to 1986	Wellington, NZ (<i>Scott Morrison Dunphy & Co</i> and <i>Macalister Mazengarb Parkin & Rose</i>)

Publications

Lead the drafting of the AMINZ Arbitration Rules

Co-authored with David Williams QC, *Costs and Access to International Arbitration* in CI Arb's Arbitration publication 80, issue 4

Co-authored with John Bellhouse *Risk allocation and risk transfer in major infrastructure projects* for the Society of Construction Law International Conference in Melbourne.

Copies of other papers and published articles available for download at

www.johnwalton.co.nz