

**NAME** **NEIL KIRKPATRICK**

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**QUALIFICATIONS AND PROFESSIONAL MEMBERSHIPS**

**LL.M.** Master of Laws, International Commercial Law, distinction

**DipICarb** Diploma in International Commercial Arbitration, the Chartered Institute of Arbitrators

**BSc (Hons)** Bachelor of honours degree, Construction, Engineering and Management (2:1)

**FCI Arb** Fellow of the Chartered Institute of Arbitrators, international arbitration pathway; business arbitration panel member (London)

**FRI** Fellow of the Resolution Institute (Formerly the Institute of Arbitrators & Mediators Australia), Chairman of the NSW determinative committee & chairman of the expert witness national committee and training member of the expert determination committee

**FRICS** Fellow of the Royal Institution of Chartered Surveyors, Chartered Quantity Surveyor, Dispute Resolution Faculty, arbitrator panel member (Australia)

**FCIOB** Fellow of the Chartered Institute of Building - Chartered Construction Manager

**DRBF** Member of the Dispute Resolution Board Foundation, Dispute Resolution Board Foundation Region 3; Advanced Dispute Board Member Certificate

**Accredited Expert Witness** RICS Dispute Resolution Service - accredited expert witness and expert witness accreditation certificate.

**Expert Determiner** RICS Dispute Resolution Service expert determination program, panel member and accredited expert determiner, RICS and Resolution Institute

**Accredited Adjudicator** Certificates in adjudication and registrations as an adjudicator of payment disputes including panel memberships with the RICS Dispute Resolution Service & (WA, NT & NSW) & Section 18 Certificate (BIFA) Queensland

<b>Accredited Mediator</b>	Practitioners Certificate in Mediation, accreditation with RICS Dispute Resolution Service and Resolution Institute accredited mediator
<b>Dip Const.</b>	Diploma in Construction (Distinction)
<b>TAE</b>	Academy of Experts, Expert Witness Training Program, Hong Kong
<b>RYA</b>	Royal Yachting Association, Certificate in Navigation and Yachtmanship

## SUMMARY OF SPECIALISATION

As a Chartered Quantity Surveyor and Chartered Construction Manager with over twenty years of experience in the construction and infrastructure industries, I specialise in dispute resolution, quantum analysis, expert witness services, construction claims analysis, contract management and the provision of facilitative and determinative dispute resolution services. I am experienced in all stages of the project lifecycle on a wide range of projects including the resolution of contentious and non-contentious issues involving quantum, delay, contract and technical matters involving loss and expense, disputed variations, extension of time, liquidated damages and defective work type claims.

## RELEVANT EXPERIENCE

### February 1995 – June 1998; Quantity Surveyor, Pilot Construction Limited

I was appointed as a quantity surveyor within a construction and civil engineering company working on hospitals, hotels, factories, retail development, individual and estate housing, schools, government buildings, building refurbishment and civil engineering projects gaining experience in pre and post-contract services, all aspects of contract administration, contract and financial management, the preparation of loss and expense claims, tendering, estimating and the measurement of building and engineering work from drawings, specifications and site inspection. I held further responsibility for assisting with tendering and preparation of construction programs, ensuring tender assumptions and allowances were realised on projects.

### June 1998 – October 2000; Managing Quantity Surveyor / Commercial Manager – Coulter Group

Recognising a necessity to broaden my experience, I was appointed as managing quantity surveyor and commercial manager to a construction, civil engineering, specialist subcontract and supply group of companies where my experience broadened significantly in pre and post-contract quantity surveying services, dispute resolution services, tendering and estimating associated with new build and refurbishment projects.

I was responsible for all financial and contractual management, pre and post-contract services and company representation on hospitals, schools, leisure centres, individual and estate housing, university, retail, fit-out, factory and civil engineering projects including roads, service installations, bulk earthwork, retaining structures and marine work. I gained further experience in project and program management holding responsibility for project theory, resourcing, programming and project strategy during tendering, at commencement and during projects.

I was further responsible for the resolution and avoidance of all contractual disputes on matters arising out of projects submitted to various tribunals on behalf of the company in addition to the preparation and defence of various forms of contractual claims including loss and expense, extensions of time, lost productivity, defect and disruption type claims.

October 2000 – November 2001; Company Manager – McAlorum Group

Recognising a need to increase my experience in design and build development, I was appointed as a company manager and managing quantity surveyor of the McAlorum Group to establish a commercial division for the company and modernise the residential division of the group. During this time, I broadened my experience in pre and post-contract quantity surveying, project management and the management of funders, clients, tenants and employers across design and construction projects associated with individual and estate housing, refurbishment, commercial, retail and factory developments.

November 2001 – July 2011; Managing Director – Neil Kirkpatrick Limited

In November 2001, following the successful establishment and modernisation program within the McAlorum Group, I realised my ambition to establish a construction consultancy on my own account, gaining extensive experience providing pre and post-contract quantity surveying, project management, contract administration, employers representation and health and safety consultancy associated with hotel, multi-storey building, international franchise, residential nursing home, retail and office development, factory, individual and estate housing, building refurbishment, conservation and civil engineering projects.

My practice was appointed in a multi-disciplinary capacity, managing and co-ordinating consultants and projects, in advisory roles on projects, and as a contractual adviser to developers and employers in addition to providing dispute avoidance and resolution support, managing and assisting with the avoidance of contractual loss and expense claims and representing parties in disputes submitted to various tribunals and providing expert witness reports and testimony regarding quantum, valuation and defective work issues on construction projects.

July 2011 – August 2013 – GM Commercial – VDM Group – ASX Listed Company

In July 2011, I relocated to Western Australia under the employment of the VDM Group, a construction and engineering company listed on the Australian Stock Exchange, where I was appointed as contract manager and subsequently general manager of commercial operations in August 2012, including to resolve legacy disputes and issues arising out of ongoing contracts.

During this time I gained considerable experience across Australia in pre and post-contract services associated with the design and construction of non-process mining, construction, infrastructure and civil engineering projects, corporate governance and management procedures required by an ASX-listed company, the preparation, defence and representation on contractual claims and in the management and resolution of contractual disputes over a range of contentious issues including defective work, quantum, delay, disruption, liquidated damages, extensions of time and acceleration matters associated with disputes subject to adjudication, litigation, arbitration and mediation on projects ranging in value up to AUD 150 Million.

August 2013 – Present; Managing Director – Construction Expert Services

In August 2013, I established a professional practice providing a broad range of contract and alternative dispute resolution services, resolving contentious and non-contentious issues within the natural and built environments, including quantum, delay & technical expert witness services, commercial mediation, expert determination, arbitration, construction claims analysis, adjudication and security of payment services, commercial management and contract administration services.