

UNCLASSIFIED

UPDATE

DATE	1/05 /2023
TO	P3910 Committee and nominating organisations
FROM	David Wilkie, Chair – P3910 Conditions of contract committee
SUBJECT	Update on the revision of NZS 3910

PURPOSE OF THIS UPDATE

The purpose of this update is to provide a summary on the progress made by the P3910 committee who are responsible for revising NZS 3910 Conditions of contract. Committee members are encouraged to use this update to help inform their nominating organisation about the decisions made in this project.

The committee revising NZS 3910 has had 12 meetings to date. The eleventh and twelfth committee meetings were online meetings.

It needs to be noted that committee deliberations are confidential. This is to ensure, among other things, that committee members are not subjected to undue pressure and that assumptions are not made by members of the public as to what may be published.

Nominating organisations are also encouraged to provide feedback to their committee member(s) on any proposed changes.

COMPLETED & UPCOMING MILESTONES

The following milestones have been completed:

1. Initiation phase – completed in February 2022.
2. Development phase – completed in April 2023 (12 committee meetings took place between February '22 and April '23. Four meetings were held in-person (two days each). The remaining eight meetings were held online.

Additionally, five working groups convened to address topics and concerns with the current standard, and debated options and preferences for committee deliberation. The working groups met frequently, often weekly, between March and December 2022.

Upcoming meetings:

1. Committee meeting 13: Post public consultation meetings July 2023 (Wellington & Auckland).

END OF THE DEVELOPMENT PHASE

Progress made since November 2022

The last “in-person” meeting for this committee was in November 2022.

Since then,

- Two more online meetings have been held.
- The working groups have finalised their drafts.
- The working group drafts have been consolidated into one master draft, and,
- the committee has reviewed the master draft in preparation for public consultation.

Committee decisions regarding the public consultation

The committee made the following decisions with regards to the content going out for public consultation.

The Guidelines

The Guidelines will not be part of the public consultation as they do not contain new content. Their purpose is to help users understand the principles behind the substantive clauses, and to highlight some clauses that impose particular obligations on a party under the Contract. Updated guidelines will be finalised once comments have been received and the new standard content completed.

Plain English

Contrary to our previous chair update statement, the plain language principles will not be incorporated into the revision before its release for public consultation. Due to lack of time the decision was made to insert most of the plain language guidelines after public consultation.

Public consultation & webinar

Currently the Standards New Zealand’s editor is giving the draft a “soft edit” to prepare it for public consultation. There will be extensive editorial and graphic design input to the document prior to its’ publication, which is scheduled for October 2023.

The draft DZ 3910 will go out for public consultation in the second week of May’ 23.

The Accord and Te Waihanga are hosting an informative and important webinar on the 23 May 3.00pm to 4.30 pm. During this webinar P3910 committee members will talk to the key proposed changes in the consultation document. Attendants will have the opportunity to participate in the Q&A session. (Please register in advance for this meeting:

<https://mbie.zoom.us/meeting/register/tZEtcuorTssEtG6-Nf7g-LBKPXZ8qslWZdt>)

Regarding the draft for public consultation, we have reached an important milestone. Your representatives on the committee have worked extremely hard to debate and align on the revision, and complete the draft. As an industry we are very fortunate to have such an engaged and vocal representative group, bringing their collective experience and expertise to this project. It is with a sense of accomplishment and relief that all members recently signed off on the release of the draft for public consultation, and with some trepidation we await the comments from the industry.

I would like to thank all the committee members for the extraordinary efforts, their nominating organisations and all the sponsors for their ongoing support.

Finally, there is a lot to digest and consider with the new draft standard, and your view is both encouraged and appreciated. Please take the time to engage with the public consultation process and have your say.

David Wilkie

Chair – P3910 Conditions of contract committee