

CAPABILITY STATEMENT

BUILDING & CONSTRUCTION



INTRODUCTION

The Australian building and construction industry is complex and heavily regulated.

Navigating through various state, federal, and local laws requires the guidance of legal advisors with an intimate knowledge of the industry. The Queensland Government in particular has recently introduced widespread regulatory changes with new payment laws, project bank accounts to preserve subcontractor payments, greater financial regulation and tougher penalties for unlicensed building work.

Our Building and Construction team is comprised of practitioners who are more than just experts in construction law, they are industry experts. We take the time to learn how industry participants operate and what they prioritise and value as a business. Our experience with different project delivery models and assessment of risk means that we can advise you on how best to structure your project from its inception and manage key risks.

Our experts are equipped to help you avoid unnecessary costs and delays and achieve your project deliverables on time and on budget.

AREAS OF EXPERTISE

Project implementation

Contracting

Disputes

PROJECT IMPLEMENTATION AND MANAGEMENT

Our team has a proven track record in delivering results to our clients. This includes supplying our assessment of the most appropriate delivery method, compliance and risk assessment.

We don't look at projects in a vacuum; there is a clear nexus between the legal obligations during each stage of a project and this is reflected in all relevant documentation. We also anticipate risks and problems and are prepared to manage such issues in order to prevent delays and additional costs.

Key services include:

- BIF Act claims, adjudication, submissions and responses;
- Labour and employment contracts and WHS policies;
- QCAT reviews, appeals, and applications;
- Key legislation advice; and
- QBCC licensing, compliance, and statutory insurance issues and litigation.



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CONTRACTING

We advise on and negotiate commercial contracts of all types of infrastructure, including property, transport, mining and resources, and water. We regularly work with the relevant Australian Standards, as well as bespoke contracts and quickly isolate the key points for negotiations.

Key services include:

- Construction contracts - drafting and negotiation;
- Contract management, compliance, risk management, and performance monitoring advice;
- Building and construction contracts and related commercial contracts;
- Drafting and contractual notice and related disputes;
- Tendering, probity, project briefs, and contractual arrangement advice;
- Risk review of contract documentation; and
- Drafting and negotiating joint venture agreements and alliance contracts.

DISPUTES

We act for industry participants at all levels including proponents, head contractors, subcontractors, consultants and suppliers in resolving building and construction disputes.

We provide practical and honest advice based on a realistic assessment of the matters in dispute. Our experience in major Courts and tribunals means that we manage disputes to achieve successful outcomes at a minimal cost.

Key services include:

- Litigation of disputes - claims in contract, negligence and under the Australian Consumer Law;
- Alternative Dispute Resolution - expert determination/mediation;
- QCAT reviews, appeals and applications;
- BIF Act claims, adjudication submissions and responses;
- Subcontractor's charge notices and related proceedings;
- PPSA issues on construction sites; and
- Insolvency/administration and liquidation issues in construction.

