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Barrister

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## **CURRICULUM VITAE**

### **1. Tertiary Qualification.**

LLB (University of Melbourne) 1990.

### **2. Positions / Professional Memberships.**

Chairman of the Construction Law Division of the Commercial Bar Association of Victoria (2014 – 2020).

Society of Construction Law.

### **3. Briefs.**

#### **Victorian Court of Appeal**

##### ***Colonial Range Pty Ltd v CES-Queen Vic Pty Ltd***

Client: CES-QUEEN Vic Pty Ltd (Moray & Agnew).

Dispute: Colonial appeal from unsuccessful claim for certiorari in relation to protection works determination of the Building Appeals Board.

##### ***APN DF2 Project 2 Pty Ltd v Grocon Constructors (Victoria) Pty Ltd & Grocon (Scots Church) Pty Ltd.***

Client: Grocon (Scots Church) Pty Ltd (Thomson Geer).

Dispute: Appeal in relation to construction of contract to ascertain contractor's entitlement to payment under \$100M (approx.) building contract for the development of Scots Church at 150 Collins Street Melbourne.

***Lend Lease Services Pty Ltd v Sugar Australia Pty Ltd.***

Client: Sugar Australia Pty Ltd (Thomson Geer).  
 Dispute: \$42M Redevelopment of Sugar Australia distribution centre in Melbourne, Victoria. Successful appeal against orders restraining recourse to security.

**Supreme Court of Victoria (Technology Engineering & Construction List)**

***BlueCross Community Care Services Group Pty Ltd v Buxton Constructions & Ors.***

Client: BlueCross Community Care Services Group Pty Ltd (Moores Lawyers)  
 Dispute: Brief to act on behalf of principal in connection with design and construction defects at the BlueCross Box Hill Aged Care Facility in Box Hill Melbourne.

***Biodiversity v Vaughan Constructions & Ors.***

Client: Melbourne Water (Allens Linklaters)  
 Dispute: Brief to act on behalf of Melbourne Water in connection with claims for subsidence damage to a warehouse constructed on a former quarry. Subsidence allegedly caused by subterranean water flow from a Melbourne Water drain.

***Jugdambay Investments & Ors v Avari Holdings Pty Ltd & Ors.***

Client: Avari Holdings Pty Ltd (Keighran Legal)  
 Dispute: Brief to act on behalf of the purchaser (Avari Holdings) in connection with disputes as to entitlements under a development agreement.

***Lanskey Pty Ltd v SHA Pty Ltd***

Client: SHA Pty Ltd (Thomson Geer)  
 Dispute: Brief to act on behalf of principal in connection with contractor's application to restrain recourse to security.

***Brighton Australia Pty Ltd v Multiplex Constructions Pty Ltd.***

Client: Brighton Australia Pty Ltd (Thomson Geer).  
 Dispute: Brief to act on behalf of sub-contractor to resist adoption of Referee's report in relation to *Consumer Law* findings.

***Colonial Range Pty Ltd v CES-Queen Vic Pty Ltd***

Client: CES-QUEEN Vic Pty Ltd (Moray & Agnew).

Dispute: Development of site at 140 Queen Street, Melbourne.

Applications to restrain continuation of Building Appeals Board hearing in connection with appeal (BAB5) from protection works order for the proposed demolition of 140 Queen Street.

***Colonial Range Pty Ltd v CES-Queen Vic Pty Ltd***

Client: CES-QUEEN Vic Pty Ltd (Moray & Agnew).

Disputes: Development of site at 140 Queen Street, Melbourne.

Application by claimant to reopen Judicial Review Proceedings in relation to determination of the Building Appeals Board (BAB4).

Application by respondent to avoid the lapsing of the Building Appeal Board's earlier determination in relation to the erection of a gantry during the proposed demolition of 140 Queen Street.

**Other Matters (resolved prior to litigation)*****Hansen & Yuncken and Leighton Contractors Joint Venture v SA Health Partnership Nominees Pty Ltd.***

Client: Hansen & Yuncken and Leighton Contractors Joint Venture (Norton Rose Fulbright).

Dispute: \$1.8B New Royal Adelaide Hospital (South Australia).

***Thiess Pty Ltd and Degremont Pty Ltd Joint Venture v AquaSure.***

Client: Thiess and Degremont Joint Venture (Herbert Smith Freehills).

Dispute: \$3.5B Victorian (Wonthaggi) Desalination Plant.

**4. CPD Seminars / Published Articles**

Victorian Commercial Bar Association Continuing Professional Development Seminar: *"Contractor's Disruption & Loss of Productivity Claims"* (November 2013).

Chair of Victorian Commercial Bar Association CPD Seminar: *“Construction Programs and Critical Paths”* (November 2013).

*Contractor’s Global Loss of Productivity Claims* (2014) 30 BCL 107.

Chair of Victorian Commercial Bar Association CPD Seminar: *“Proportionate Liability: Pleading and Joinder”* (August 2015).

Chair of Victorian Commercial Bar Association CPD Seminar: *“The resolution of construction law disputes in the 21<sup>st</sup> Century – A view from the other side of the bar table.”* (August 2015).

Chair of Victorian Commercial Bar Association CPD Seminar: *“Recourse to Securities: Reputational Harm”* (April 2016).

Australian Bar Association CPD in relation to the *Building & Construction Industry Security of Payment Act 2002* (Vic) (27 October 2016).

Co-ordinator and Chair of Victorian Bar Construction Law Practice Group and Commbar Construction Law Section Joint CPD (17 November 2016).

Greenway Chambers Cladding CPD (6 June 2018).

Chair of Victorian Commercial Bar Cladding (Lacrosse) CPD (22 May 2019).

Building Dispute Practitioners Society: The Construction Law Year in Review - 2019 (27 November 2019).

Recourse to security post termination CPD (21 March 2024).

## **5. Academic**

Guest lecturer at the University of Melbourne Law School in the Masters of Construction Law Course (International Arbitration).

**Dated:** 26 March 2024.