

David J. McAndrew
Barrister

Melbourne

*Room 13, Level 16, Owen Dixon Chambers West
525 Lonsdale Street
Melbourne 3000
Lennons List: (03) 9225 7555
Direct: (03) 9225 8761
Mobile: 0412 681985
E-Mail: dmcandrew@vicbar.com.au
Booking Contact: lennonslist@vicbar.com.au*

Sydney

*Greenway Chambers
Level 10, 99 Elizabeth Street
Sydney 2000
Greenway Reception: (02) 9151 2999
Direct: (02) 9151 2959
Mobile: 0412 681985
Email: david.mcandrew@greenway.com.au
Booking Contacts:
tobias.ohehir@greenway.com.au
<http://nathan.dobbie@greenway.com.au>*

CURRICULUM VITAE

1. Tertiary Qualifications.

LLB (University of Melbourne) 1990.

2. Current Positions / Professional Memberships.

Chairman of the Construction Law Division of the Commercial Bar Association of Victoria.

International Chamber of Commerce.

Society of Construction Law.

3. Current / recent briefs.

International Arbitration

Service Stream Limited v Ericsson

Client: Service Stream Limited (Norton Gledhill)
 Jurisdiction: International Chamber of Commerce (ICC) Arbitration (Glen Williams Q.C, Gavan Griffith Q.C. and David F. Jackson Q.C.).
 Dispute: Claims by IT contractor (Service Stream) against principal for the Telstra 2G upgrade and 3G installation in Queensland and NSW.

Supreme Court of New South Wales (Technology and Construction List)

Hera Resources Pty Ltd v Gekko Systems Pty. Ltd. (Current)

Client: Gekko Systems Pty Ltd (Colin Biggers & Paisley)
 Dispute: Brief to act on behalf of engineering contractor in connection with Principal's claims for defects and consequential losses arising out of the design and construction of a gold processing plant in Broken Hill NSW.

Victorian Court of Appeal

Colonial Range Pty Ltd v CES-Queen Vic Pty Ltd (awaiting hearing)

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)

Brighton Australia Pty Ltd v Brookfield Multiplex (Current)

Client: Brighton Australia Pty Ltd (Thomson Geer).
 Dispute: Claim against the Head Contractor under the *Consumer Law* for misleading and deceptive pre-contractual representations in relation to its program provided to the Subcontractor for the purposes of tendering for the sub-contract works for the fit out of the new National Australia Bank building, Docklands, Melbourne.

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

Client: Grocon (Scots Church) Pty Ltd (Thomson Geer).
 Dispute: Various proceedings in relation to Contractor's claims under the *Building & Construction Industry Security of Payment Act 2002 (Vic)* and final entitlements under the \$100M (approx.) building contract for the development of Scots Church at 150 Collins Street, Melbourne.

Colonial Range Pty Ltd v CES-Queen Vic Pty Ltd (Current)

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.

Built Environs QLD v Barrett Burston Malting Co. Pty Ltd.

Client: Barrett Burstons Malting Co. Pty Ltd (Piper Alderman).
 Dispute: \$60M Pinkenba Brisbane malting plant.

King Constructions v CIG

Client: King Constructions (Minter Ellison)
 Dispute: Contractor's challenge of Adjudication Determination under the
Building & Construction Industry Security of Payment Act 2002 (Vic).

***Hatch / SMEC Joint Venture v Adelaide Desalination Plant Joint Venture
 Contractors.***

Client: Hatch / SMEC (Baker & McKenzie).
 Dispute: Adelaide Desalination Plant.

BHPB v Saipem (Baker & McKenzie)

Client: Saipem (Italy) (Baker & McKenzie)
 Dispute: Installation of gas plant and associated off shore works in Port
 Campbell, Victoria.

Fluor Daniel v ASC

Client: Anaconda (Clayton Utz).
 Dispute: Murrin Murrin nickel project in Western Australia.

Other high profile disputes (resolved pre-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.

Vic Track v RSS

Client: State of Victoria (Vic Track - State of Victoria Statutory Corporation
 responsible for rail crossing upgrade program) (Arnold Bloch Leibler).

Dispute: Victorian rail crossing upgrade program.

4. Recent 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 21st 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 Commbarr Construction Law Section Joint CPD (17 November 2016).

Dated: November 2017.