



## Sandra Steele

### Practice Area Leader - Real Estate

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## OVERVIEW

Sandra Steele is a partner and practice area leader in the firm's Real Estate practice. She is also a Non-Executive Director for the Royal Institution of Chartered Surveyors (RICS) Oceania World Regional Board. She is an award winning construction lawyer with more than 20 years of experience advising on contentious and non-contentious construction law matters. Her experience includes contract drafting and negotiation as well as litigation and alternative dispute resolution in the project management, construction, engineering and infrastructure project sectors.

Sandra is an accredited adjudicator with the Royal Institution of Chartered Surveyors (RICS) and Resolution Institute and has determined in excess of 30 adjudication applications since becoming accredited. Her work in the area of security of payment includes successfully defending the first challenge to an adjudicator's determination in the NSW Court of Appeal under the *Building and Construction Industry Security of Payment Act 1999* (NSW).

Sandra's experience working in-house for Lendlease, one of Australia's largest property groups, has provided her with a commercial approach to advising both Principals and some of Australia's largest construction companies.

Sandra is a member of the firm's Diversity Committee and was elected to the firm's Australian Board in 2019.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Sandra spent six years as the Assistant General Counsel for Lendlease Project Management & Construction (Australia) Pty Limited. In that role, she provided strategic leadership and management of the in-house legal practice in order to support legal advice, bid evaluation, contract formation, risk control and decision making relating to company operations and objectives.

## ACHIEVEMENTS

- Listed in the *Best Lawyers in Australia*™
  - Construction / Infrastructure Law, 2019-2023
  - Real Property Law, 2017-2025

- Recognised by *Chambers Asia-Pacific* for Construction in Australia, 2018-2024

*"Her experience as an arbitrator and leader in the industry gives her unparalleled understanding of construction disputes." (Chambers Asia-Pacific 2021)*

*"Sandra Steele is well respected for her work on contentious construction matters. A client highlights her proactive approach, commenting: 'When it comes to giving legal advice but also giving direction, she'll stick her neck out and suggest we take a certain decision for a certain reason, which is drawn from her experience in the industry. She's very savvy about the construction market and that gives us an edge.' (Chambers Asia-Pacific, 2020)*

- Recognised by *The Legal 500 Asia Pacific* in Australia

- Leading Individual, Infrastructure, Projects and Construction, 2023-2024
- Construction in Australia, 2017-2022

*"Sandra Steele. Legend. Always has your back in that she knows the pressures from an internal business perspective given her vast experience in-house. She helps you navigate your business pain-points" and "Sandra Steele has a unique ability to advise clients needing front-end and back-end legal services" and "Sandra Steele is a leading construction and infrastructure lawyer. She has excellent technical skills, which are paired with a pragmatic and commercial approach. Sandra consistently delivers excellent client services and is a pleasure to work with." (The Legal 500 Asia Pacific 2024)*

*"Sandra Steele is an outstanding construction lawyer and partner. She is eminently knowledgeable, practicable and pragmatic, Sandra's contractor-side experience means she understands my drivers and her clients and peers alike." (The Legal 500 Asia-Pacific, 2021)*

- Listed by *Doyle's Guide* as a Leading Construction & Infrastructure Litigation Lawyer in New South Wales, 2020, 2022, and 2024
- Recognised by *Lawyers Weekly*
  - Finalist, Partner of the Year Awards for Construction and Infrastructure, 2016, 2017, 2019, 2020, 2023
  - Winner, Partner of the Year Awards for Construction and Infrastructure, 2016
- Recognised by *Women in Law* as the winner of the Partner of the Year Awards, 2015
- Recognised by *Australasian Legal Business* as the winner of the In-House Lawyer of the Year Award, 2011

## PROFESSIONAL / CIVIC ACTIVITIES

- Royal Institution of Chartered Surveyors (RICS) Oceania World Regional Board Non-Executive Director
- National Association of Women in Construction (NAWIC)
- Australian Legislation Reform Committee for the Society of Construction Law Australia member

- Law Society of New South Wales member
- Resolution Institute Adjudicator and member
- Australian Property Law Bulletin and the Australian Construction Law Bulletin editor

## SPEAKING ENGAGEMENTS

- "Construction Law: Defects and Payment Claims", Legalwise Seminars, 13 September 2023
- "Security of Payment: What do Adjudicators Look For?", UNSW Edge Construction Law Intensive, 10 March 2022
- "Limitations of Enforcement of Security of Payments and Challenging Determinations", Legalwise Seminars, 15 September 2021
- Provided numerous presentations and training on Security of Payment issues to clients in the construction and infrastructure sectors
- "Key Risks in Construction Contracts" Discussion Panel, The Chartered Institute of Builders (CIOB) Seminar, September 2016 and August 2018
- Client presentation on the "Building Defects Bond Scheme effective from 1 July 2017", December 2016
- "Learn to 'speak the client's language', lawyers urged", Lawyers Weekly, 30 June 2016
- "Maximising In-House Potential and Minimising Regulatory Risk", Thomson Reuters Business of Law Masterclass, Sydney, 30 August 2012
- "Construction and Resource Management" Discussion Panel, Australian Women Lawyers National Conference, Canberra, 11 August 11 2012
- Training on contract negotiation, ABB across Australia and New Zealand, September – December 2012

## EDUCATION

- LL.M., University of Sydney, 2003
- LL.B., University of Queensland, 1991
- B.Com, University of Queensland, 1989

## ADMISSIONS

- High Court of Australia
- Supreme Court of New South Wales
- Supreme Court of Queensland

## THOUGHT LEADERSHIP POWERED BY HUB

- 3 October 2023, WA Regulation of Performance Security in Contracts
- 26 September 2023, Welcome to Lay of the Land
- 27 March 2023, Legislative Corrosion of Time Bars in Construction Contracts
- 1 August 2022, Western Australia Set for Commencement of New Progress Payment Regime Under the Building and Construction Industry (Security of Payment) Act 2021 (WA)
- 20 April 2021, Owner-Occupiers Beware: NSW Security of Payment Act Now Applies
- 25 June 2020, NSW Building Industry Reforms
- 28 April 2020, COVID-19: Overview of Asia-Pacific Measures and Reliefs
- 21 October 2019, Changes to the Security of Payment Act Commence Today – Are you Ready?
- 25 March 2019, We Didn't Start the Fire – VCAT Hands Down Decision on the Fire at Lacrosse Tower
- 13 February 2019, NSW Court of Appeal Quashes Ostwald's Adjudication Determination and Holds That Façade Continues to be 'Plainly Wrong'
- 7 January 2019, Breathing Room for Claimants – Adjudication Reforms go Live Under the QLD SOP Act
- 29 August 2018, Court Places Assets in the Freezer
- 21 June 2018, Court Places Assets in the Freezer
- 6 April 2018, Victorian Court of Appeal in Façade Treatment Case was "Plainly Wrong"
- 16 February 2018, The High Court Weighs in on Adjudication Determinations - Errors of law are not Reviewable
- 7 July 2017, The Early Bird Catches the Worm – Or Does it?
- 30 June 2017, Court Turns "Practical Completion" on its Head
- 22 June 2017, Blink and You'll Miss It - NSW Defect Bond Scheme Postponed and Email Service Gets the Green Light under the NSW SOP Act
- 6 April 2017, Pens Down on AS 11000, *Australia Real Estate Alert*
- 22 February 2017, Time Waits for No-One When a Garnishee Order can be Obtained to Enforce an Adjudicator's Determination
- 13 February 2017, Status quo Returns: the High Court Weighs in on Reference Dates and the NSW Court of Appeal Clears up the Grounds for Challenge
- 18 January 2017, Unfair Contract Terms with Small Businesses: Implications for the Construction Industry

- 30 June 2016, Supreme Court of NSW Opens the Door to Challenging Adjudication Determinations on the Basis of an Error of Law
- 31 May 2016, Design Life Warranties and Fitness for Purpose in Construction Contracts: the Position in Australia and England
- 23 May 2016, Design life warranties and fitness for purpose in Construction Contracts: the position in Australia and England
- 29 February 2016, Lessons in Fraud, Preconditions to Progress Payments and the Right of Setoff: *Hutchinson v Glavcom*
- 25 June 2015, Head Contractors Beware: New Retention Money Requirements in New South Wales
- 29 April 2015, A New Australian Standard (AS 11000) to Replace the General Conditions of Contract (AS 4000 and AS 2124)

## OTHER PUBLICATIONS

- *Abergeldie Contractors Pty Ltd v Fairfield City Council* — court turns “practical completion” on its head, *Australian Construction Law Bulletin*, Volume 29, No 4, August 2017

## NEWS & EVENTS

- 17 January 2024, The Legal 500 Recognises K&L Gates in 2024 Asia Pacific Edition
- 14 December 2023, Chambers Asia-Pacific 2024 Guide Recognises K&L Gates
- 27 February 2023, K&L Gates Adds Partner to Real Estate Team in Sydney
- 16 January 2023, The Legal 500 Recognizes K&L Gates in 2023 Asia Pacific Edition
- 11 March 2022, Security of Payments - What Does an Adjudicator Look for? Hosted by Legalwise
- 16 December 2021, Chambers Asia-Pacific 2022 Guide Recognises K&L Gates
- 16 December 2020, K&L Gates Recognized in Chambers 2021 Asia Pacific and FinTech Guides
- 22 June 2018, K&L Gates Advises Wattle Health Australia Limited on Organic Dairy Project Financing

## AREAS OF FOCUS

- Real Estate
- Commercial Ownership, Leasing, and Management
- Construction and Infrastructure
- Construction and Infrastructure Dispute Resolution

- Land Use, Planning, and Zoning
- Maritime
- Rail and Roads
- Real Estate Development and Construction
- Water and Wastewater

## INDUSTRIES

- Energy
- Energy Disputes

## REPRESENTATIVE EXPERIENCE

- Advising Seymour Whyte Constructions on the Port Rail Transformation Project, this included attending daily negotiations with Port of Melbourne, working closely with the client's project team, reviewing a number of project documents (including the Design Consultant's Agreement) and drafting documents to facilitate the finalisation and execution of the ECI and the D&C Contract.
- Successfully defended Seymour Whyte Constructions on a major security of payment dispute on the Woolgoolga to Ballina Pacific Highway Upgrade Project (Seymour Whyte Constructions Pty Ltd v Ostwald Bros Pty Ltd [2018] (in liq)). The decision has made new law in NSW, with a previous decision of the Victorian Court of Appeal being held to be "plainly wrong". The matter involved complex issues regarding contract rectification, jurisdictional error and the interplay between the Security of Payment Act and s 553C of the Corporations Act.
- Advising global wind developer in respect of a myriad of technical and mechanical project issues and claims which have been brought by the Contractor including for variations, delay and disruption. KEP is a highly innovative, world-first renewable energy project which combines 43MW of wind turbine generators, 15 MW of solar PV generators and 2MW/4MWh of Tesla battery storage into a single generator. Sandra is continuing to provide ongoing advice in respect of dispute avoidance and strategy as the parties navigate what has been one of the most unique and complex projects of its type in Australia.
- Currently acting for CIMIC Group in Supreme Court proceedings commenced by John Holland. The proceedings involve complex contractual and legal issues including 11 separate claims across four projects and five alleged agreements. The CIMIC Group incorporates several construction and engineering businesses including CPB Contractors (formerly Leighton Contractors and Theiss Construction), UGL and Leighton Asia.
- Assisted Water NSW in preparing its response to an Adjudication Application issued by a contractor engaged in relation to the ongoing refurbishment of the Prospect Reservoir in NSW. The Adjudication Application was made in relation to a large variation and delay cost claim arising from rectification costs incurred due to damage to a scour line outlet pipe connected to the reservoir. This was a significant matter for the client due



to the high value claimed by the contractor for rectifying the damage, in addition to the multi-year delay to the contractor's completion of its works.