



Sandra Steele

Partner

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OVERVIEW

Sandra Steele is a practice group coordinator for the firm's global real estate and construction practice and a non-executive director for the Royal Institution of Chartered Surveyors (RICS) Oceania World Regional Board. She has more than 20 years' experience advising on contentious and non-contentious construction law matters. Her expertise 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 25 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 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.

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

- *Best Lawyers in Australia*, listed in Construction / Infrastructure Law (2019-present), Real Property Law (2017-present)
- *Chambers Asia-Pacific*, ranked as Recognised Practitioner (2018-2020)
- *The Legal 500 Asia-Pacific*, Recognised Practitioner for Construction (2017-2020)

- Practice head Sandra Steele '*combines great commercial insight with excellent legal skills*' by *Legal 500 Asia-Pacific* (2018)
- *Doyle's Guide*, recognised as one of Australia's Leading Construction & Infrastructure Litigation Lawyers - NSW (2020)
- "*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)
- *Lawyers Weekly*, Finalist for Partner of the Year Awards for Construction and Infrastructure (2016, 2017, 2019); Women in Law Awards for Partner of the Year (2015)
- *Australasian Legal Business* In-House Lawyer of the Year (2011)

PROFESSIONAL / CIVIC ACTIVITIES

- Royal Institution of Chartered Surveyors (RICS) Oceania World Regional Board Non-Executive Director
- National Association of Women in Construction (NAWIC), Immediate Past National President
- 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

- 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

- 25 June 2020, NSW Building Industry Reforms (*Alerts/Updates*)
- 28 April 2020, COVID-19: Overview of Asia-Pacific Measures and Reliefs (*Alerts/Updates*)
- 21 October 2019, Changes to the Security of Payment Act Commence Today – Are you Ready? (*Alerts/Updates*)
- 25 March 2019, We Didn't Start the Fire – VCAT Hands Down Decision on the Fire at Lacrosse Tower (*Alerts/Updates*)
- 13 February 2019, NSW Court of Appeal Quashes Ostwald's Adjudication Determination and Holds That Façade Continues to be 'Plainly Wrong' (*Alerts/Updates*)
- 7 January 2019, Breathing Room for Claimants – Adjudication Reforms go Live Under the QLD SOP Act (*Alerts/Updates*)
- 29 August 2018, Court Places Assets in the Freezer (*Research Surveys*)
- 21 June 2018, Court Places Assets in the Freezer (*Alerts/Updates*)
- 6 April 2018, Victorian Court of Appeal in Façade Treatment Case was "Plainly Wrong" (*Articles*)
- 16 February 2018, The High Court Weighs in on Adjudication Determinations - Errors of law are not Reviewable (*Alerts/Updates*)
- 7 July 2017, The Early Bird Catches the Worm – Or Does it? (*Alerts/Updates*)
- 30 June 2017, Court Turns "Practical Completion" on its Head (*Alerts/Updates*)

- 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 (*Alerts/Updates*)
- 6 April 2017, Pens Down on AS 11000 (*Articles*)
- 22 February 2017, Time Waits for No-One When a Garnishee Order can be Obtained to Enforce an Adjudicator's Determination (*Alerts/Updates*)
- 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 (*Alerts/Updates*)
- 18 January 2017, Unfair Contract Terms with Small Businesses: Implications for the Construction Industry (*Alerts/Updates*)
- 30 June 2016, Supreme Court of NSW Opens the Door to Challenging Adjudication Determinations on the Basis of an Error of Law (*Alerts/Updates*)
- 31 May 2016, Design Life Warranties and Fitness for Purpose in Construction Contracts: the Position in Australia and England (*Alerts/Updates*)
- 23 May 2016, Design life warranties and fitness for purpose in Construction Contracts: the position in Australia and England (*Research Surveys*)
- 29 February 2016, Lessons in Fraud, Preconditions to Progress Payments and the Right of Setoff: Hutchinson v Glavcom (*Alerts/Updates*)
- 25 June 2015, Head Contractors Beware: New Retention Money Requirements in New South Wales (*Alerts/Updates*)
- 29 April 2015, A New Australian Standard (AS 11000) to Replace the General Conditions of Contract (AS 4000 and AS 2124) (*Alerts/Updates*)

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

- 22 June 2018, K&L Gates Advises Wattle Health Australia Limited on Organic Dairy Project Financing (*Press Release, Noteworthy Work*)

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

REPRESENTATIVE EXPERIENCE

- Acting for Lendlease in negotiating the construction contract based on AS2124-1992 for the University of Queensland's new AUD120 million Oral Health Centre at its Herston Campus in Brisbane.
- Acting for Lendlease in negotiating with QIC the design and construct contract based on AS4300-1995 for the redevelopment of the existing Robina Shopping Centre in Queensland by providing additional retail and commercial space, and refurbishment of the existing space.
- Advising on the construction of many major retail and commercial projects nationally including, 39 Martin Place New South Wales, ANZ Offices at 833 Collins Street, Docklands and the RNA Showgrounds Redevelopment in Queensland.
- Advising Baulderstone Hornibrook Pty Limited on the construction of the Macquarie Shopping Centre with respect to its entitlement to extensions of time, variation claims, quantum meruit and with respect to its options for dispute resolution.
- Working as part of the successful bid team acting for Lendlease Project Management & Construction on the Sunshine Coast University Hospital PPP.
- Advising Lendlease on large and complex dispute resolution processes and litigation. Claims brought by Lendlease included claims for variations, extensions of time, delay, disruption and acceleration costs. A recent case involved successfully defending a hierarchy of controls defect claim brought by the Australian Capital Territory Government with respect to the Alexander Maconochie Prison in the Australian Capital Territory.
- Successfully defending Siemens Limited in a Court of Appeal challenge to an Adjudicator's determination under the Building and Construction Industry Security of Payment Act 1999 (NSW). This was the first case of its type to be brought in the Court of Appeal and for that reason the outcome was closely watched by the industry. The decision changed the law regarding the bases upon which an Adjudicator's determination may be challenged under the Act.

- Defending claims for the New South Wales Department of Commerce brought in an expert determination process by Sinclair Knight Merz over its tendered sums for Routine Condition Based Maintenance at school facilities.
- Advising Baulderstone Hornibrook Pty Limited across a number of projects with respect to its entitlement to extensions of time, variation claims, quantum meruit and with respect to its options for dispute resolution.
- Acting for Barclay Mowlem with respect to a summary judgment application at the Supreme Court to recover a significant progress payment under the Building and Construction Industry Security of Payment Act 1999 (NSW). The contested summary judgment application was successful.
- Acting for the State of New South Wales in Supreme Court proceedings against Griffith City Council for negligent advice on strategies to increase the capacity of, or to augment, its sewerage system to provide a short and long term solution for the processing and disposal of Griffith's sewerage.
- Acting for ABB in an arbitration under the LCIA Rules of international arbitration against Kvaerner E&C Australia Pty Ltd in relation to its works at the Pulp and Paper Mill at Tumut, New South Wales. ABB's claims were for variations, extensions of time and related delay costs. The matter settled favourably for ABB.
- Prosecuting Walter's variation claims in relation to the Port Central Shopping Centre at Port Macquarie, New South Wales. This involved structured interviews with executive and middle management to determine the parameters of the various variation claims (valued at AUD21.9 million) as well as the preparation of submissions on evidence in relation to each of the claims for acceleration and compartmentalisation. The matter resolved by mediation.
- Negotiating to favourable resolution substantial claims brought by Walter in respect of variations and delay on the Queen Adelaide Building, Brisbane. This included advising the client in relation to dispute avoidance and minimisation. The matter resolved by mediation.
- Acting for FFE Building Services Limited on a dispute with Ausco Building Systems regarding variation claims and an acceleration claim. The matter resolved by an expert determination process.