



Society of Construction Law Australia

You are invited to a
webinar

**Recent developments in construction law in Australia -
The availability of loss of opportunity damages for misleading
and deceptive conduct following *Mistrina Pty Ltd v Australian
Consulting Engineers Pty Ltd* [2020] NSWCA 223 and an update
on recent penalty cases from Australia and overseas.**

presented by
Jodi Steele SC
and
Nicholas Gallina, Barrister

Tuesday 26 October 2021
1:00pm AEDT

In *Mistrina Pty Ltd v Australian Consulting Engineers Pty Ltd* [2020] NSWCA 223, the New South Wales Court of Appeal upheld a developer's claim for loss of opportunity damages caused by an engineer's incorrect certification of a raft slab resulting in a serious structural defect. This decision is significant for numerous reasons including with respect to the principles of establishing causation and foreseeability in the context of claims for misleading and deceptive conduct and also the extent to which third parties are able to recover losses. Jodi Steele SC will provide an in-depth analysis of this case including the implications for those practising in the building and construction industry.

In recent years there have also been a number of key developments in the law of penalties arising from recent case law in common law countries which has the potential to significantly affect the operation of this area of law in Australia. During this webinar, Nicholas Gallina will discuss the implications of various key cases including: *Moran v Argonaut Equity Partners Pty Ltd* [2021] WASCA 45, *Denka Advantech Pte Ltd v Seraya Energy Pte Ltd* [2020] SGCA 119, *Ricardo Leiman v Noble Resources Ltd* [2020] SGCA 52, *127 Hobson Street Limited v Honey Bees Preschool Limited* [2020] NZSC 53 and *Comfort Management.v.OGSP Engineering* (2020) SGHC 165. There will also be time at the end of the webinar for attendees to ask questions.

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Jodi Steele, SC
Senior Counsel (13 Wentworth
Chambers)



Jodi is a Senior Counsel practicing in commercial law and equity who has been consistently recognised in *Doyle's Guide*, *Who's Who Legal: Construction*, *Who's Who Legal: Australia* and *Best Lawyers in Australia* as a leading barrister in Litigation, Insurance, Construction Law, Employment and Industrial Relations and Alternative Dispute Resolution.

She brings over 25 years' legal and commercial experience to the resolution of her clients' disputes.

Her knowledge and expertise across the broad range of commercial practice areas has seen her act and advise international and multi-national corporations, the State and Commonwealth Government, as well as high-profile individual clients. Her considerable list of long-standing clients commend her on her commercial and strategic advice, together with her advocacy skills and judgment.

Nicholas Gallina
Barrister (Greens List)



Nick is a barrister with significant expertise and experience in building and construction cases.

Before becoming a lawyer, Nick was a principal engineer, project manager and project director at AECOM where he worked in the heavy industrial and mining sectors. He has been closely involved in engineering projects from feasibility and design to construction and commissioning.

As a barrister, he has appeared in building, construction and engineering cases in the Victorian Supreme Court (as sole counsel as well as junior counsel), County Court and VCAT. He has advised developers, engineers, builders and subcontractors with respect to a wide range of claims including defective work, variations, delay and disruption, performance security, misleading and deceptive conduct and security of payment legislation.

He was a senior associate in the construction group at Allens before commencing at the Victorian Bar in 2015.

Chaired by Melissa Yeo, Chair of the SoCLA Communications Subcommittee and a Senior Associate at Ashurst.

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