

SYDNEY

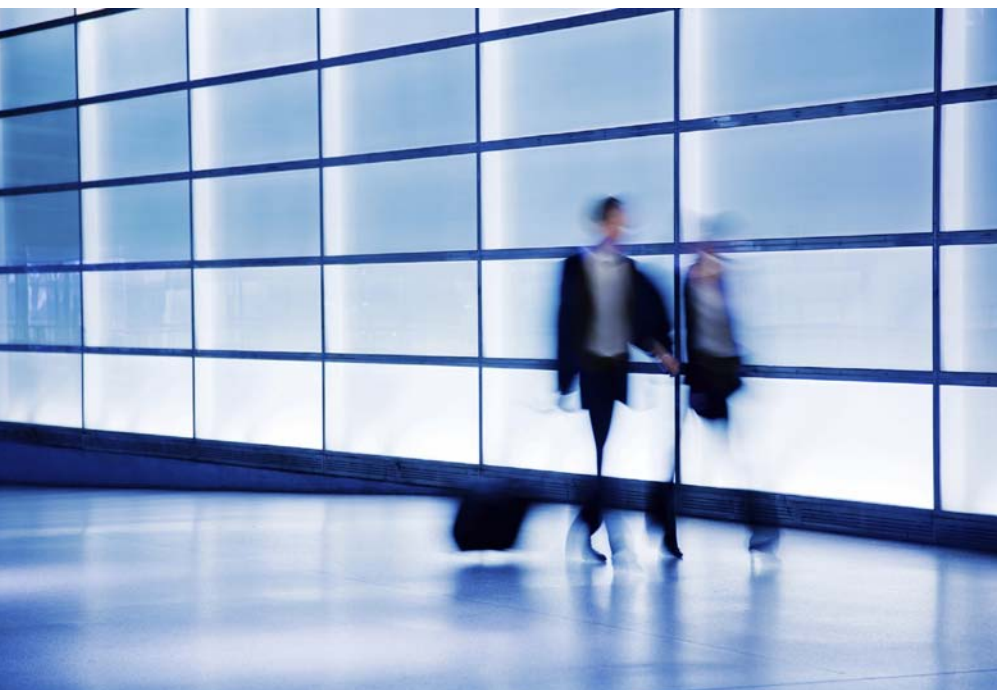
MELBOURNE

BRISBANE

PERTH



*‘committed to providing  
excellence in legal services’*



 **DOYLES**  
CONSTRUCTION LAWYERS



# Doyles Construction Lawyers are the Construction Law specialists

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Doyles is a law firm designed to attend specifically to the requirements of the major players in the development, engineering and construction industries including major commercial development projects.

The firm is positioned to service projects particularly in New South Wales, Victoria, Queensland and Western Australia and has the capacity to handle any Australian Project.

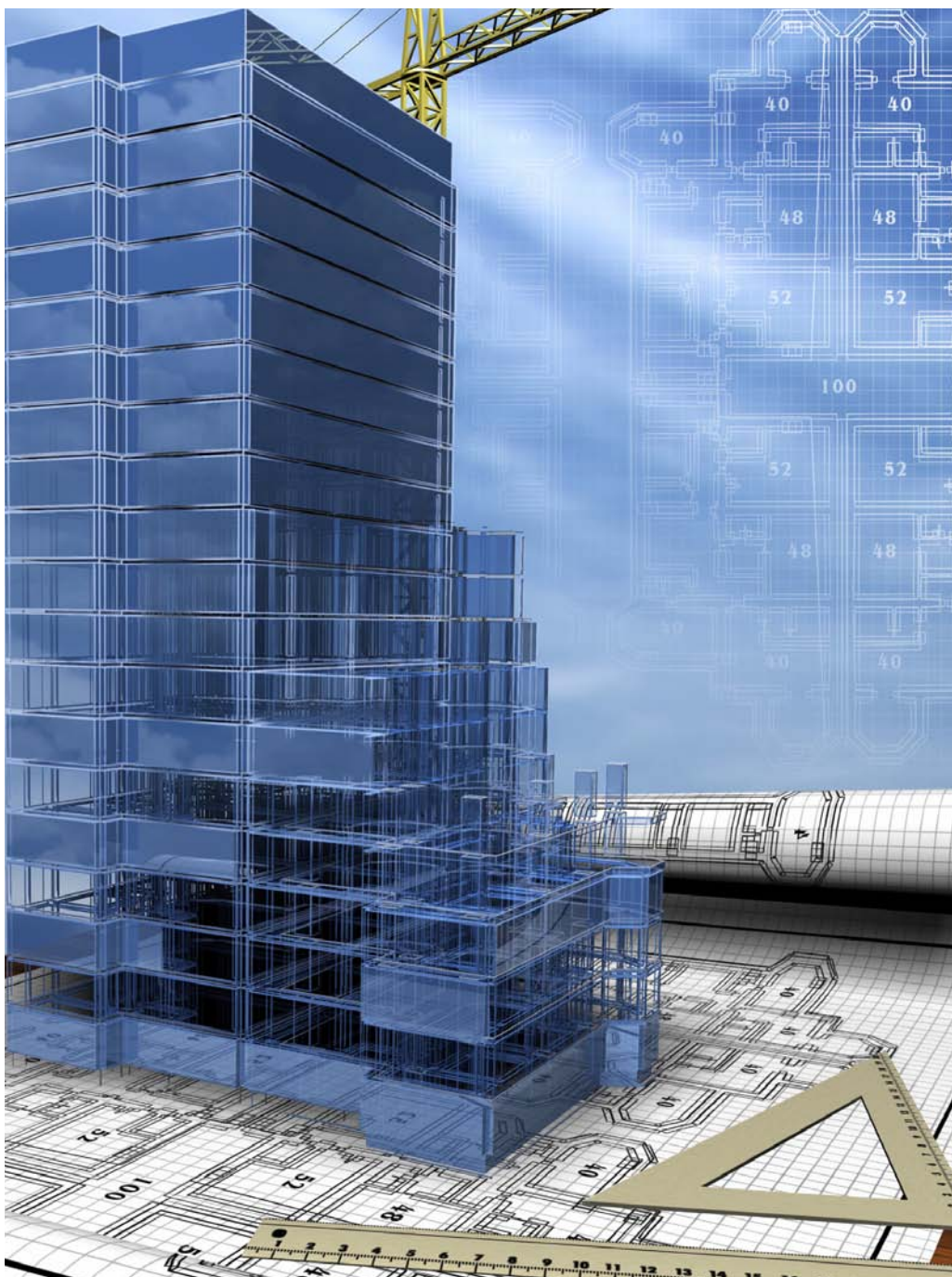
The firm is well located to serve the interests of clients and to ensure an excellent service based on national benchmarking.

*Doyles are committed to providing their clients with excellence in legal services.*

Doyles offers:

Specialisation based on extensive industry experience;  
Urgent and personalised attention;  
Positive, flexible and creative endeavour; and  
Commitment to commercially optimal solutions.





## Contract Structuring

Aims;

To optimise risk allocation and efficient project management to plan and confirm insurance cover and conditions.

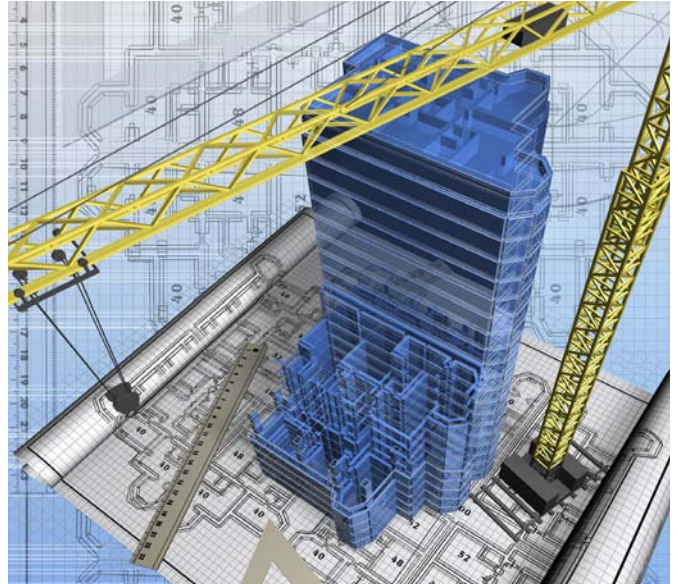
Where, in the administration of contracts, difficulties arise involving complex or highly technical issues of contract law, we are able to advise our clients on the technical issues without losing sight of the overall commercial position.

## Contract Documentation

Aims;

To select and modify standard form documentation and to develop specific documentation, particularly contracts: design and construct, guaranteed maximum price, novated and incentivised contracts;

If the principal has elected to use one of the standard contracts common in the industry, then we can develop amendments directed at a client's particular exposure.



## *Doyles Construction Lawyers*

*practice extensively in the following industry areas:*

### **Development Planning & Approval**

**Aims;**

To provide clients with up to date advice on environmental and planning laws and assistance with obtaining development approval, including conducting appeals.

Doyles advises from the inception through to the final delivery of the project. This includes the acquisition of development property, obtaining development approval from Council and regulatory authorities, negotiating with Council and representation at Council meetings and, where necessary, planning appeals. The firm has in depth experience in procuring all types of development approval including residential, commercial and industrial developments.

### **Contract Delivery Advice**

**Aims;**

To provide advice on contract administration, claims detection, assesment and prevention, claims negotiation and strategy.

Because construction does not take place in isolation from the business community, commercial issues may impinge upon a project. Additional areas of law that we may be required to address include issues in the area of trade practices, intellectual and other industrial property rights, industrial relations, environmental law and property law to name just a few.

### **Dispute Resolution**

**Aims;**

To design appropriate dispute resolution plans encompassing litigation, arbitration, expert determination and alternative dispute resolution for construction claims, professional indemnity and other insurance claims (including conduct of proceedings in all jurisdictions and in arbitration), with a preference for cost effective mediation or alternative dispute resolution.

The firm has considerable experience in the conduct of litigation at all levels of jurisdiction and appears as counsel in a high percentage of cases and in most interlocutory hearings.

Our solicitors are also experienced in using alternative methods to litigation in order to resolve disputes. Their experience in the areas of mediation and commercial negotiation helps to achieve more client-satisfactory results more promptly than the formal litigation process.

Experience shows that early identification of disputes is essential to their minimisation and ultimately leads, to a successful project. Our role at this time is two-fold: we identify any technical steps that must be taken under the contract and we work with our clients to achieve a satisfactory and early resolution of disputes.

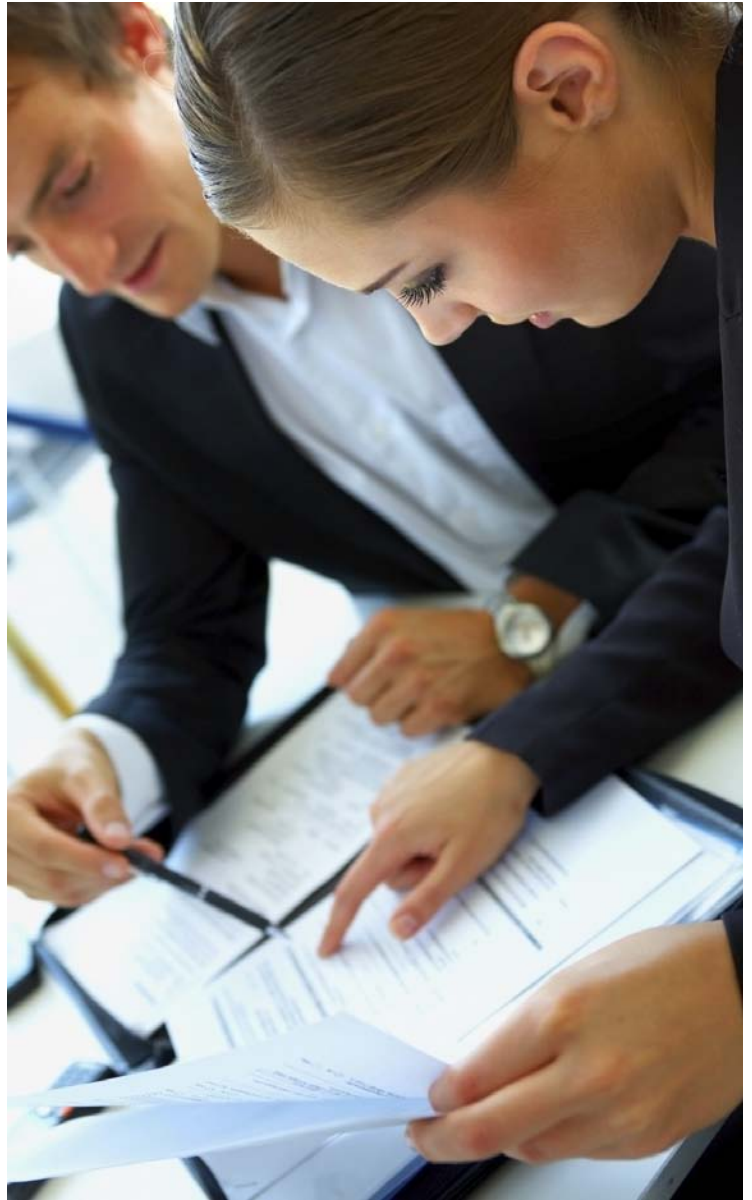
## Professional Expertise

The firm's solicitors have been involved in construction and major projects for over twenty years.

Having staff with qualifications and professional experience in law, engineering, economics, accounting, computer science and education, the firm is well qualified to advise clients on a multi-disciplinary approach to challenges while appreciating the ramifications of technical and commercial considerations. The firm is pleased to review and provide recommendations regarding statutory and organisational compliance.

Doyles will be familiar to many in the industry because of its involvement in the Institute of Arbitrators Australia, the Institute of Engineers, Australian Building Dispute Practitioners Society and the Australian Institute of Project Management.

The firm has for a number of years advised in the field of building and construction law, providing advice to principals (including government, semi-government and non-government clients), contractors and major sub-contractors.



*Doyles' solicitors are selected for their commitment to service and legal excellence.*

*The emphasis is on a team approach which provides benefits to the clients in the complementary application of the skills of a number of practitioners.*

## Professional Development

Doyles encourages its solicitors to keep up to date with the expanding range of statutes and judge-made law by reference to the firm's extensive contract and construction law resources and their attendance at relevant professional seminars and workshops.

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## Professional and Industry Associations

**Solicitors of the firm are, collectively, members of the following organisations:**

- Law Society of Queensland, New South Wales, Victoria & Western Australia.
- Australian Institute of Project Management
- Law Council of Australia  
Construction Law Committee
- Lawyers engaged in Alternative Dispute Resolution (“LEADR”)
- Institute of Arbitrators Australia
- Quality in Law
- Infrastructure Association of Queensland
- Australian Institution of Engineers
- Civil Contractor Federation
- Housing Industry of Australia



*Doyles is a specialist construction law firm where  
personal attention to clients' needs is our top priority.*

## **Features of our Services to Clients**

The measures we take to increase the value of the legal services to our clients include the following:

### ***i. Availability of Solicitors***

The availability of solicitors is an important part of our client service. Our solicitors are available and accessible to clients, after hours and on weekends, as the need arises.

### ***ii. Response Time***

Urgent requests will be responded to within two hours of receipt, more detailed requests will be responded to within 24 hours and other matters will be attended to within one week.



### ***iii. Technology***

Doyles utilises the benefits of modern technology and in particular advantages in contract management, arbitration and litigation by the effective control and management of large volumes of documentary material. The firm uses state of the art document management software specially adapted to meet industry demands.

Doyles are committed to the benefits of new technology. Each solicitor is expected to be able to quickly access client information and other documents via their computer terminal.

Our computer system enables us to link up with on-line government search registries and professional research data bases.

We have developed our own customised system of document management and contract monitoring from our long experience of conducting major proceedings, where many thousands of documents have had to be identified, described and collated to ensure a successful result.

### ***iv. Team Approach***

During the course of a project we work with out clients as a part of a team to achieve the successful outcome of the project.

We prefer to become involved from the beginning so that we may contribute our experience from other projects and our own expertise in construction law to ensure a successful result.



## v. Client Newsletter

As a client service, "Constructor" and "Casewatch", our regular publications, are issued to our clients. These comment upon important developments in the law and pre-emptive steps necessary to manage emerging risks.

## vi. Doyles' Quality Assurance Program

We are a quality assured firm which has been independently accredited by ISO 9001:2000 for the design and provision of legal and associated services.

Our focus is on the delivery of excellence in all aspects of our practice.

We service organisations including semi government agencies, municipal councils and utilities involved in the municipal, construction, engineering and development industries, dealing with matters from project planning and contract development through to completion, maintenance and management.

We focus, therefore, on service which is:

- Pro-active;
- User friendly;
- Commercially focused; and
- Founded on special expertise.

We provide a sustained, on-going commitment to improvement and efficient practice throughout all areas of the firm.





## Clients of the Firm

### We act for:

Principals, including local government and statutory authorities, contractors, builders and project managers, consultants such as engineers and surveyors, subcontractors and suppliers.

Our areas of contract advice have included all aspects of construction, engineering and development projects and also special and service contracts such as major service contracts, in-house purchasing schemes, outsourcing, software licence, sub-licence and distribution agreements, construction and development contracts, joint ventures, and BOOT contracts.

### The firm has acted in a range of projects on behalf of its clients. These include:


- Tender advice, documentation and contract administration for the major upgrade of water supply storage facility (\$40m) including a successful Supreme Court claim against the designers for a design error corrected during construction;
- Advice on avoiding a dispute over copyright during a tendering process and the successful defence of a Supreme Court challenge to the award of tender;
- Tender advice on documentation and contract documents for a major waste management and collection contract over a 10 year period;
- Acting for a major engineering consultancy in relation to a dispute over air monitoring performance;
- Acting in relation to the drafting of an agreement between a landfill operator and users of the landfill site;
- Detailed advice on contractual administration and potential disputes regarding major highway contracts;

- Drafting special conditions for inclusion in standard contract documentation, including provisions to address environmentally responsible conduct;
- Drafting green waste agreements;
- Tender advice and contract drafting for an infrastructure contract for the construction, financing and maintenance of a municipal street network;
- Advising a regional water board specifically on environmental management issues;
- Acting in a \$50M dispute in relation to alleged deficiencies in a water supply scheme assessing from a legal perspective the deliverables both technical and administrative and defining the extent of contractual and professional responsibilities for technical outcomes;
- Advice to clients in relation to numerous disputes involving claims for subcontractors' charges;



*Doyle's client base reflects the diversity of participants in  
the construction, engineering and development industries.*

- Advising and negotiating with Local Councils as to conditions of appeal, review of rejected application and conducting appeals on residential and commercial developments;
- Development of preventative protocols and specific training in Contract Management and Contract Administration Systems and Procedures;
- Defending prosecutions for alleged environmental and safety offences;
- Acting in a major dispute over appropriate asbestos removal techniques and related contamination issues in conjunction with the demolition of the power station that once supplied all of Victoria's power;
- Advising a local government authority on issues of native title impacting on the performance of a pipeline project contractor;
- Successful defence of environmental prosecution relating to Sydney Harbour including a hearing of 20 days duration;
- Drafting and negotiating the management and maintenance contract for the gas distribution system in Victoria involving leading edge contractual and management techniques such as performance indicators and customer satisfaction surveys together with customer, technical and financial audit procedures;
- Conducting workshops for staff involved in the maintenance and upgrade of parks and other community land resources; for parks and waterways staff responsible for the maintenance and upgrading of parks and other community facilities; for staff in projects, grounds and purchasing departments; and for staff involved in managing large related services contracts dealing with IT and other ancillary services;
- Advising on and settling contracts for the provision of professional services in the engineering and architectural professions;
- Lead consultant in bid preparation involving detailed consideration of all aspects of facility design and management including accommodation, dining facilities and entertainment;
- Advising on contract terms and associated disputes on consultancy contracts for the preparation of environmental impact statements;
- Preparation of contracts for construction and maintenance of residential streets for 10 years for a local government authority;
- Acting for and advising the centre manager of a large shopping centre in Brisbane CBD as to tenancy arrangements;
- Advising the promoter of a community housing project for a North Queensland aboriginal community;
- Advising a University on accommodation facilities and campus developments;
- Advising a Government Department on a probity audit plan for major private/ public office accommodation project;

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- Drawing and negotiating an intellectual property joint venture, including advice on joint venture corporate structure;
  - Development appeal regarding a multi-occupancy residential building, involving loss of privacy, loss of views and identification of boundary issues;
  - Training and advising a statutory authority on tendering strategies for undertaking external work;
  - Design and development of a Contract Administration Manual and procedures for clients;
  - Representing a sub-contractor engaged in a costly and politically-sensitive tourism development project defending an alleged pollution offence;
  - Acting in the defence of an alleged pollution offence, involving 'waste' from a commercial development causing an obstruction on neighbouring public land; and
  - Acting on a major upgrade of an electrical distribution network including tunnelling and restoration
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*Doyles can provide tailor made training programmes*

*to suit your company's individual needs.*

## **Workshops, Seminars and Conferences**

Doyles can provide tailor made training programmes to suit your company's individual needs.

We prefer to conduct contract management and other legal or industry-related training in-house.

Participants are then free to discuss their organisation's particular issues and processes amongst the group.



*Doyles Construction Lawyers regularly contribute  
to various industry publications and papers.*

## **Publications, Papers & Seminars**

In 1990, a major early work in the international application of alternative dispute resolution (ADR) was published by CCH. This work was a two-volume service, "DOYLES Dispute Resolution Practice North America" and "Doyles Dispute Resolution Practice Asia Pacific". Mr Jim Doyle was a consultant editor of that work.

### **ii. Papers & Seminars**

Members of the firm have delivered a number of papers. These are some of them:

#### ***Contract – Prevention is Better Than Cure:***

A paper that focused on the advantages obtained by satisfactory drafting of the construction contract.

#### ***Survive and Thrive***

A paper outlining the obligations of project managers, delivered to a major conference on construction law.

#### ***Legal Aspects of Joint Ventures***

A paper focusing on the joint venture as a vehicle for undertaking domestic and international projects.

#### ***Future Trends in Resolving disputes – an Asia Pacific Perspective***

A 1992 paper which, amongst other things, directed the industry to the localised dispute resolution procedures in place in the Asia Pacific Region.

#### ***How to Achieve Cost Effective and Speedy Settlement of Legal Claims***

A paper which substantially dwelt on the

benefits of ADR and was delivered in Brisbane as part of a commercial disputes seminar.

#### ***New Frontiers in Documentation***

A detailed review of fast-track, guaranteed maximum price and incentive driven contracts delivered at the IES Conference.

#### ***Project Management Contracts***

A course paper dealing with, amongst other things, how an architect manages their role as a project manager, delivered to the Royal Australian institute of Architects.

#### ***Litigate or Settle?***

A paper which concluded that the decision to choose litigation or settlement was a risk management decision.

#### ***Construction Law Workshop***

A hands-on workshop, conducted by the Doyles Construction Lawyers partners from both Sydney and Brisbane. The workshop introduced participants to the most effective presentation of claims and gave the participants examples of commonly experienced site problems to hone their skills.

#### ***The Role of the Project Manager in the Tender Process***

A review of the nature, development and analysis of a tender and, in particular the advantages of a project manager applying his or her skills. Delivered at the State conference of the Australian institute of Project Management.

#### ***Contracting out Legal Aspects***

A paper presented to the Conference of the Institute of Municipal Engineering Association of Queensland.



***Effective contract Management Seminar***

The Tendering Process – Implications for Effective contract management delivered in Melbourne, Sydney and Brisbane.

***Building Code of Australia***

Insurance, Legal and Ethical Implications of the New Amendments, a paper delivered to the chartered Institute of Building Services Engineers.

***Copyright and Construction Projects***

A paper delivered at a Business Law Education Centre seminar.

***The Life Cycle of a Construction Claim***

A seminar delivered at a Business Law Education Centre seminar.





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