

Simon Forsterling

Consulting Principal

Bachelor of Laws
Bachelor of Engineering (Civil) (Hons)



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Areas of expertise

Construction Contracts
Supply Agreements
Contract Administration
In-house Commercial Adviser

Overview

Simon is a Consulting Principal and a senior member of the construction and infrastructure team. He has significant experience in all areas of construction law, having worked extensively as both a civil engineer and a construction lawyer over the past 15 years. As a result he brings a unique and highly articulated understanding of the construction industry to every client interaction.

Expertise

Construction Contracts

Simon is an intelligent and hands-on lawyer and civil engineer with 15 years' experience working in the construction industry. He has strong technical (legal) and practical (commercial) skills in delivering the full spectrum of contracts required to successfully build a project.

Simon has spent the last 10 years as an in-house legal adviser to construction contractors and building materials companies. This coal-face experience means his ability to relate the terms of the contract to what is happening on the ground are excellent. His skills also include dispute avoidance and resolution, management of insurance claims and construction contract education and training programs.

Simon strongly believes that implementing rigour upfront to establish the contract framework and required relationships is imperative. These foundations ensure sound administration and are the key to successful project outcomes. This diligent approach also assists with on-going project management and dispute resolution.

In-house advice

Simon puts strong relationships at the centre of all client interactions. This relationship approach means Simon is accustomed to working closely with everyone from the directors to the site supervisors. He has broad experience working with all parties across project development and delivery in the construction industry, including; designers, owners, builders, contractors, subcontractors, suppliers and consultants.

Simon's broad experience and diligence means that he truly values the unique facets of every contract. He understands that there is no one size fits all approach to the allocation of contract risk, and has the practical experience to make sure that those risks that matter to the client are properly addressed.

Career Highlights

- Sole legal adviser for Burton Contractors during a period of significant growth and successful performance of large contracts including:
 - \$85m Great Western Highway Upgrade at Kelso for RMS;
 - \$50m Port Botany Development for Sydney Ports;
 - 2,000 lot residential subdivision for UrbanGrowth NSW.
- As the go-to adviser for supply and construction contract preparation and review for Boral, and the legal adviser for Burton Contractors Simon has:
 - Reviewed 1,000+ building and construction contracts;
 - Drafted a full suite of template bespoke construction agreements;
 - Prepared 500+ subcontracts, supply agreements, consultant agreements.
- Drafting contract changes to various forms of head contract (in-house, modified forms of AS4000, AS2124, GC21...) and preparing contract correspondence under these contracts, including as examples:
 - for complex claims for payment for latent conditions;
 - for contested payment of margins on provisional sum items;
 - to avoid liquidated damages claims for delayed completion.

