

Ben Robertson

Partner

National Practice Director -
Construction & Infrastructure



Contact Details

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Qualifications

Bachelor of Laws

Bachelor of Arts (Psychology)

Areas of Expertise

Construction Contracts

Building and Construction Litigation
and Resolution

Adjudications under Building and
Construction Industry Security of
Payment Act 1999 (NSW).

Australian Consumer Law
Compliance

Commercial Litigation

Overview

Ben has practised both within in-house environments (working for a project home builder with a footprint in NSW, Queensland and Victoria) and in private practice, acting for developers, builders, subcontractors, and property owners in relation to construction law matters.

Ben has acted for clients in the NSW Civil and Administrative Tribunal, NSW courts, Victorian Civil and Administrative Tribunal, Victorian courts, and Federal courts.

Expertise

Building and Construction Law

Ben's practice involves both 'front-end' and 'back-end' legal services for construction projects. From a 'front-end' perspective, this includes assisting clients with the tender process for construction projects, and drafting and negotiating construction contracts, subcontracts, supplier agreements and purchase order terms and conditions – and from a 'back-end' perspective, this includes advising in relation to issues during a project's construction phase (e.g. extension of time claims, contract variations, delay damages claims, liquidated damages claims, payment claim disputes), and advising in relation to issues post completion (e.g. building defect claims, payment disputes).

Career Highlights

- Drafting and negotiating design and construct contracts for a residential projects arm of a construction company operating in NSW, Victoria and Queensland, including tender process and contract negotiation, procurement/supplier contracts, subcontracts, purchase order terms and conditions.
- Preparation of design and construct contracts and construction-only contracts for mixed use residential/commercial projects and residential projects in NSW including:
 - Design and construction contract for mixed use project with 120+ apartments and ground floor retail tenancies in NSW
 - Construction contract for upgrade to Sisters of Poor Clares convent, construction contract for Mary MacKillop Museum South Australia for Sisters of St Joseph of the Sacred Heart
 - Design and construct contract for St Columba's College Victoria, façade upgrade remediation works contract for 100+ scheme in NSW
- Drafting subcontractor contracts and superintendent contracts for construction projects in NSW.
- Providing advice to construction industry stakeholders in connection with claims pursuant to the Building and Construction Industry Security of Payment Act 1999 (NSW).
- Representing clients in NSW Civil and Administrative Tribunal, Supreme Court NSW, District Court NSW, Local Court NSW in construction and building disputes, including extension of time claims, liquidated damages claims, and defect claims.
- General Counsel and Company Secretarial duties for project home builder group, including 6 corporate entities across NSW, Victoria and Queensland – preparation of board papers, ASIC compliance, overseeing annual audits, maintaining delegation of authorities across different levels within the business.
- Training for separate divisions within a project home builder group including Marketing Team, Customer Service Teams, Construction Team, Warranty Team in connection with Australian Consumer Law Compliance, key terms in contract suites, changes to Building Code of Australia, key changes to legislation and significant legal cases.

