



# CRAIG HOLMES

## Experience

### LICENSING & REGULATION

- Research and analysis of Builder for concerned homeowner where the Builder had an extensive history of failed companies and was an excluded individual under the *Queensland Building and Construction Commission Act 1991*.
- Drafting submissions to the Queensland Building and Construction Commission on behalf of an builder regarding a complaint from the owner about defective works, successfully arguing that access to the insurance scheme by the homeowner was not available and that no direction should be issued.

### CONTRACTS

- Front end construction work, including reviewing and amending Australian Standard Contracts and other bespoke contracts.
- Identifying and advising a subcontractor of the key risks in a construction contract in circumstances where the head contractor was placed into liquidation and the principal subsequently contracted directly with the subcontractor.
- Advising a New South Wales civil contractor in relation to the implications of a Queensland Cultural Heritage Agreement. The works under the Agreement were complex and sensitive as they were undertaken at an Aboriginal heritage protected site. If there was a discovery during the works of a 'find' under the Agreement defined broadly as anything that is a significant Aboriginal area or a significant Aboriginal object or evidence of archaeological or historical significance of Aboriginal occupation of an area, the works were required to be treated in a certain way. This meant that the contract had to reflect the possible implications to the timing of the works and possible delays due to discovery of these 'finds'.
- Preparing tender documentation for a rail construction company to undertake maintenance on rail and government infrastructure. The contractor had an ongoing relationship with one of Australia's largest rail freight operator and involved negotiation on the terms to ensure the continued working relationship.
- Advising on the terms of a subcontract and the implications where a Subcontractors' Charge was lodged with the contractor company then placed into external administration.
- Regular in-house attendance at one of Australia's leading energy generator companies, providing advice on key contractual issues, reviewing and amending contracts, and conducting contract training workshops.

## EXPERTISE

Craig is a lawyer with a firm focus on building a career as a construction industry expert. He has solid experience in front end contract reviews having worked in house for a contractor operating in the energy sector with high volume and high value projects. He has worked on construction litigation matters involving local government projects as well as multi party disputes in the Supreme Court.

## QUALIFICATIONS | MEMBERSHIPS

- Admitted as a solicitor of the Supreme Court of Queensland, 2017
- Bachelor of Laws, Queensland University of Technology, 2016
- Member, Queensland Law Society
- Corporate member, Master Builders Queensland





**CRAIG IS A LAWYER WITH A FIRM  
FOCUS ON BUILDING A CAREER AS A  
CONSTRUCTION INDUSTRY EXPERT**

### ADJUDICATION | SECURITY OF PAYMENT

- ✔ Drafting Payment Claims, Payment Schedules, section 20A Notices, and assisting with Adjudication Applications under the *Building and Construction Industry Payments Act 2004 (Qld)*.
- ✔ Commencing proceedings against a company where no payment schedule served pursuant to the *Building and Construction Industry Payment Act (Qld)*.
- ✔ Adjudication involved claims for work under contract, variations and over a thousand items of defective works the subject of back charges.
- ✔ Gathering evidence in support of an adjudication response prepared for a local council.
- ✔ Drafting an application for costs in QCATA for a complex home warranty insurance matter involving the Queensland Building and Construction Commission which spanned more than 10 years.

### LITIGATION

- ✔ Acting on behalf of homeowners in a dispute with a Builder involving a complex termination which required expert evidence to establish that the building works were defective and not in accordance with the relevant laws.
- ✔ Back end construction work, including drafting court documents; preparing briefs to counsel, assisting Counsel and Queen's Counsel in the Magistrates, District and Supreme Courts, drafting short letters to clients and opposing solicitors, drafting affidavits.
- ✔ Attending client interviews/meetings in anticipation of litigation.
- ✔ Undertaking legal research and drafting memoranda for inclusion in legal advice to clients on prospects and damages.
- ✔ Assisting a subcontractor in lodging Subcontractors' Charges against a large construction company who was later placed into external administration and giving advice as to commencing proceedings and leave to proceed.

