



EARL TAN

Experience

EDUCATION & TRAINING

- Presenting training sessions to clients on the contractual administration of projects, both specifically to major contracts and as a matter of best practice in all projects.
- Training on operation and application of security of payment reforms and practical implications for engineering firm client.
- Co-presenting to major council as to innovation in the construction sector and building smart cities.
- In-house training for contractor client to overhaul contract administration processes to better secure flow of funds.

LICENSING & REGULATION

- Conducting administrative review files for the Queensland Building and Construction Commission including assisting with advice at the initial decision making and internal review phase right through to appearing and advocating in multiple day hearings before the Queensland Civil and Administrative Tribunal largely in relation to reviewable decisions set out in section 86 of the *Queensland Building and Construction Commission Act 1991*.
- Assisting the certification department of the Queensland Building and Construction Commission with the conduct of various high profile and complex review decisions regarding unsatisfactory conduct and professional misconduct by certifiers in breach of the Building Act.
- Providing advice to the Commissioner of the Queensland Building and Construction Commission regarding the exercise of statutory powers in relation to issuing Public Warnings, including providing advice to various departments of the Commission on operational issues.
- Appearing in the Queensland Civil and Administrative Tribunal in relation to administrative review proceedings for various decisions of the Queensland Building and Construction Commission including directions to rectify, permitted individuals, license suspensions, cancellations and conditions and insurance decisions.
- Advising the government regulator internally regarding risks and the exercise of the Regulator's powers under the *Queensland Building and Construction Commission Act 1991*.

EXPERTISE

Earl is the Legal Practice Manager of Helix Legal with over 10 years' experience specialising in construction law. Working exclusively in the construction field his entire career, he has extensive experience in all aspects of dispute resolution specifically construction projects which include claims under the security of payment legislation across Australia.

Earl has worked in house for private clients attending to drafting, reviewing and negotiation of contracts, agreements and documents. Earl has applied contract management and administration plans across businesses to ensure on time and on budget delivery of projects, provided training to project managers and executive teams and provided key contract negotiation training. Earl's experience in working on some of the largest construction disputes in Queensland gives him a useful insight for front end services and support.

Earl has extensive experience in all forms of dispute resolution specifically regarding construction and infrastructure projects including mediation, arbitration, litigation and claims under the security for payment legislation nationally.

Utilising his ability to quickly comprehend complex construction and engineering concepts in combination with a solid legal and commercial background, Earl has contributed to the resolution of a number of complex construction disputes on favourable commercial terms for his clients.

As a Senior Principal Lawyer at the Queensland Building and Construction Commission, Earl previously advocated for the Commission in relation to administrative review proceedings in the Queensland Civil and Administrative Tribunal and appellant proceedings in the Queensland Civil and Administrative Appeals Tribunal. He also provided advice to the Commissioner, the Commission's Executive Leadership Team and staff in relation to various legal and operational issues and advised appropriate strategies and actions. In particular, Earl provided advice regarding contract termination in many difficult circumstances, including when both parties were represented by senior construction practitioners.

During his time in private practice, he was promoted to senior associate at a national firm with one of the largest specialist construction practices in Queensland. He is a skilled litigator having appeared across all jurisdictions and has assisted many clients in striking a deal without the need for court. He has worked with leading national and international construction companies, major commercial and domestic builders, developers and project managers involved in projects in the mining, infrastructure and real estate sectors.

QUALIFICATIONS | MEMBERSHIPS

- Admitted as a solicitor of the Supreme Court of Queensland, 2011
- Bachelor of Laws (Hons), Griffith University, 2010
- Member, Queensland Law Society
- Corporate member, Master Builders Queensland





EARL IS A SKILLED LITIGATOR AND HAS ASSISTED MANY CLIENTS IN STRIKING A DEAL WITHOUT THE NEED FOR COURT

ADJUDICATION | SECURITY OF PAYMENT

- Acting on behalf of both Claimants and Respondents in the adjudication process under the *Building and Construction Industry Payments Act 2004 (Qld)*.
- Acted for Australian subsidiary of a Fortune 100 company in relation to complex adjudication proceedings.
- Preparing a complex Adjudication Response on behalf of a local council which included disputed works under contract claims and 20+ disputed variations.
- Acted for the Respondent developer on the 77 level Soul Project on the Gold Coast involving large consecutive adjudications over a period of several months.
- Acted for a civil contractor through adjudication, mediation, arbitration and Federal Court proceedings in relation to major civil pipeline construction projects in Western Australia.
- Providing advice in relation to entitlements and preparing claims, schedules, applications and responses under the security of payment legislation nationally.
- Instructed senior and junior counsel in relation to challenges of adjudication decisions before the Supreme Court of Queensland.
- Advice to contractor client on enforcement of judgment debt.

LITIGATION

- Acting on behalf of 198 individual plaintiffs and the Body Corporate in relation to a claim for negligent construction against the builder of a prominent Brisbane CBD high rise apartment.
- Advising and acting on large construction disputes in the Supreme Court of Queensland and the Federal Court of Australia involving a variety of issues including defective work claims on mining sites.
- Acting on behalf of a large electronic systems contractor on the \$1.2 billion Victorian Comprehensive Cancer Centre involving complex delay and disruption claims and programming evidence.
- Acted on dispute in relation to a security systems subcontract involving a maximum-security prison in the Northern Territory, resulting in complex adjudication proceedings and advice in relation to substantive proceedings.
- Acted for a civil contractor in relation to major civil pipeline construction project in Western Australia involving adjudications, mediations, a commercial arbitration and substantive Federal Court proceedings.
- Attending mediations and without prejudice settlement conferences to produce commercial results for the client.
- Critically analysing decisions of Tribunals and adjudicators to advise on prospects of appeal.

CONTRACTS

- Providing day to day contract management, risk analysis and project advice to one of Australasia's leading heavy electrical equipment and energy solutions suppliers on various tender responses and agreements for the provision of goods and services for use in the mining, oil and gas and water industries, including gas flaring, diesel and gas power, pumping and lighting solutions.
- Advising a large council in relation to new non-conforming building products laws. Assisting with co-ordination of specialist fire consultants and providing advice as to the best way forward while maintaining ongoing progress with the build.
- Drafting bespoke contracting suite for playground construction and landscaping contractor, specialising in "risky play" and sustainable and educational habitats bringing unique risk and liability challenges from a contracting perspective.
- Advising an indigenous shire council regarding potential probity breaches and providing commercial and practical solutions for rectification of the potential breaches, including communications with the relevant contractor.
- Providing local council with advice and guidance in relation to its dealings with the Queensland Building and Construction Commission and Queensland Fire and Emergency Service.

