



JONATHAN MILISZEWSKI

Experience

LICENSING & REGULATION

- Advising clients on matters in relation to the Queensland Building and Construction Commission Dispute Resolution process.
- Assisting in the attainment of open builder licence and giving advice and support as to obligations.
- Advising on licensing ramifications of insolvency event to a formwork subcontractor.

CONTRACTS

- Drafting tender documentation for a maintenance project undertaken on government rail infrastructure.
- Drafting a Cultural Heritage Agreement for the Cherbourg Wastewater Treatment Upgrade Project with the Queensland State Government. This project was complicated by its location in the vicinity of Aboriginal artefacts and the need for Aboriginal cultural heritage monitors to inspect and control the works, which had implications on the construction program, suspensions potentially imposed by the monitors and delay damages.
- Drafting bespoke contractual clauses in consideration of relevant and applicable legislation, such as in accordance with Australian Consumer Laws.
- Advising residential builders and homeowners of the contractual risks prior to agreement including drafting clauses, negotiating amendments and reviewing and considering proposed clauses from opposing parties.
- Preparation and assistance in drafting contractual suites for various regional councils, in particular the drafting of notices to be used in the administration of parties in all council projects.

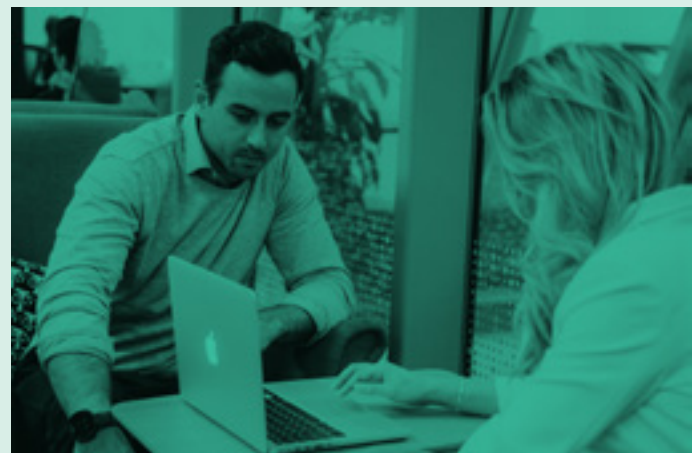
EXPERTISE

Jonathan is a lawyer, experienced in providing legal services exclusively to the construction industry with a track record in both Australia and in the United Kingdom. Prior to coming on board with Helix Legal, Jonathan started out in the construction team at a multinational law firm in the United Kingdom, before returning to Australia to work as a solicitor. He is experienced in advising on the commercial resolution of payment disputes including acting for both claimants and respondents in matters under the *Building and Construction Industry Payments Act 2004 (Qld)*.

Jonathan is also experienced in providing industry players with advice on their exposure to liability in litigation and the apportionment of risk existing in construction contracts no matter the scale.

QUALIFICATIONS | MEMBERSHIPS

- Admitted as a solicitor of the Supreme Court of Queensland, 2017
- Bachelor of Laws, Queensland University of Technology, 2015
- Member, Queensland Law Society
- Corporate member, Master Builders Queensland





JONATHAN HAS AN EYE FOR RISK ACROSS CONSTRUCTION CONTRACTS NO MATTER THE SCALE

ADJUDICATION | SECURITY OF PAYMENT

- ✔ Pre-adjudication strategies including resolving payment disputes through corresponding and negotiating with opposing parties and through other non-litigious methods.
- ✔ Advising clients of the proper preparation of payment claims necessary for service on respondents to enliven the operation of the *Building and Construction Industry Payments Act 2004 (Qld)*.
- ✔ Preparation of second chance notices issued to respondents under section 20A.
- ✔ Preparing evidence in support of a complex claim for an adjudication for a local council.
- ✔ Working as part of a 5 lawyer project team in preparation of an adjudication application.
- ✔ Preparing education and training program for a contractor to facilitate contract administration changes in preparation for security of payment reform.

LITIGATION

- ✔ Advising in Supreme Court proceeding involving 5 plaintiffs and 2 defendants.
- ✔ Advising contractors on the resolution of disputes arising under Part 5.7B of the *Corporations Act 2001 (Cth)* including the prospects of success in litigation.
- ✔ Advising contractors on the right to claim a charge on money payable pursuant to the *Subcontractors' Charges Act 1974 (Qld)*.
- ✔ Experienced in the full cycle of the litigation process including providing comprehensive advice to clients, corresponding with opposing legal representatives, briefing counsel, drafting court documents and appearing on behalf of clients.
- ✔ Advising the industry regulator on appeal proceedings brought in the Queensland Civil and Administrative Tribunal concerning the right to access the statutory insurance scheme.
- ✔ Drafting of applications brought in the Queensland Civil and Administrative Tribunal against a contractor who had undertaken defective building works.

