



HEIDI AVOLIO

DIRECTOR AND HEAD
OF NORTH QUEENSLAND

PERSONAL PROFILE

Heidi Avolio is a specialist construction lawyer with a wealth of experience on a range of diverse building and large-scale infrastructure projects, ranging from high-level dispute work and litigation to contract advice and drafting. With 17 years of experience, Heidi is well versed in commercial and litigation practices, having worked in both private practice and as in-house legal counsel.

EXPERTISE

Heidi is an experienced construction lawyer who leads Helix Legal's North Queensland operations. She provides advice and assistance on the full breadth of construction issues across all client types including Local and State Government clients, Principals and Developers, Head Contractors and Subcontractors on large infrastructure and building projects.

CONTACT INFO

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CONTRACTS EXPERTISE

- Ongoing contract administration assistance in relation to a large-scale pipeline projects involving contracts exceeding \$25 million, including weekly project meetings to discuss and address project issues and contract administration requirements, including to assist and draft contractual notices.
- Drafting user friendly and client specific tables of contract administration requirements, setting out timeframes and notice procedures along with the contract notices to assist clients with the contractual compliance to save them time and money on their infrastructure and building projects.
- Assisting in drafting contract suites for regional clients, including bespoke contracts and amending Australian Standard contracts.
- Providing advice and contract drafting to Local Councils on various contractual arrangements, including in the area of probity and procurement to ensure compliance with legislative requirements.
- Preparation of back-to-back subcontracts to pass on risk under the head contract.
- Preparation of contract risk reviews with advice and suggested contractual amendments for principals and Contractors, including Local Councils.
- Drafting contract documents, notices of dispute and responses for Principal Contractors and local governments on large infrastructure projects.

EXPERIENCE



CONTRACT
DRAFTING



DISPUTE
RESOLUTION



CONTRACT
NEGOTIATION



COMMERCIAL
ADVICE



CONTRACT
ADMINISTRATION



EDUCATION &
TRAINING

EXPERTISE

Heidi Avolio is a Director and Head of North Queensland Helix Legal with over 17 years post admission experience in both private practice and as in-house counsel. Heidi has significant experience in commercial dispute resolution and litigation practices, primarily in building and construction. She acts in our hybrid team advising in project management and risk mitigation and in our “back end” construction dispute resolution team. Heidi has a particular focus on assisting parties resolve construction disputes early and efficiently and without the need for litigation. She has significant experience in Security of Payment legislation, acting for various clients in adjudication matters. Heidi acts for a broad range of clients from Local Governments, State Hospitals, Port Authorities, Principals and Head Contractors on large infrastructure projects and also for Subcontractors on smaller commercial projects.

Heidi has extensive experience in drafting, reviewing and negotiating construction contracts, agreements, contract related documents and correspondence. She has practical project management experience working with Head Contractors and Principals on all aspects of applied contract management and administration to ensure construction projects are delivered on time and within budget. This includes providing ongoing training to project managers and executive teams on contract administration and risk management, while preparing customised contract management documents to save her clients time and money. Heidi has vast experience in all forms of dispute resolution specifically regarding construction and infrastructure projects, including negotiating by correspondence, without prejudice meetings, and formal mediations, arbitrations and adjudication applications under the Security of Payment legislation.

Utilising her ability to quickly absorb, recall, and critically analyse factual information, Heidi provides timely, accurate and cost-effective advice. She has experience in all aspects of construction disputes, including acceleration claims, delay and disruption claims, latent conditions and defects, disputes in respect of building scope and variations, contract termination, QBCC licensing and disputes for unpaid claims and for the release and/or cashing of security. Whilst Heidi is a skillful litigator, her priority is always the efficient resolution of any dispute, the minimisation of legal costs, and the commercial reality for her clients.

EDUCATION AND TRAINING

- Presenting training sessions to clients on contract administration for major projects and infrastructure, including pipelines to improve project management and risk minimisation.
- Working with Local Governments, other Principals and Head Contractors to provide advice and assistance on the changing legal landscape and identifying and minimizing practical challenges in respect of the Building Industry Fairness (Security of Payments) Act (Qld) 2017 (BIFA).
- Presenting to Local Governments and major civil Contractors on contract construction sector issues and project management.
- Providing contract course training to Housing Industry Australia (HIA) and Master Builders Queensland members.
- Training for Contractors on the practical implementation of bespoke and customised contract administration processes to minimise project risk and save Contractor’s time.

DISPUTE RESOLUTION

- Providing advice and assistance to Local Governments, Principal Contractors and Subcontractors on construction disputes, including large-scale infrastructure projects.
- Guiding a dispute towards resolution regarding defects in a major piece of community infrastructure in regional Queensland.
- Drafting advice on prospects of success in delay claims and variations claims for the Principals, Superintendents and Principal Contractors.
- Providing advice and assistance to Local Government on failed infrastructure systems (for example on major roads, pipelines and waste water treatment facilities) involving multiple contributing parties and expert opinion to assist parties negotiate resolutions.
- Representing clients in alternative dispute resolution forums to resolve construction disputes on various fronts, including matters such as payment disputes, variations claims, defective works, extension of time disputes and delay cost claims.
- Assisting clients prepare to attend alternative dispute resolution meetings themselves, including assisting clients ensure contractual compliance, preparing legal arguments and evidence for presentation at the meetings and provide clients with best/worst case scenario advice.

QUALIFICATIONS & MEMBERSHIPS

- Admitted as a solicitor of the Supreme Court of Queensland, 2006
- Bachelor of Business/Bachelor of Laws (Hons Class 1), James Cook University, 2005
- Graduate Diploma of Legal Practice, College of Law, 2006
- Practitioner's Certificate in Mediation, Institute of Arbitrators and Mediators Australia
- Emerging Leaders Program, Townsville Enterprise, 2018
- Legal Practice Management Course, Queensland Law Society, 2018
- Member, Queensland Law Society
- Corporate member, Master Builders Queensland
- Former Vice President and Secretary, Townsville Business Women's Network, 2007-2010
- Former Vice President and Secretary, Townsville Business Women's Circle, 2016-2018
- Corporate Member, National Association of Women in Construction (NAWIC)
- Bronze Member, Townsville Enterprise Limited

ADJUDICATION AND SECURITY OF PAYMENT

- Providing strategic advice and assistance in the preparation of payment claims for major infrastructure pipeline projects experiencing delay and testing failure.
- Acting for both claimants and respondents in various payment disputes.
- Acting for Local Government to successfully defend, on a jurisdictional basis, two complex adjudication applications exceeding \$1.3 million brought on the same day by an unlicensed contractor. This involved drafting voluminous statutory declarations in respect of a 5-year project period over two project management services contracts and various projects delivered by the Local Government.
- Providing advice to clients, preparing payment claims and payment schedules in compliance with BIFA.
- Providing pre-adjudication advice and dispute resolution strategies to settle disputes to avoid the need for and costs of adjudication and litigation.
- Acting for various Contractors in adjudication applications, including drafting supporting evidentiary material and legal arguments.
- Acting for a Subcontractor in cool school state education project by preparing adjudication documentation.
- Acting for a Principal in a private childcare centre project in the preparation of adjudication response material.
- Acting for a Head Contractor in the preparation of payment claims for substantial variations, acceleration and delay claims for multi-tenant shopping centre redevelopment.
- Enforcing judgment following successful adjudication applications.
- Assisting Head Contractors resolve a dispute with TMR resulting from significant principal design changes and project delays outside of the control of the Head Contractor on new road and bridge.

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ARBITRATION

- Providing advice and assistance to a developer of a major homemaker centre, including providing advice and assistance on prospects, briefing counsels, drafting legal arguments and evidence to obtain a successful arbitration decision of approximately \$1.8 million.

LICENSING & REGULATION

- Providing advice to Local Government on the Contractor's Queensland Building and Construction Commission (QBCC) licence requirements, including the application of and effect of the QBCC Act 1991 and QBCC Regulation 2018, and the Contractor's ability to recovery payment.
- Advising new entrants to the Queensland construction industry on licensing and regulatory obligations specific to Queensland.

LITIGATION

- Acting in the firm's largest value litigation matter, a Supreme Court claim exceeding \$15.8 million, including advising and assisting on multi-faceted construction concepts and unprecedented QBCC licence issues.
- Acting in a multi-million dollar litigation in the Supreme Court for a Local Contractor on a major infrastructure project for contractual breaches by the Principal, unpaid variations and quantum meruit claims, resulting in an out of court settlement.
- Acting in a multi-million dollar litigation in the Supreme Court for the Head Contractor in a large delay cost claim involving a 10-storey unit development.
- Successfully defending a Principal in having a Subcontractor's charge discontinued in the Supreme Court.
- Acting for a Local Government in a dispute involving defective construction of an aerodrome, including briefing aeronautical pavement engineering expert and attending without prejudice settlement discussions resulting in an out of court settlement.
- Acting for a Local Government client to provide advice and assistance regarding a defective waste water treatment system and claims for release of security, including drafting various contract notices and assisting the client in without prejudice dispute resolution discussions resulting in a settlement of the dispute.
- Advising a Local Government owned corporation through a dispute with a non-performing Contractor and avoiding litigation while enforcing defect rectification of non-conforming work.
- Advising a Contractor in the recovery of delay and disruption claims.
- Acting for a Local Government client to defend an unlawful termination claim in respect of a waste water treatment system.
- Acting for a private developer in relation to Supply Cost Relief claims on a childcare development project.
- Acting for major Contractors in various originating applications seeking urgent injunctive relief in the Supreme Court.
- Acting for and against various parties in applications for injunctions to restrain recourse to security.
- Enforcing judgements, including applying for enforcement warrants for the seizure and sale of property.
- Acting for Subcontractors, Contractors and developers to recover monies outstanding, including, where appropriate, by the issuing of statutory demands, commencing proceedings following adjudication and commercial negotiation.

CONTRACTS

- Acting for various clients from Local Governments, state hospitals and health services, Principals, Head Contractors and Subcontractors in the preparation of contract risk reviews, including negotiation of contract departures and bespoke special conditions.
- Drafting tender documentation for a major civil Contractor for large-scale pipeline infrastructure projects, including providing advice on and practical assistance with tables of suggested contractual departures.
- Advising on, negotiating, and drafting contractual departures for the full range of Australian Standard Contracts for various commercial clients and differing construction projects.
- Acting for state hospital and health service to provide advice, assistance and contractual negotiations with 40 engineering panelists to amend the existing panel consultancy agreements and exercise an optional extension for each panel member for a further 12 months.
- Attending weekly project meetings with major civil Contractor to assist with day-to-day project issues to ensure contractual compliance and contract administration compliance to avoid disputes and limit risk exposure.
- Provide advice and assistance and contractual drafting for Local Government and responding to major commercial Contractors tender contract departures in the major redevelopment of recreational shore line project.