

Mardi Conduit

Barrister

Address	Edmund Barton Chambers 72 Wright Street Adelaide SA 5000
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Admitted	Supreme Court of South Australia - December 2002
Joined the Bar	October 2019

Career History

Barrister	Edmund Barton Chambers October 2019 - Present
General Counsel	E&A Limited April 2016 – October 2019
Partner	Fenwick Elliott Grace Construction & Engineering Lawyers April 2008 – April 2016
Senior Associate	Camatta Lempens Lawyers March 2001 – April 2008

Qualifications

Bachelor of Law *with Honours*, The University of Adelaide, 2001

Graduate Diploma in Legal Practice, Law Society of South Australia, 2002

Bachelor of Arts (International Studies), The University of Adelaide, 1999

Honours Degree (First Class), Bachelor of Arts, College of William and Mary, Williamsburg, Virginia, USA and The University of Adelaide, 2000

Board & Committee Experience

Current

Construction Industry Training Board (CITB), Deputy Member	June 2020 - Present
Accredited Purchasing Unit, Premier and Cabinet and Treasury and Finance	June 2016 – Present
Federal Court Liaison Committee	2014 - Present

Board & Committee Experience (cont.)

Previous

Law Council, Construction and Infrastructure Law Committee	2008 - 2016
Civil Litigation Committee, Law Society of South Australia	2010 – 2016

Examples of Litigation, Arbitration and Adjudication Experience

Construction & Engineering Examples

- Ottoway Engineering Pty Ltd v McConnell Dowell Constructors (Aust) Pty Ltd - \$15M Arbitration Claim - construction of a gas compressor station at Roma for the Gladstone LNG Project.
- Ottoway Engineering Pty Ltd v Pooncarie Operations Pty Ltd - \$13M Claim in the New South Wales Technology & Construction List - construction of a floating wet concentrator at Snapper Mineral Sands Mine.
- Australian Competition & Consumer Commission v Tasman Rope Access Pty Ltd – Alleged Cartel Conduct on FMG sites in the Pilbara.
- Fabtech Australia Pty Ltd v Laing O'Rourke Australia Construction Pty Ltd - \$5M Adjudication Claim and Judicial Review proceedings in the Supreme Court of Queensland - GE Power & Northern Water Treatment Plant for the Gladstone LNG Project to extract and pipe coal seam gas.
- Ottoway Engineering Pty Ltd v Air Liquide Australia Solutions Pty Ltd - \$8M Arbitration Claim – Construction of an Oxygen Plant as part of the Nyrstar Upgrade Project at Port Pirie.
- ICE Engineering & Construction Pty Ltd v McConnell Dowell Constructors (Aust) Pty Ltd - \$5.5M Arbitration Claim - Works on the Ore Car Repair Shop project at the BHP Billiton Iron Ore Non Process Infrastructure site in Mooka, 30km from Port Hedland Western Australia.
- Aalborg CSP A/S v Ottoway Engineering Pty Ltd – Security of Payment Claim; Summary Judgment (granted); Full Court Appeal (*Aalborg CSP A/S v Ottoway Engineering Pty Ltd* [2017] SASFC 158) – Construction of a solar-thermal-desal-energy system at Sundrop Farms, Port Augusta.
- Ottoway Engineering Pty Ltd v ASC AWD Shipbuilders Pty Ltd - \$1M Arbitration Claim and Single Judge/Full Court Supreme Court Appeals (*Ottoway Engineering Pty Ltd v ASC AWD Shipbuilders Pty Ltd* [2017] SASC 69; *ASC AWD Shipbuilders Pty Ltd v Ottoway Engineering Pty Ltd* [2017] SASFC 150) - claim for payments arising out of a contract to build the Air Warfare Destroyers.
- Fabtech Australia Pty Ltd v Exact Contracting Pty Ltd - \$330k Security of Payment Claim; District Court claim for Summary Judgment (*Fabtech Australia Pty Ltd v Exact Contracting Pty Ltd* [2017] SADC 44) – supply ad installation of geomembrane liner for dam at Seppeltsfield Winery.

- Earthtec Pty Ltd v Queensland Government (DTMR) - \$8M Adjudication Claim - Kennedy Highway upgrade Project involving Kuranda Range Slope Stabilisation Works.
- Power and Water Corporation (NT) v Tomazos Group Pty Ltd - substantial claims arising from damage to electrical and water services infrastructure caused by failure to stabilise an excavated wall and its subsequent collapse at Harvey Street, Darwin.
- Pacifico Joint Venture (Acciona Infrastructure Australia Pty Ltd and Ferrovial Agroman (Australia) Pty Ltd) v various subcontractors - claims on a \$950M project to upgrade a 20 km stretch of the Pacific Highway in NSW.
- Department of Infrastructure (NT Government) – acting for the NT Govt in relation to the Umbakumba Rd dispute over the construction and renovation of a road on Groote Eylandt and in relation to the construction of the Darwin Marine Supply Base and its dispute with the builder, John Holland Pty Ltd (now Territoria Civil) for claims by the builder of \$38M in excess of the contract sum.
- BMD Constructions Pty Ltd v South Australian Water Corporation; and BMD Constructions Pty Ltd v TC Formwork Pty Ltd - claims arising from the Christies Beach Waste Water Treatment Plant Civil Works Project.
- AGC Industries Pty Ltd v Orora Pty Ltd - \$6M Adjudication Claim - G1 Furnace Rebuild Contract at Gawler.
- Complete Steel Pty Ltd v John Holland Pty Ltd and MacMahon Contractors Pty Ltd and Leed Engineering and Construction Pty Ltd Joint Venture trading as Urban Superway - \$4M Adjudication Claim - South Road Superway Project.
- Built Environs Pty Ltd v Tali Engineering Pty Ltd - Adjudication Claim and subsequent Judicial Review proceedings in the Supreme Court of South Australia (*Built Environs Pty Ltd v Tali Engineering Pty Ltd* [2013] SASC 84) - construction of retail development known as Woolworths Walkerville.
- Kennett Pty Ltd v J & S Janssen Bricklayers & ors - Adjudication Claim, Judicial Review proceedings and subsequent litigation in the Supreme Court of South Australia (*Kennett Pty Ltd v Janssen & Anor* [2014] SASC 164) - Construction of the Padman Health Care Facility at Lockleys.
- AGC Projects Pty Ltd v Delnote Constructions Pty Ltd (Receivers & Managers Appointed) (In liquidation) - Adjudication Claim and Judicial Review proceedings in the Supreme Court of South Australia -Construction of the Zen Apartments on Flinders Street.
- 21st Century Developments Pty Ltd v Linke Development Pty Ltd in litigation including a Supreme Court Appeal for summary judgment pursuant to section 15(4) of the *Building and Construction Industry (Security of Payments) Act 2009* (SA) (*Linke Developments Pty Ltd v 21st Century Developments Pty Ltd* [2014] SASC 203) - Construction of the Woodcroft Shopping Centre.
- Ashford Apartments Pty Ltd v Commercial & General Projects Pty Ltd -Construction of the Ashbrook Apartments (Retirement Living) on Anzac Highway at Ashford.

- Austec Building Automation Pty Ltd v Pindan Contracting Pty Ltd - claims arising out of installation of the Building Maintenance Systems at the Campbell Defence Barracks and the Stirling Defence Barracks in Western Australia.
- Schiavello (SA) Pty Ltd v Batur Pty Ltd and Carmel Tranfa as Trustees for the Criterion Property Trust - Construction of the Electra House Project on King William Street, Adelaide.
- Promptair Pty Ltd v Schneider Electrics Buildings Pty Ltd - claims for defective Building Maintenance Systems on the Tonsley TAFE Project and the Tonsley Flinders University Project.
- Ballestrin Construction Services Pty Ltd (a division of McMahon Services Australia Pty Ltd) v Badge Constructions Pty Ltd - \$1.5M District Court Claim -Construction of the Fairview Green Shopping Centre, Fairview Green.
- Administrators of All Civil NT Pty Ltd - claims arising from the Goyder Road upgrade against Norbuilt Pty Ltd.
- Candetti Constructions Pty Ltd - a variety of subcontractor claims in the Supreme Court of South Australia arising out of a design and construct contract for the State Aquatic Centre and GP Plus Healthcare Facility which was a \$130m crown development of public infrastructure.
- Candetti Constructions Pty Ltd v Bardavcol Pty Ltd - Supreme Court of South Australia Proceedings - Construction of the RAAF Base Edinburgh pursuant to a \$20m Department of Defence Contract.
- Candetti Constructions Pty Ltd v Flinders Ports Pty Ltd - Federal Court of Australia Proceedings - Construction of a \$17m, 80,000 tonne Sulphur Storage Facility at Port Adelaide.
- Representing private developers of apartments on Tam O'Shanter Place, Adelaide in relation to District, Supreme and ERD Court Proceedings against the builder and the Adelaide City Council (*Unique Building Pty Ltd ACN 008 107 837 v Brown and Anor* [2010] SASC 106).

General Commercial Litigation

- Auspress Systems Pty Ltd v Cassidy & Ors – Supreme Court Application for Pre-Action Discovery and Cross Examination of Deponent to an Affidavit on Oath – Potential claims for breach of confidential information and post-employment restraint of trade obligations.
- Hitchcock v ICE Engineering & Construction Holdings Pty Ltd & Ors – Supreme Court Claim for breach of Share Sale Agreement and payment of additional earn-out entitlements.
- Ottoway Engineering Pty Ltd v Westpac Banking Corporation – Federal Court Application to restrain enforcement of a Bank Guarantee for \$1M (*Ottoway Engineering Pty Ltd v Westpac Banking Corporation* (No 3) [2017] FCA 1500).
- RAA v O'Halloran & Ors – District and Supreme Court Proceedings (on Appeal) – claim against insurer seeking indemnity for \$10M claims arising from destruction of property by fire (*Raa-Gio Insurance Ltd v O'Halloran and Ors; Australian Kitchen Industries P/L v O'Halloran* [2007] SASC 245)

- AI Tel Pty Ltd v ACMNet Pty Ltd - Supreme Court of South Australia injunctive proceedings - claims arising out of a wireless telecommunications network in the Upper Spencer Gulf Region (*Acmnet Pty Ltd v Ai Tel Pty Ltd* [2007] SASC 96).
- Representing Tapp as an intervener in Supreme Court injunctive proceedings arising out of dispute as to election of board members of the South Australian Harness Racing Club Inc (*Pettit v South Australian Harness Racing Club Inc and Ors* [2006] SASC 306)
- Assisting with the representation of Sportingbet Australia Pty Ltd in \$20M Supreme Court claim for recovery of monies knowingly received (*K and S Corporation Ltd and Anor v Sportingbet Australia Pty Ltd* [2003] SASC 96).

Estate Litigation

- Bowyer v Estate of Wood – Inheritance (Family Provision) Act Claim - *Bowyer v Wood & Ors* [2007] SASC 327