

Stuart Miller

Special Counsel

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Stuart Miller is a Special Counsel who leads our Construction & Projects group.

With over 25 years of experience, Stuart provides advice on project delivery strategies, negotiating and drafting of contracts and other project documentation, risk management and regulatory compliance, contract administration, early dispute resolution, security of payment remedies and litigation, arbitration and alternative dispute resolution.

Stuart acts for principals and developers, proprietors, contractors, subcontractors and suppliers, consultants and building practitioners, superintendents, institutional clients and private clients. He brings a unique perspective to his practice, having spent almost a decade as General Counsel with a well-established Victorian mid-tier construction and property development group.

Expertise

Construction & Projects

Property

Significant experience

Non-contentious, transactional, risk management and regulatory

- Acting for The Australian Ballet in respect of protection works, construction risk management, and regulatory and compliance matters, including negotiations with Development Victoria and MAPCO regarding the Melbourne Arts Precinct Transformation Project.
- Negotiating and drafting contracts for a leading ASX-listed structural engineering contractor, including supply and procurement agreements and standard forms for its construction division.
- Negotiating and drafting \$16 million aggregate supply agreements for a market-leading special purpose pumping equipment manufacturer against the chemicals division of a top-tier mining and chemical process contractor and the engineering services division of a top-tier engineering, infrastructure and power services contractor.
- Preparing contract documentation for a combustion processing technology company involved in the design, manufacture and installation of heat transfer and combustion products.
- Acting for a major Australian contractor prominent in the insurance recovery, commercial and residential insurance spaces across numerous projects, including security of payment claims in relation to a \$15 million residential development.
- Acting for major developers in mixed-use residential and commercial office developments variously circa \$15 million to \$40 million.
- Acting for a major Australian investment manager in the preparation of contracts for the refurbishment of various Melbourne commercial asset holdings.
- Acting for a well-regarded property developer in the fit-out of multiple CBD commercial premises.

Qualifications

Bachelor of Laws,
The University of Melbourne

Bachelor of Arts,
The University of Melbourne

Memberships

Law Institute of Victoria

Australian Institute
of Building (MAIB
& Chartered Building
Professional)

Society of Construction Law

Property Council of Australia
— Victoria Division

Significant experience, cont.

- Acting for a major developer in respect of the subdivision and civil works within greenfields residential developments in Melbourne's outer south-eastern suburbs.
- Acting for a major industrial contractor in multiple contractual negotiations for the construction of warehousing facilities in Melbourne's inner north-west.
- Advising a major national electrical wholesaler and retailer on its contracting arrangements on an ongoing basis.
- Acting for a fourth-generation Victorian builder in the negotiation and preparation of multi-million dollar contracts in the industrial and commercial warehousing, retail, education, motor vehicle sales, home building amenities and child care sectors.
- Acting for a well-established foodstuffs importer in the preparation of contracts and advice on claims concerning both stages of the development of cold storage facilities.
- Advising on project documentation for residential modular construction companies.
- Acting for private clients and property investors in the development of brownfields and greenfields premises, predominantly for industrial and/or commercial use.

Contentious and dispute resolution

- Acting for a leading ASX-listed structural engineering contractor in litigation and alternative dispute resolution proceedings against top-tier and mid-tier contractors arising from mixed retail and residential developments and in relation to disputes under a \$15 million contract with a major shopping centre developer.
- Acting for an architectural firm in Supreme Court proceedings in relation to its retainer by a developer for the design and contract administration of a \$40 million mixed residential and retail development in Melbourne.
- Advising an Australian subsidiary of a Japanese multi-national, as head contractor, in the resolution of claims for \$12 million by a subcontractor relating to a \$18 million subcontract for the manufacture and installation of an industrial plant.
- Acting for a group of seven defendants comprising development and principal entities in Supreme Court litigation relating to a \$60 million residential and commercial development in Melbourne.
- Acting in Supreme Court proceedings on behalf of proprietors and contractors in respect of the construction and/or refurbishment of aged care premises.
- Acting for an Australian energy industry services subcontractor in the defence of \$2 million in claims made by a head contractor in relation to the installation of generator sets at the data centre of a major information technology group.
- Acting for building practitioners in respect of insurance compliance matters, VBA matters and in the defence of claims across townhouse and apartment developments.
- Acting for proprietors in various applications concerning allegedly non-compliant building works (recreational, charity, retail, commercial and residential).

Note: The experience above includes matters handled prior to joining Rigby Cooke Lawyers.