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Bringing over 25 years' experience to the resolution of her clients' disputes, Jodi has been consistently recognised as a leading Senior Counsel in her commercial practice in *Doyles Guide*, *Who's Who Legal* and *Best Lawyers in Australia* in Litigation, Insurance, Construction Law, Employment and Industrial Relations and Alternative Dispute Resolution.

Jodi's expertise across a broad range of commercial practice areas has seen her act and advise international and multi-national corporations on complex disputes, as well as high-profile individuals. Her clients include Allianz Australia Limited, Suncorp, CGU, IAG, QBE, Chartis, Chubb, various Lloyds syndicates, LawCover, Queensland Investment Corporation, Bank of China, TAL, Cbus, Transport for NSW, Sydney Catchment Authority, Murrumbidgee Irrigation Corporation and renowned, bestselling novelist, Kate Morton. Maintaining a significant government practice, Jodi has also appeared in class actions and advised on highly confidential and sensitive multi-million contractual matters, where there are significant potential reputational consequences.

Jodi's clients commend her on her commercial and strategic advice, as well as her advocacy skills and judgment. Complementing her reputation as an accomplished advocate, Jodi is also a highly skilled negotiator and communicator when appearing as counsel at mediations, and when acting as a mediator. Jodi regularly authors articles, delivers papers and tailored seminars to solicitors on topical legal issues and legal developments.

ADMISSIONS TO PRACTICE

- 2020 Appointed Senior Counsel
- 2002 Admitted to the Bar of New South Wales
- 1993 Admitted as a Solicitor of the Supreme Court of New South Wales (and entitled to practise in all Australian jurisdictions)

PROFESSIONAL QUALIFICATIONS

- 2015 Accredited Mediator, National Mediator Accreditation System (NMAS)
- 1992 Bachelor of Laws and Bachelor of Arts: University of New South Wales

PROFESSIONAL EXPERIENCE

- 2002 - present Barrister and Senior Counsel
- 1998 - 2000 Senior Legal Officer, Australian Broadcasting Corporation (ABC)
- 1997 - 1998 Solicitor, Construction Department, Allens Arthur Robinson (now Allens Linklaters)
- 1993 - 1997 International Manager (Contract Negotiation and Business Development) for a boutique Australian advertising firm - Asia Pacific and Latin America regions

PRINCIPAL AREAS OF PRACTICE

- Appellate
- Building and Construction Law
- Class Actions
- Commercial Law
- Employment Law
- Equity and Trusts
- Inquests, Inquiries and Royal Commissions
- Insurance and Professional Indemnity
- Mediation
- International Commercial Arbitration
- Professional Liability (including medical negligence and directors and officers liability)
- Regulatory matters
- Trade Practices and Competition

RECENT ACCOLADES (past 3 years only)

- 2024 *The Best Lawyers in Australia: Alternative Dispute Resolution, Insurance Law, Labour and Employment Law and Litigation* (awarded in 2023)
- 2023 *Who's Who Legal: Australia & New Zealand* – Construction (WWL says “Jodi Steele is highly regarded in the market for her “*excellent legal and commercial judgement*” when it comes to complex construction disputes”)
- 2023 *Who's Who Legal* – Construction: Global Leader (2023) and [Thought Leader](#) (2022)
- 2023 *The Best Lawyers in Australia: Alternative Dispute Resolution, Insurance Law, Labour Law and Employment Law and Litigation*
- 2023 [Doyles Guide](#): Leading Construction & Infrastructure Senior Counsel – NSW 2023
- 2022 *Best Lawyers in Australia: Alternative Dispute Resolution, Insurance Law and Litigation*
[Doyles Guide](#): Leading Construction and Infrastructure Senior Counsel – NSW 2022
[Doyles Guide](#): Leading Professional Indemnity Senior Counsel – NSW 2022
[Who's Who Legal](#): Construction (Peers and clients say “I found Jodi to be incredibly engaging and she was able to work through some very complex issues with great skill”; “she is always available to help and to guide”; “Jodi is rapidly establishing herself as a leading Senior Counsel specialising in construction disputes”)
Who's Who Legal: Australia and New Zealand – Construction (WWL says “Market sources endorse Jodi Steele SC as an “impeccable” practitioner who is highly sought after by domestic and international clients for her adept handling of high-value construction disputes”)
- 2021 *The Best Lawyers in Australia: Alternative Dispute Resolution, Insurance Law and Litigation* (as published in the Australian Financial Review)
Doyles Guide: Recommended Leading Construction and Infrastructure Senior Counsel – NSW
[Who's Who Legal: Australia & New Zealand](#) - Construction (WWL says “Jodi Steele SC is widely acknowledged to be “an excellent silk” for complex commercial and infrastructure disputes”)
[Who's Who Legal](#) - Construction (WWL says “Jodi is celebrated as a top Silk in construction in New South Wales”; “she is highly intelligent, tactical, committed and hard-working”; “Jodi is excellent in the testing of expert evidence”)

APPOINTMENTS

- Director, Counsel Chambers Limited (since 2016)
- Lieutenant, Royal Australian Navy Reserve (RANR) (since 2007)
- Commonwealth Department of Public Prosecutions (CDPP) External Senior Counsel Panel

PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS

- Member, Australian Insurance Law Association (AILA)
- Member, New South Wales Bar Association

PUBLICATIONS

- Compromise and Settlement, Court Forms, Precedents and Pleadings, Lexis Nexis

SPEAKING ENGAGEMENTS

- *Recent Developments in Construction Law*: Australian Society of Construction Law
- *Advocacy in Mediation*: NSW Bar Association conference in Orange, New South Wales
- *9th Annual Advanced Evidence and Advocacy Masterclass*: presented at UNSW for Legalwise Seminars
- *DO'S and DON'TS of Running a Case in Equity*: co-presented with The Honourable Justice Stephen Robb and chaired by Nick Kidd SC, at the NSW Bar Association
- *How to Plead Proportionate Liability to Ensure it Covers the Concurrent Wrongdoer*: Commercial Litigation Conference for Legalwise
- *Review of Defects and Contractual Remedies – Defect Liability and Cladding Claims*: UNSW Continuing Legal Education
- *Expert Witnesses – Effective Briefing and Giving Evidence in Court*: Society of Construction Law Australia (SOCLA)

SELECT RECENT CASES

Jodi has considerable experience appearing for clients in complex hearings and appeals in a wide variety of jurisdictions. Significant matters in which she has appeared are as follows.

Supreme Court of New South Wales and Federal Court of Australia

- *Commissioner for Fair Trading v Bowes Street Developments Pty Ltd (No 2)* [\[2023\] ACTSC 168](#) – Successfully argued in a regulatory matter that evidence could be tendered and was not the subject of parliamentary privilege. The substantive proceedings ran for 4 weeks, and judgement has been reserved. Instructed by Minter Ellison.
- *Michael Keuhn & Jennifer Keuhn v Masterton Homes (NSW) Pty Ltd t/as Masterton Homes (NSW) Pty Ltd* [\[2020\] NSWSC 1049](#). This case concerned the determination of whether there was a binding settlement which arose as part of a broader dispute where it was claimed that Jodi's client, a solicitor, was professionally negligent. Instructed by K & L Gates
- *Sally Jones v Murrumbidgee Irrigation Limited (No 2)* [\[2020\] NSWSC 613](#). Successfully appeared in this four-week case, leading J Thompson. The case concerned unconscionability, contract, negligence and misleading and deceptive conduct and turned on Jodi's successful cross-examination of lay and expert witnesses. Instructed by Thompson Cooper Lawyers
- *Mistrina Pty Limited v Australian Consulting Engineers Pty Ltd* [\[2020\] NSWSC 130](#). Appeared leading R Thrift in this case concerning misleading and deceptive conduct. Instructed by Gillis Delaney Lawyers
- *Anthony v Morton* [\[2018\] NSWSC 1884](#). Appeared with I Jackman SC for a best-selling author against her literary agent who alleged an oral contract as well as terms implied by custom; issues included tendency and business practice evidence, estoppel, fiduciary duties, negligence and limitation periods. Instructed by Frankel Lawyers

JODI STEELE SC

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- *Commonwealth v Searle* [2018] NSWSC 1017. Appeared with G Sirtes SC for the Commonwealth in a class action involving approximately 280 navy sailors who claim damages based upon the alleged failure of the Commonwealth to provide a particular qualification. My client, the Commonwealth, successfully defended the action brought by the class. Instructed by Norton Rose Fulbright
- *Construction Technologies Australia Pty Limited v Doueibi & Ors* [2018] NSWSC 294 – led by J Lockhart SC in a contested Notice of Motion regarding a commercial tenant to force the landlord to sign a development consent. The issues included construction of a lease, equitable remedies, anshun estoppel, abuse of process and issue estoppel. Instructed by Clayton Utz
- *Elias v Alloha Formwork & Construction Pty Ltd* [2017] NSWSC 1546 –10-day matter regarding a professional negligence suit against an engineer. It concerned questions of retainer, causation and loss and involved complex expert evidence from geotechnical, structural engineers and quantity surveyors. Instructed by Gilchrist Connell
- *Kate Morton v Bolinda Publishing Pty Limited* [2017] FCA 187 – appeared in proceeding concerning repudiation, breach of copyright and relief against forfeiture of audio publishing agreements. After various interlocutory disputes, including service of foreign subpoenas and privilege the case settled on the second day of the hearing. Instructed by Frankel Lawyers
- *Ambican Pty Limited v Primas Gale Constructions Pty Ltd* 2016/341560 – acted for an architecture company, on behalf of Vero Insurance, in relation to a fire cladding dispute in the order of about \$20 million. I appeared at a mediation against Mr Ian Roberts SC and the matter settled at mediation. Instructed by Colin Biggers & Paisley Lawyers
- Advice and preparation of evidence into various professional indemnity cases acting for solicitors, valuers, certifiers, architects, engineers and accountants
- Regularly appears on interlocutory injunctions for breach of employment contract, restraint of trade and breach of confidence
- Instructed by Clayton Utz, Ashurst and Minter Ellison in 2022 and 2023 to provide advice on termination of high-value and highly sensitive procurement contracts.

Appellate

- *Owners SP 92450 v JKN Para 1 Pty Limited* [2023] NSWCA 114 - successfully appeared for the Owners Corporation in one of the few appellate decisions concerning combustible cladding which is a national issue. The decision clarified what a plaintiff and defendant must prove in respect of claims under the Home Building Act 1989 (NSW) for breach of warranty in the context of potentially combustible cladding materials. Instructed by Eakin McCaffery Cox.
- *Osei v PK Simpson Pty Ltd* [2022] NSWCA 13 – appeared for both respondents on an appeal concerning the interpretation of the costs capping provisions in a professional indemnity case pursuant to the *Civil Liability Act* NSW 2000
- *Mistrina Pty Limited v Australian Consulting Engineers Pty Ltd* [2020] NSWCA 223 – appeared with M Christie SC and Ms R Thrift on appeal in respect of the case Jodi ran at first instance before Hammerschlag J concerning a loss of opportunity arising from misleading and deceptive conduct. The Court of Appeal found that Hammerschlag J erred in failing to draw the overwhelming inference that Jodi had contended for at first instance. The Court also found that the assessment of damages for loss of opportunity exhibited many characteristics of a discretionary judgment and that the loss of opportunity was foreseeable in a general way
- *The Owners-Strata Plan No. 76830 v Byron Moon Limited* [2020] NSWCATAP 186 – this appeal concerned the breadth of section 232 of the *Strata Scheme Management Act*. The Appeal Panel determined that in order to have power to make an order under section 232 it is necessary to have recourse to another provision which enables the Tribunal to make an order of the kind being contemplated

JODI STEELE SC

— BARRISTER

- *Manfate Pty Limited v Peter Krabe & Paula Krabe* [2016] NSWCA 363 – successfully appeared on an appeal from a case concerning an alleged oral building contract
- *Shoalhaven City Council v Firedam Civil Engineering Pty Ltd* [2011] HCA 38 (2011) 244 CLR 305 – successfully appeared with D Jackson QC in a case concerning the validity of an expert determination in a construction contract
- *Firedam Civil Engineering Pty Ltd v Shoalhaven City Council* [2010] NSWCA 59 – appeared in an appeal concerning the validity of an expert determination against G Inatey SC
- *Jeffery & Katauskas Pty Ltd v SST Consulting Pty Ltd and Others* [2009] HCA 43; (2009) 239 CLR 75 – appeared with D Jackson QC in a case concerning whether it was appropriate to make a costs order against a non-party
- *Rickard Constructions Pty Ltd v Rickard Hails Moretti Pty Ltd* [2008] NSWCA 283 – appeared in this appeal with M Dempsey SC which concerned whether it was appropriate to make a costs order against a non-party
- *Tappoo Holdings Limited & Ors v Robert Arthur Stuchbery* [2007] Lloyd's Rep. IR Plus 391 – appeared with D Jackson QC in a case centering on the interpretation of an insurance policy
- *Abigroup Contractors Pty Ltd v Sydney Catchment Authority (No 3)* [2006] NSWCA 282 (2006) 67 NSWLR 341 – led by T Bathurst QC and M Dempsey SC in an appeal concerning causation and damages in respect of misleading and deceptive conduct
- *Rickard Constructions Pty Ltd v Rickard Hails Moretti Pty Ltd and Ors* [2006] NSWCA 356 – appeal concerning issues of duty of care and breach of contract

Select Employment Law Cases

- *Williams v Secretary of the Department of Education* [2023] NSWIRComm 1032 – Successfully appeared for a teacher in an appeal against a decision to terminate her employment because of allegations of abuse of disabled children. The case was won on the cross-examination of the Department of Education's witnesses, as a result of which, the Department of Education's key witnesses were not believed
- *Loukis v Compaction & Soil Testing Services Pty Ltd* [2021] FCCA 281 – Jodi appeared before Driver J and was successful in establishing that an employer cannot be held to have engaged in adverse action if it is ignorant of the workplace right alleged to have been exercised
- *National Aboriginal and Torres Strait Islander Health Worker Association (NATSIHWA)* [2020] FWCFB 3827 – successfully appeared before the Full Bench of the Fair Work Commission leading N Avery-Williams to amend the award of the National Aboriginal and Torres Strait Islander Health Workers, including by increasing coverage. Instructed by Kennedys
- *SafeWork NSW v Assign Blue Pty Ltd* [2020] NSWDC 756 – successfully defended a work, health and safety prosecution which is now the leading authority with respect to work, health and safety obligations of labour hire companies. This is the most significant decision on this issue since *Drake Personnel Pty Limited* (1999) 90 IR 432. Leading S McIntosh. Instructed by HWL Ebsworth Lawyers
- *Bashir v Alex Perry Pty Limited* [2019] FWC 2041 – successfully defended an unfair dismissal claim made by a former employee against my client, internationally renowned fashion designer and creator, Alex Perry. Instructed by Davidson Legal and Consulting
- *SafeWork NSW v Confeta Pty Limited; SafeWork NSW v Cleo Antoniou* [2018] NSWDC 392 – sentencing of a company director for failing to exercise due diligence, together with a company for breaches of the Work Health and Safety Act, whether appropriate sentence by way of bond or training order. Instructed by HWL Ebsworth Lawyers
- Instructed by Allens Linklaters in 2021 to conduct a confidential and high-profile workplace investigation of a senior executive accused of sexual harassment

Jury Trials

- *Captain King Trial* – appeared in this three-week hearing concerning whether Captain King fraudulently claimed entitlements wherein he faced up to 19 charges. This case was heard in the Court Martial before a military jury of 5 officers and attracted significant media publicity

JODI STEELE SC

————— BARRISTER

Commissions of Inquiry

- Appeared as Counsel Representing for the CEO of Greyhounds NSW in the Special Commission of Inquiry into the Greyhound Racing Industry in NSW led by D Hogan Doran SC. Instructed by Norton Rose Fulbright
- Appeared as Counsel Representing in the HMAS Success Inquiry

International Arbitrations

- SIAC Arbitration concerning the design and construction of a polymetallic processing plant in Asia and an international engineering consultant involving claims in excess of AUD \$165 million. Instructed by King & Wood Mallesons

Land & Environment Court

- *Sader v Elgammal* [\[2022\] NSWLEC 107](#) – Successful Class 4 appeal where based on Jodi’s cross-examination of the expert structural and civil engineers, orders were obtained to demolish building works
- *Hy-Tec Industries v Parramatta City Council* [\[2022\] NSWLEC 1041](#) – Successful Class 1 appeal against a refusal for development consent by Parramatta City Council in respect of a temporary concrete batching plant on contaminated land where the issues concerned contamination, acoustics, geotechnical engineering and hydrology. Instructed by Beatty Hughes & Associates