

A Brief History

Daniel Massey and Marion Bailey started MasseyBailey in July 2001 with a vision to provide highly focused and specialised legal advice and services to the Construction and Development industry in a cost effective way.

Daniel and Marion have worked together for seven years starting at Leacock & Massey and through the mergers with Norton Smith and Coudert Brothers.

Ian Streeter joined became a partner of MasseyBailey in 2003. Ian specialises in property and commercial matters including drafting and advising in relation to various construction and development contracts and related agreements.

Ian also acts for landlords and tenants in commercial and retail leases, for vendors and purchasers of commercial and residential property and businesses, and for developers in financing and refinancing transactions. Ian advises generally on all aspects of property, development and planning law and provides general commercial advice, including in relation to liquor licensing and intellectual property.

What Will You Get From MasseyBailey?

Both Daniel and Marion have worked in “big firms” and while we recognise that there can sometimes be value in the name, we think that the focus that can be brought by specialist practice with a solid reputation in the area is to the benefit of the client.

Our advice is results driven rather than fee driven (no, this wasn't written by a marketer but was said by one of our clients). We recognise that in the Construction and Development market clients have a keen eye to value for money. We have sought to keep unnecessary overheads in check.

With chargeout rates for lawyers spiralling ever upward we are seeing that clients are sometimes rationing the amount of advice they seek based on financial imperatives rather than circumstances. While it is true that many of the participants in the Construction and Development industry have highly developed skills as “bush lawyers”, we think that we can add value to client's business with our advice and experience, particularly during the construction phase of the project.

Our wide experience in drafting construction contracts, consultant agreements and other documentation for projects for Proprietors, Builders and Consultants enables us to add value to projects by recognising key issues and proposing realistic, commercial solutions.

We seek to assist our clients to the earliest possible resolution of disputes in accordance with our clients commercial interest. We recognise that money spent by both sides in a dispute on lawyers and experts is often the very money which can prevent the resolution of the dispute. We think that this money should, wherever possible, be spent on appropriate and considered resolution rather than on entrenching positions. We utilise many alternative methods to litigation to help resolve our client's disputes.

Why Consultants?

As part of the philosophy of MasseyBailey we believe it is vitally important to understand our client's business. This understanding means that our clients often feel that we can play a wider role in their business and projects other than just acting as lawyers. We are able to discuss with our clients and advise whether the acquisition of another business or the carrying out of a joint venture (as examples) fits within the strategies that our client has adopted for its future development. Our experience enables us to assist our client's in identifying and assessing risk. Making use of our wide industry experience we can also assist clients in the evaluation of tenders and expressions of interest.

In the role of Consultants we provide training to clients in relation to contract/project negotiation and management.

Who Are Our Clients?

MasseyBailey acts for a number of proprietors, owners, developers and Owners Corporations in relation to all aspects of commercial transactions including building disputes.

Our clients include:

- The University of Newcastle –we advise in relation to contracts for its award winning buildings and insurance disputes.
- Resmed Limited – a multinational manufacturer of respiratory devices for whom we have prepared documentation including Building Contracts and Consultants Agreements, as well as evaluating tenders.
- Austress Freyssinet Pty Limited –we advise in relation to its contracts and disputes as well as Corporations Law matters.

- Walsh Bay Finance Pty Limited – a joint venture of Transfield and Mirvac developing the Walsh Bay precinct for whom we draft a wide range of construction agreements and advise in the course of the project.
- Primary Health Care Group - we advise and act for Primary in relation to development applications, leasing matters and construction documentation and disputes.
- Norwest International Hotel and Imperial Developments Pty Limited – for whom we act in respect of construction documentation and disputes.
- Harilela Hotels – the Proprietor of the W Hotel for whom we act in relation to a construction dispute.
- Sinclair Knight Merz Group – we have acted for Sinclair Knight Merz in relation to disputes with the New South Wales Department of Public Works and Services.
- CSL Limited – a major manufacturer and developer of pharmaceutical products of biological origin for whom we carried out a management training programme.
- National Contracting Group – for whom we act in relation to a dispute at Taronga Zoo.
- SafeFood Production NSW – we act for SafeFood in respect of the purchase, construction and fitout of its new premises.
- Shell Australia – we successfully acted for Shell in relation to a major environmental prosecution.
- Interflow Pty Limited – for whom we advise in relation to OH&S matters as well as license issues, construction and other litigation.
- Sydney Diagnostic Services (NSW) Pty Limited – we act for SDS in relation to a dispute over equipment performance.

Contacts

Should you wish more information on MasseyBailey including our rates, please do not hesitate to contract Daniel Massey or Marion Bailey on (02) 9221 9500.

MARION BAILEY – PARTNER

Career Summary

Marion commenced her legal career in New Zealand as a commercial litigator. Marion has extensive experience in all facets of litigation practice and dispute resolution in a number of jurisdictions including New Zealand, London and Samoa. From June 1996 Marion has worked with Daniel Massey. Firstly at Leacock & Massey Solicitors who then merged with Norton Smith, who then became Coudert Brothers. Marion and Daniel joined forces and opened MasseyBailey Solicitors & Consultants on 1 July 2001.

Marion has, since arriving in Sydney in 1996, specialised in and developed an expertise in construction law and development law, acting for proprietors, developers, large and small builders, engineers and architects.

Marion also regularly presents papers at conferences, workshops and seminars involving all facets of construction and development law.

Current Practice

Marion's current practice involves a whole range of issues in relation to the construction and building industry including contract law, tort law, insurance, trade practices, industrial law, environment and planning law. Marion also provides specialised advice in relation to the Home Building Act 1989 and the Building and Construction Industry Security of Payment Act 1999. Marion has acted for developers, builders, proprietors and architects. Marion has experience in building disputes involving commercial premises and residential properties. Marion's practice also includes participating in mediations, arbitrations, reference hearings and expert determinations.

Marion has primarily had a litigation or "back end" focus but continues to provide practical advice in relation to the drafting and the review of construction contracts. Marion also provides ongoing contract management advice during the life of construction projects from the cradle to the grave, including the resolution of any disputes.

Marion also continues to practice in commercial litigation involving supply agreements, joint ventures and property litigation involving property and leasing matters.

A Selection of Recent Matters

- Acting for the University of Newcastle in relation to the provision of advice concerning the administration of the building contract with respect to the construction of the Medical Sciences and Biology Research Building and in relation to disputes that have arisen with the Builder.
- Acting for owners, proprietors in relation to Supreme Court building disputes.

- Acting for Owners Corporations in the Consumer Trader & Tenancy Tribunal and the Supreme Court.
- Acting for Primary Healthcare Limited in relation to the drafting and review of building contracts with respect to the construction of the Bondi, Darlinghurst, Leichhardt Medical Centres.
- Acting for Primary Healthcare in relation to all litigation and disputes that have arisen in connection with medical centres in NSW together including leasing matters, supply agreements, construction and development matters.
- Land and Environment Court matters including Classes 1, 4 and 5 proceedings.
- Acting for the University of Newcastle with respect to a multimillion dollar claim against an insurance company in relation to damage caused to the Hunter Building on campus during the Newcastle earthquake.
- Acting for a successful contractor in relation to Supreme Court litigation involving the construction of pipelines in the Blue Mountains.
- Acting for Shell Australia in the successful defence to an EPA prosecution..

Professional Background

- Bachelor of Laws, University of Auckland.
- Bachelor of Arts, University of Auckland.
- Admitted to practice in the High Court of New Zealand, Supreme Court of Western Samoa, Supreme Court of ACT, Supreme Court of New South Wales, the Federal Court and the High Court of Australia.

Professional Activities

- Member of the Institute of Arbitrators.
- Member of the National Association of Women in Construction.