

## ADMISSIONS TO PRACTICE

- 2020 Appointed Senior Counsel, New South Wales
- 2002 Admitted to the Bar of New South Wales
- 1993 Admitted as a Solicitor of the Supreme Court of New South Wales

## PROFESSIONAL QUALIFICATIONS

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

## APPOINTMENTS

- Lieutenant, Royal Australian Navy Reserve (RANR) (since 2007) (security clearance NV1)
- Director, Counsel Chambers Limited (since 2016)
- Director, GH Varley Pty Limited (since 2025)
- Commonwealth Department of Public Prosecutions (CDPP) External Senior Counsel Panel

## PRINCIPAL AREAS OF PRACTICE

- Appellate
- Building and Construction Law
- Commercial Law
- Employment Law
- Inquests, Inquiries and Royal Commissions
- Insurance and Professional Indemnity
- Mediation
- International Commercial Arbitration
- Land & Environment Court
- Regulatory matters

## SELECT RECENT CASES

Regularly appears in complex commercial appeals and trials representing clients including the Commonwealth of Australia and NSW. Examples of recent cases include:

### Select appellate cases

- *Commissioner for Fair Trading v Geocon Bowes & Ors\** – currently instructed by Clayton Utz to advise and appear on a five day appeal concerning a regulatory hearing and civil penalty leading two juniors which will be listed for hearing in 2025.
- *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.. 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. Instructed by Colin Biggers & Paisley.

# JODI STEELE SC

— BARRISTER

- ***Mistrina Pty Limited\* v Australian Consulting Engineers Pty Ltd*** [\[2020\] NSWCA 223](#) – successfully 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.
- ***National Aboriginal and Torres Strait Islander Health Worker Association\* (NATSIHWA)*** [\[2020\] FWC 3827](#) – the result of this appeal to the Full Bench of the Fair Work Commission was to successfully and significantly change the modern award of the National Aboriginal and Torres Strait Islander Health Workers and to recognise for the first time, Aboriginal and Torres Strait Islander Health Workers as a stand-alone profession in the Australian industrial relations framework. Instructed by Kennedys.

## Select commercial matters

- Instructed on various matters by Clayton Utz, Ashurst and Minter Ellison to advise the Commonwealth of Australia on the termination of various high value procurement contracts, including the termination of the French submarine contract.
- ***The Trust Company Ltd v Commonwealth of Australia\**** [\[2025\] NSWSC 502](#) – successfully defended a claim against Defence for approximately \$20 million. The case concerned contractual interpretation and specifically whether Defence breached a contractual standard to remediate land it surrendered to a standard suitable for ongoing commercial industrial use in circumstances where The Trust Company incurred costs removing asbestos during its redevelopment of the Moorebank site. Instructed by Clayton Utz.
- ***In the matter of Sunny International Hardware Group Pty Ltd\**** [\[2025\] NSWSC 254](#) – successfully defended an application for leave to bring derivative proceedings on behalf of a company..
- ***Commissioner for Fair Trading v Bowes Street Developments Pty Ltd\* (No 3)*** [\[2024\] ACTSC 315](#)– successfully defended a civil penalty proceeding by the regulator against client was liable for misleading conduct as agent of a related company. Instructed by Minter Ellison. Instructed by Clayton Utz on appeal on costs order for successful primary client and on penalty and costs for other appellants.
- Instructed by a number of solicitors including Clayton Utz, Minter Ellison, Hall and Wilcox, HFW and Carter Newell to provide advice on numerous high value construction disputes (including delay claims and subrogated recovery claims).
- Briefed to advise for a multi-national pesticide company in respect of an insurer's denial of indemnity and settlement of a number of agricultural claims, instructed by Carter Newell.
- ***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 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 agricultural claim case, leading J Thompson. The case concerned unconscionability, contract, negligence and misleading and deceptive conduct and turned on 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](#). Successfully appeared with I Jackman SC (as his Honour then was) 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

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— BARRISTER

- ***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. Instructed by Norton Rose Fulbright

## Select Land & Environment Court appearances

- ***Inner West Council v Transport for NSW\**** [2024] NSWLEC 138 – Successfully appeared for Transport for NSW, instructed by Norton Rose Fullbright in this compulsory acquisition of parkland. In cross examination the other side's expert conceding that his methodology was without any basis.
- Advice in respect of a regulatory investigation by the National Resources Access Regulator.
- ***Sader\* v Elgamal*** [2022] NSWLEC 107 – Successful Class 4 appeal turning on cross-examination of the expert structural and civil engineers, orders were obtained to demolish building works on respondent neighbour's land.
- ***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

## Select Employment Law Cases

- Currently instructed by SafeWork to prosecute a work health and safety dispute concerning systems of work at a hospital and access by employees to addictive drugs. Matter listed for hearing early 2025.
- Currently instructed by Dentons to prosecute a contempt motion in respect of an ex-employee who is alleged to have stolen confidential information from the employer.
- ***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 at first instance was won on cross-examination of the Department of Education's witnesses, as a result of which, the Department of Education's key witnesses were not believed and the allegations rejected.
- Engaged by Allens Linklaters to conduct a high-profile workplace investigation of a senior executive of sexual harassment.
- ***Loukis v Compaction & Soil Testing Services Pty Ltd\**** [2021] FCCA 281 –appeared before Driver J for successful defendant with finding that an employer cannot be held to have engaged in adverse action if it was ignorant of the workplace right alleged to have been exercised
- ***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
- ***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 significantly change the modern award of the National Aboriginal and Torres Strait Islander Health Workers, to recognise for the first time, Aboriginal and Torres Strait Islander Health Workers as a stand-alone profession in the Australian industrial relations framework. Instructed by Kennedys
- ***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

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— BARRISTER

Health and Safety Act, whether appropriate sentence by way of bond or training order. Instructed by HWL Ebsworth Lawyers

## Select 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

## Select 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

## Select 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

## Mediation

- Over 10 years' experience in practice as mediator. Regularly retained as mediator in a wide range of commercial, insurance, employment and other disputes.

## RECOGNITION (past 3 years only)

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| 2025 | <i>The Best Lawyers in Australia</i> : in each of Alternative Dispute Resolution, Arbitration, Insurance Law, Labour and Employment Law and Litigation<br>Doyles Guide: Leading Construction and Infrastructure Senior Counsel – NSW 2025<br><i>Who's Who Legal: Australia &amp; New Zealand</i> – Construction   |
| 2024 | <i>The Best Lawyers in Australia</i> : in each of Alternative Dispute Resolution, Insurance Law, Labour and Employment Law and Litigation<br><i>Who's Who Legal Australia &amp; New Zealand</i> - Construction  |
| 2023 | <i>The Best Lawyers in Australia</i> : in each of Alternative Dispute Resolution, Insurance Law, Labour Law and Employment Law and Litigation<br><i>Who's Who Legal: Australia &amp; New Zealand</i> – Construction (WWL says “Jodi Steele is highly regarded in the market for her “ <i>excellent legal and commercial judgement</i> ” when it comes to complex construction disputes”)<br><i>Who's Who Legal</i> – Construction: Global Leader (2023) and <a href="#">Thought Leader</a> (2022)<br><a href="#">Doyles Guide</a> : Leading Construction & Infrastructure Senior Counsel – NSW 2023 |