



### Alyson Eather

#### Partner

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Alyson Eather's core legal skills are advising the public and private sectors on the legal aspects of major projects, including complex contract risk review and strategic procurement and probity.

Alyson has acted for a range of mining and infrastructure clients advising on a variety of forms of construction contracts and project and mining infrastructure related contracts both in Western Australian and internationally.

- Construction and Engineering
- International Trade, Regulatory and Government Affairs
- Infrastructure Finance

#### Clients

- Oakajee Port and Rail Pty Ltd
- Societe d'Exploitation de Kipoi SPRL
- API Management Pty Ltd
- Tiger Resources Limited
- WA Housing Authority
- POSCO E&C
- Newcastle Ports Corporation
- University of New England
- University of Melbourne
- University of Western Sydney
- South Coast Natural Resource Management Inc

#### Key experience

- Advising Oakajee Port and Rail Pty Ltd on all aspects of project delivery covering procurement, legal contract risk and project deliver strategy risk in relation to the design, construct and operation of a deep water port and railway at Oakajee
- Advising Societe d'Exploitation de Kipoi in relation to its Kipoi Copper Project Stage II in the Democratic Republic of the Congo on its EPC contracts for its SXEW plant, agglomerator and heap leach conveyor system, power solution, accommodation infrastructure and

services contracts for the engagement of engineering services

- Advising the Department of Housing (WA) in relation to several of its housing projects around Perth
- Advising developer in relation to mixed use development of FESA site in Perth
- Advising several mining company client in relation to the design, construction and operation of accommodation villages throughout Western Australia
- Advising POSCO E&C in relation to the EPC contract on a gas-fired combined cycle power station in Namibia

## CREDENTIALS

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### Professional Qualifications

- Solicitor of the Supreme Court of New South Wales

### Prior Experience

In addition to her experience in this sector, she has worked on secondment with Oakajee Port and Rail Pty Ltd, as well as with Colliers International as Acting General Manager - Legal and BOC Ltd. She also undertook a long-term secondment as a tendering and contracts professional with the Sydney Catchment Authority.

### Education

- Bachelor of Business (Management), University of Technology, Sydney, 2004
- Bachelor of Laws, University of Technology, Sydney, 2004

### Trainer

Alyson has delivered many training sessions on contract administration and commercial issues during the contract period for clients and other organisations.

## INSIGHTS

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Alyson has written numerous papers and articles in relation to the procurement, construction and project delivery issues. She was a regular contributor the *NSW Law Society Journal* and continues to write for other industry publications including *Procurement Professional*.

Alyson is regularly asked to present at industry events including the Institute of Public Administration Australia, The Chartered Institute of Purchasing and Supply Australia and other relevant legal industry conferences.

### Publications

#### Varying construction contracts to provide COVID-19 relief (Australia)

29 April 2020

Parties to construction contracts are struggling to meet their contractual obligations amid the COVID-19 pandemic. Indeed, governments around the globe have released guidance to government agencies to protect the financial viability of projects, to protect supply chains and to minimise exposure to Coronavirus related project stresses. This is particularly so in those jurisdictions where public health orders and the like have resulted in the complete closure of construction sites, but also in jurisdictions where sites have remained open and work has continued subject to various constraints (such as social distancing measures).

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#### Coronavirus COVID-19: What is considered an 'essential service' and how will this impact the construction

## industry?

1 April 2020

As at 31 March 2020, it appears that Australian construction sites are not on the list of businesses that have been categorised as 'non-essential' by the Australian Government, thereby avoiding forced shutdown in the effort to combat the spread of COVID-19 across Australia. Like many businesses where "remote" working is not feasible, the current guidance is that these businesses can continue to operate, as long as in doing so, 'social distancing' measures can be observed. It could also be argued that some construction and infrastructure projects may fall within what is considered as an 'essential service', given that the Australian Government has made specific reference to the importance of allowing certain 'essential' industries such as the construction and mining sector to continue operating. This is largely due to the importance of having essential services such as energy supply, fuel supply and waste disposal continue, as well the continuation of critical infrastructure projects which includes those in the supply and support chain.

This position could very well change over the coming days/weeks as we are seeing the government continue to tighten restrictions on how the economy will operate over the next 6 months, and what businesses are considered absolutely essential in the delicate balancing act between containing the spread of COVID-19 in Australia, while also maintaining the Australian economy (even if on life support). New Zealand may also provide some insights into what more stringent closures may look like if the packages implemented by the Australian Government to date fail to adequately 'flatten the curve'.

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## Coronavirus COVID-19 and the extension of the Consortia Block Exemption Regulation

30 March 2020

Antitrust and Competition: Novel Issues in a Post-Coronavirus World

The European Commission has decided to prolong the block exemption for liner shipping consortia.

In line with its proposal, the Commission announced on Tuesday 24 March a second extension of Regulation 906/2009, known as the Consortia Block Exemption Regulation (CBER),<sup>1</sup> until 25 April 2024.<sup>2</sup>

We have provided further details and some hints as to how this will play out in the current coronavirus COVID-19 crisis.

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## NEWS

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### DLA Piper provides Asia Pacific support to GirlBoss Edge

30 June 2020

DLA Piper has partnered with GirlBoss Edge to support New Zealand's next generation of young female leaders with an interest in Law, Policy and Government.

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### DLA Piper advises Kalium Lakes on equity raise

25 June 2020

Global law firm DLA Piper has advised Kalium Lakes Limited (ASX: KLL) on its recapitalisation and AUD61 million placement and fully underwritten accelerated non-renounceable entitlement offer.

## **DLA Piper advises Resolute Mining on hybrid power station**

20 December 2019

Global law firm DLA Piper has advised Resolute Mining Limited (ASX/LSE: RSG) on its power supply agreement for the development of a new hybrid power station at Resolute's Syama Gold Mine in Mali.

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