



HERBERT
SMITH
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DAN DRAGOVIC

PARTNER

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Dan is a senior construction and infrastructure disputes partner in the Perth Disputes practice.

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BACKGROUND

Having graduated from the University of Western Australia in 1992 with a Bachelor of Laws, Dan was admitted to practice in the Supreme Court of Western Australia in 1993. He is also admitted to practice in the High Court and Federal Court. He was appointed a partner of Herbert Smith Freehills in 2004.

Dan regularly presents papers at construction industry and legal learning seminars, and is called upon to host construction industry events. He is a member of the Law Council of Australia and Law Society of Western Australia joint committee on Construction and Infrastructure. He is a member of the Society of Construction Law Australia, and the Australian Mining Law and Petroleum Association. He is also a Fellow of Leadership WA and a former member of the board of United Way West Australia.

MARKET RECOGNITION

Dan is consistently recognised in the Doyles Guide as a Leading Construction & Infrastructure Litigation Lawyer in Perth and Leading in Australia.

KEY SERVICES

[Dispute Resolution](#)
[Construction and Engineering](#)

KEY SECTORS

[Mining](#)
[Energy](#)

EXPERIENCE

Having practiced commercial litigation for over 20 years, Dan has extensive experience in construction and energy related disputes, and significant related experience in land access (native title and environment) and mining disputes.

Dan primarily advises and represents major Owner clients in both the public and private sector, including BHP Billiton, Woodside, Chevron, Wesfarmers, the State of Western Australia, local governments, Mount Gibson Iron and major power utilities, as well as Tier 1 construction contractors, including Samsung C&T Corporation, Lendlease and CIMIC.

Dan deals extensively with project disputes in the engineering, mining and oil and gas sectors on some of the region's largest and most high profile projects. He has extensive experience with arbitration (both international and domestic), litigation, alternative dispute resolution processes such as expert determination, mediation and specifically designed ad hoc expedited processes, as well as adjudications under the Construction Contracts Act 2004 (WA).

Dan's experience includes:

- **International energy principal** in relation to multiple construction disputes arising out of the development of a large energy project in Northern Australia.
- **Samsung C&T Corporation** in significant downstream disputes with Laing O'Rourke on the \$10 billion Roy Hill Iron Ore Project, including a major Singapore-seated international arbitration, various payment dispute adjudications and various Supreme Court proceedings, including successfully obtaining a mandatory interlocutory injunction for the return of critical materials and equipment.
- **Mount Gibson Mining** on defending a complex construction dispute relating to its \$88m Extension Hill Project.
- **A major power utility** in relation to two adjudication applications, and subsequent disputes relating to the ownership of major equipment supplied to the project, arising out of the collapse of the Forge Group. The adjudication applications were dismissed and a successful settlement reached on the ownership dispute.
- **A Major State Government Trading Entity** in relation to construction and procurement disputes arising out of a major infrastructure project (which included advice

on various claims from its contractor and prosecuting injunction proceedings under section 46 of the Energy Operators (Powers) Act 1979).

- **A major global mining client** in a successful arbitration to recover overpayments from a major contractor relating to the \$20 million upgrade of its main commodity mine. The matter involved a forensic accounting investigation and the formulation of cost recovery claims arising from a suspension of the works. A successful settlement was achieved on the morning of the first day of the hearing.
- **A major mining client** at conciliation meetings concerning the \$195m expansion of its main commodity mine.
- **A major international oil and gas producer** in relation to a rig dispute in connection with its \$52 billion project.
- **A water infrastructure utility** in relation to the construction of major water storage facilities.
- **Territory Resources Ltd** in relation to a \$17m dispute concerning the construction of a major crushing and screening plant.