# <u>INDEX - 1988/1989</u>

# Australian Construction Law Newsletter

**CONSTRUCTION PUBLICATIONS** 

# 1. AUTHORS

# Arthur, Richard

New Planning and Development Approvals Regime in Canberra - Issue 8, item 7, p 4

# Bailey, Deborah L and Barnes, Robert C

Property Joint Ventures - Issue 8, item 15, p 28

#### Baggott, Lloyd and McCormick, Khory

Queensland Workplace Health and Safety Act 1989 - Issue 8, item 6, p 3

#### Barnes, Robert C and Bailey, Deborah L

Property Joint Ventures - Issue 8, item 15, p 28

#### Batterby, Adrian

Latent Defects and Limitation Periods - High Court Development - Issue 1, item 16, p 9 The Lesson of San Sebastian - Issue 1, item 17, p10

#### Cahill, Frank

Non-conforming Tenders - Duties in Manner in Which Assessment is Conducted - Issue 9, item 25, p 22

Variations - Issue 9, item 35, p 28

Variations - NPWC3 - Issue 9, item 34, p 28

#### Christopher, Dr Peter

Legionnaire's Disease - New Australian Standard to Combat Killer Disease - Issue 5, item 7, p 10

# Collins, Richard

Alternative Dispute Resolution - Choosing the Best Settlement Option - Issue 8, item 14, p 17

#### Davenport, Philip

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

Bills of Quantities - Issue 9, item 6, p 9

Contract - Economic Duress - Issue 9, item 10, p 11

Contract - Exemption Clause - Issue 9, item 11, p 12

Contract - Penalty Clauses - Issue 9, item 14, p 14

Expert Appraisal - Challenging an Award - Issue 6, item 20, p 12

Insurance - Duty of Disclosure - Issue 7, item 15, p 11

Insurance - Recovery for Negligent Policy - Issue 9, Item 19, p 17

Interest as Damages - Issue 1, item 6, p 3

Interest as Damages - Issue 8, item 11, p 11

Liability of Professionals - Issue 8, item 12, p 13

New SAA Supply Contract - Issue 4, Item 17, p 9

Progress Certificates - Issue 5, item 3, p 2

Terminating the Contractor's Engagement - Issue 7, item 19, p 15

Termination of Construction Contracts by Frustration - Issue 2, item 12, p 11

Unjust Enrichment - Issue 5, item 5, p 5

Unreasonably Terminating the Contractor's Engagement - Issue 9, item 33, p 25

# Dawson, Philip

Certificates - Final - Issue 9, item 7, p 9

"Common Interest" Privilege - Issue 9, item 9, p 11

Cross Examination of a Court Appointed Referee - Issue 9, item 16, p 15

#### de Fina, A A

Australian Centre for International Commercial Arbitration - A Success Story - Issue 6, item 7, p 5

#### Dinham, Richard

Building Code of Australia - Issue 1, item 1, p 1

# Greenham, Phillip

Arbitration - Right to Bring a Second Action for Defective Work - Issue 9, item 3, p 4

Arbitration - Settlement Agreement - Issue 9, item 1, p 3

Arbitration - Settlement Agreement - Issue 9, item 2, p 3

Insurance - Reinstatement, Recovery of Extra Costs of Complying with Authorities' Requirements - Issue 9, item 20, p

Negligence - Jurisdiction of the Victorian Planning Appeals Board - Date of Accrual of Course of Action - Issue 9, item 22, p 20

# Hewitt, John

Operating Leases - Issue 4, item 11, p 5 Trading Names - Issue 2, item 11, p 10

# Jones, Douglas

Liability Insurance - Who Needs It? - Issue 5, item 13, p 15

# Kelso, Peter

Chasing a Debtor - Issue 8, item 10, p 10

#### King, Larry

Affirmative Action and the Construction Industry - Issue 2, item 14, p 16

#### Kinsella, Karyn

Alternative Dispute Resolution: Long Court Lists Encouraging New Ways of Settling Disputes - Issue 1, item 8, p 5

# Knox, Hugh

The Building Code of Australia - A Simple Uniform System of Regulation - Issue 5, item 6, p 8

# Lovell, Ken

Building Industry Inquiry - Issue 5, item 9, p 12 Developments in Industrial Relations - Issue 2, item 1, p 1

Severance Pay Decision - Issue 5, item 8, p 12

#### McCormick, Khory and Baggott, Lloyd

Queensland Workplace Health and Safety Act 1989 - Issue 8, item 6, p 3

#### Miller, Glen QC

Contract and Insurance Law - Recent Significant Developments - Issue 4, item 16, p 8

# Minns, Lesley

Arbitration - Costs Follow the Event - Issue 9, item 4, p 8

Arbitration - Impartiality of the Arbitrator - Issue 9, item 5, p 8

Certificate - No Contractual Status Property in Unfixed Materials - Issue 9, item 8, p 10

Copyright - Copying Concept or Idea - Issue 9, item 15, p 14

# Parish, Gordon

Green Paper on Industrial Relations In NSW - Issue 7, item 18, p 13

New Industrial Relations Act - Issue 7, item 17, p 13

#### Pilley, John

Delay Costs Due to Changes of Programme - Issue 9, item 17, p 15

#### Pryles, Professor Michael

International Dispute Resolution and Litigation in Australia - Issue 6, item 22, p 22

#### Purnell, Alain H K

Joint Ventures - Forming a Consortium and Maximising Development Opportunities - Issue 7, item 22, p 20

#### Topfer, John

Appointment of Arbitrator - Duty of Appointor to Act Fairly - Issue 4, item 15, p 7

#### Scott, Russell

AIDS in the Workplace - Issue 7, item 20, p 16

# Street, Sir Laurence KCMG

Comparison of Dispute Resolution Systems - Issue 6, item 19, p 12 Expert Appraisal with Provision for Mediation - Issue 8, item 13, p 17 Pacific Asian Legal Services Council - Issue 6, item 23, p 27 Senior Executive Appraisal - Issue 6, item 17, p 9

# 2. SUBJECT

#### Affirmative Action in the Construction Industry

Affirmative Action - Issue 7, item 11, p 9

Affirmative Action and the Construction Industry - Issue 2, item 14, p 16

# **Alternative Dispute Resolution**

ACDC Appoints an Insurance Manager - Issue 6, item 15, p 8

ACDC Opens in Queensland - Issue 2, item 9, p 9

ACDC Participates in Pacific Basin Dispute Center Council - Issue 6, item 16, p 9

Alternative Dispute Resolution - Choosing the Best Settlement Option - Issue 8, item 14, p 17

Alternative Dispute Resolution - Confidentiality - Issue 1, item 23, p 15

Alternative Dispute Resolution: Long Court Lists Encouraging New Ways of Settling Disputes - Issue 1, item 8, p 5

Alternative Dispute Resolution: The Institute of Arbitrators Involved - Issue 1, item 9, p 6

Arbitrators Survey on ADR Experiences - Issue 6, item 8, p 5

Bond University to Establish a Dispute Resolution Centre - Issue 6, item 11, p 6

Comparison of Dispute Resolution Systems - Issue 6, item 19, p 12

Contract Clause to Establish Dispute Resolution Process - Issue 6, item 13, p 7

Disputes Resolution Council of Australia - Issue 6, item 10, p 6

Expert Appraisal - Challenging an Award - Issue 6, item 20, p 12

Expert Appraisal with Provision for Mediation - Issue 8, item 13, p 17

I.Arb.A. List of Conciliators and Mediators - Issue 4, item 6, p 3

Lack of Negotiation Skills Hampers Dispute Resolution - Issue 6, item 9, p 5

Lawyers Engaged in Alternative Dispute Resolution - Issue 6, item 14, p 8

Legislation Sought to Protect the Mediation Process - Issue 2, item 7, p 9

New Construction Mediation Video - Issue 2, item 8, p 9

NSW Law Reform Commission ADR Issues Paper - Issue 6, item 12, p 7

NSW Law Society's Guidelines for Solicitor Mediators - Issue 1, item 22, p 13

NSW Law Society's Submission to the Building Services Corporation - Issue 8, item 9, p 5

Senior Executive Appraisal - Issue 6, item 17, p 9

The Art of Negotiations - Issue 7, item 10, p 9

What is a Mini-Trial? - Issue 6, item 18, p 11

#### Arbitration

AFCC Policy on Nomination of Arbitrators - Issue 6, item 4, p 2

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

Appointment of Arbitrator - Duty of Appointor to Act Fairly - Issue 4, item 15, p 7

Arbitration - Costs Follow the Event - Issue 9, item 4, p 8

Arbitration - Court Reference - Issue 2, item 5, p 5

Arbitration - Impartiality of the Arbitrator - Issue 9, item 5, p 8

Arbitration - Legal Representation - Issue 2, item 6, p 5

Arbitration - Right to Bring a Second Action for Defective Work - Issue 9, item 3, p 4

Arbitration - Settlement Agreement - Issue 9, item 1, p 3

Arbitration - Settlement Agreement - Issue 9, item 2, p 3

Arbitration Clauses in Residential Building Contracts - Issue 6, item 5, p 3

Arbitration Survey - Issue 7, item 4, p 2

Arbitrators Survey on ADR Experiences - Issue 6, item 8, p 5

Australian Centre for International Commercial Arbitration - Issue 6, item 7, p 5

Book Review - Commercial Arbitration in the Australian Construction Industry - Issue 6, item 2, p 2

Consolidation of Arbitration Proceedings - Issue 6, item 6, p 3

Expedited Arbitration - Issue 2, item 4, p 4

International Arbitration Conference - Issue 6, item 1, p 1

International Dispute Resolution and Litigation in Australia - Issue 6, item 22, p 22

List of Engineering Arbitrators - Issue 6, item 3, p 2

NSW Law Society's Submission to the Building Services Corporation - Issue 8, item 9, p 5

#### **Architects**

Architect's Checklist - Issue 4, item 8, p 3

#### **Bills of Quantities**

Bills of Quantities - Issue 9, item 6, p 9

Draft Concise Method of Measurement - Issue 8, item 4, p 3

#### **Book Reviews**

Architect's Checklist - Issue 4, item 8, p 3

Book Review - Commercial Arbitration in the Australian Construction Industry - Issue 6, item 2, p 2

# **Building Regulations**

Building Code of Australia - Issue 1, item 1, p 1

Building Code of Australia - Issue 5, item 6, p 8

Building Code of Australia - Issue 7, item 2, p 2

Building Regulation Review Task Force - Issue 8, item 3, p 2

#### Certificates

Certificates - Final - Issue 9, item 7, p 9

Certificate - No Contractual Status; Property in Unfixed Materials - Issue 9, item 8, p 10

Progress Certificates - Issue 5, item 3, p 2

# **Construction Industry Claims and Disputes**

Claims and Disputes - Issue 2, item 2, p 3

Claims and Disputes Research Project - Issue 1, item 4, p 3

Nature and Purpose of the Claims and Disputes Research Project - Issue 3, item 3, p 4

NBCC Response to Claims and Disputes Report - Issue 7, item 8, p 6

NPWC, NBCC and AFCC Claims and Disputes Joint Working Party - Issue 7, item 9, p8

NPWC, NBCC and AFCC Claims and Disputes Joint Working Party - Issue 8, item 8, p 5

Strategies For the Reduction of Claims and Disputes - Issue 4, item 1, p 1

Summary of the Findings of the Research Project - Issue 3, item 5, p 7

The Claims and Disputes Environment - Issue 3, item 1, p 1

The Claims and Disputes Problem - Issue 3, item 2, p 2

The Experience in Other Countries - Issue 3, item 4, p 4

# **Construction Management**

Project and Construction Management Agreement - Issue 2, item 15, p 18

#### **Contract Formation**

Contract Formation - Battle of Forms - Attempt to Incorporate Lump Sum Contract E5b in a Subcontract - Issue 9, item 13, p 13

Contract Formation - Issue 9, item 12, p 12

# Contract Law

Contract - Economic Duress - Issue 9, item 10, p 11

Contract - Exemption Clause - Issue 9, item 11, p 12

Contract - Penalty Clauses - Issue 9, item 14, p 14

Contract and Insurance Law - Recent Significant Developments - Issue 4, item 16, p 8

High Court Decision Reforms Contract Law - Issue 1, item 21, p 13

Interest as Damages - Issue 8, item 11, p 11

Interest as Damages - Issue 1, item 6, p 3

Signature by Fax - Issue 9, item 30, p 24

Terminating the Contractor's Engagement - Issue 7, item 19, p 15

Unjust Enrichment - Issue 5, item 5, p 5

Unreasonably Terminating the Contractor's Engagement - Issue 9, item 33, p 25

# **Contracts**

Arbitration Clauses in Residential Building contracts - Issue 6, item 5, p 3

BOMA's Construction Contract Guidelines - Issue 7, item 7, p 4

Building and Construction Contracts in the Victorian Public Sector - Issue 4, item 5, p 2

Building Contracts - Notice Provisions - Issue 4, item 14, p 6

Choice Magazine Article on Residential Building Contracts - Issue 8, item 1, p 1

Commonwealth Use of Industry Contracts - Issue 5, item 1, p 1

Contract Clause to Establish Dispute Resolution Process - Issue 6, item 13, p 7

Contract Formation - Battle of Forms - Attempt to Incorporate Lump Sum Contract E5b in a Subcontract - Issue 9, item 13, p 13

Public Sector Use of AS2124 - Issue 1, item 7, p 5

Reform of Commonwealth Procurement Methods - Issue 8, item 5, p 3

Variations - NPWC3 - Issue 9, item 34, p 28

#### Copyright

Copyright - Copying Concept or Idea - Issue 9, item 15, p 14

# **Corporate Affairs**

Chasing a Debtor - Issue 8, item 10, p 10

Letters of Comfort - Issue 4, item 13, p 6

Operating Leases - Issue 4, item 11, p 5

Trading Names - Issue 2, item 11, p 10

Use of Company Seals - Issue 4, item 12, p 6

# **Defective Structures**

Arbitration - Right to Bring a Second Action for Defective Work - Issue 9, item 3, p 4

#### Delay

Delay Costs Due to Changes of Programme - Issue 9, item 17, p 15

# **Design and Construction**

Australian and Foreign Controlled Design and Construction Services on Major Projects - Issue 7, item 14, p 10

# **Dispute Resolution**

Alternative Dispute Resolution - Choosing the Best Settlement Option - Issue 8, item 14, p 17

Comparison of Dispute Resolution Systems - Issue 6, item 19, p 12

Courting the Professions - Issue 1, item 10, p 6

Cross Examination of a Court Appointed Referee - Issue 9, item 16, p 15

Expert Appraisal - Challenging an Award - Issue 6, item 20, p 12

Expert Appraisal with Provision for Mediation - Issue 8, item 13, p 17

International Dispute Resolution and Litigation in Australia - Issue 6, item 22, p 22

NSW Law Society's Submission to the Building Services Corporation - Issue 8, item 9, p 5

Order for Security for Costs Against Overseas Company - Issue 9, item 26, p 22

Pacific Asian Legal Services Council - Issue 6, item 23, p 27

Senior Executive Appraisal - Issue 6, item 17, p 9

The Art of Negotiations - Issue 7, item 10, p 9

What is a Mini-Trial? - Issue 6, item 18, p 11

# **Employment**

AIDS In the Workplace - Issue 7, item 20, p 16

Queensland Workplace Health and Safety Act 1989 - Issue 8, item 6, p 3

Workers Compensation Insurance - NSW - Issue 1, item 18, p 12

# **Engineers**

List of Engineering Arbitrators - Issue 6, item 3, p 2

The Professional Engineer and Legal Responsibility for Buildings - Issue 1, item 3, p 2

#### Environment

The Environmental Defender's Office - Issue 7, item 23, p 24

#### **Exclusionary Clauses**

Contract - Exemption Clause - Issue 9, item 11, p 12

#### **Finance**

Facility Letters - Contractually Bound or Uncommitted? - Issue 5, item 4, p 4

#### **Frustration of Contract**

Termination of Construction Contracts by Frustration - Issue 2, item 12, p 11

#### **Geotechnical Information**

Geotechnical Information - Issue 2, item 13, p 14

#### Government

Building and Construction Contracts in the Victorian Public Sector - Issue 4, item 5, p 2

Commonwealth Use of Industry Contracts - Issue 5, item 1, p 1

Freedom of Information in New South Wales - Issue 7, item 6, p 3

Negligence of Highway Authority - Misfeasance and Non-Feasance - Issue 9, item 21, p 19

Public Sector Use of AS2124 - Issue 1, item 7, p 5

Queensland Foreign Land Ownership Register - Issue 7, item 5, p 2

Reform of Commonwealth Procurement Methods - Issue 8, item 5, p 3

#### **Industrial Relations**

AIDS in the Workplace - Issue 7, item 20, p 16

Building Industry Inquiry - Issue 5, item 9, p 12

Developments in Industrial Relations - Issue 2, item 1, p 1

Green Paper on Industrial Relations in New South Wales - Issue 7, item 18, p 13

Material Safety Data Sheets - Issue 7, item 21, p 20

Negligence - Safe System of Work - Union Interference - Issue 9, item 24, p 21

New Industrial Relations Act - Issue 7, item 17, p 13

Queensland Workplace Health and Safety Act 1989 - Issue 8, item 6, p 3

Severance Pay - Commission Decision - Issue 9, item 29, p 23

Severance Pay Decision - Issue 5, item 8, p 12

The Death of Site Allowances? - Issue 7, item 16, p 12

Troubleshooters - Employees or Independent Contractors? - Issue 9, item 31, p 24

Troubleshooters - Decision of Disputes Board - Whether Misleading or Deceptive Conduct under the Trade Practices

Act - Issue 9, item 32, p 25

Wage Claims/National Wage Case - Issue 4, item 10, p 5

# **Industry Associations**

AFCC-HIA Reciprocity Agreement - Issue 7, item 12, p 10

BOMA's Construction Contract Guidelines - Issue 7, item 7, p 4

#### **Industry Developments**

AFCC-HIA Reciprocity Agreement - Issue 7, item 12, p 10

BOMA's Construction Contract Guidelines - Issue 7, item 7, p 4

Building Britain 2001 - Issue 4, item 9, p 3

Conference Overload - Issue 2, item 3, p 3

U.K. Masters in Construction Law - Issue 7, item 3, p 2

NBCC Response to Claims and Disputes Report - Issue 7, item 8, p 6

NPWC, NBCC and AFCC Claims and Disputes Joint Working Party - Issue 7, item 9, p 8

NPWC, NBCC and AFCC Claims and Disputes Joint Working Party - Issue 8, item 8, p 5

NSW Law Society's Submission to the Building Services Corporation - Issue 8, item 9, p 5

# Insurance

Contract and Insurance Law - Recent Significant Developments - Issue 4, item 16, p 8

Insurance - Duty of Disclosure - Issue 7, item 15, p 11

Insurance - Professional Negligence Claim - Issue 5, item 11, p 14

Insurance - Recovery for Negligent Policy - Issue 9, item 19, p 17

Insurance - Reinstatement, Recovery of Extra Costs of Complying with Authorities' Requirements - Issue 9, item 20, p

Insurance Deductibility and the Tax Office - Issue 5, item 12, p 14

Liability and Insurance in the Construction Industry - Issue 1, item 2, p 2

Liability Insurance - Who Needs It? - Issue 5, item 13, p 15

New South Wales Inquiry into Liability and Insurance - Issue 4, item 4, p 2

Workers Compensation Insurance - NSW - Issue 1, item 18, p 12

#### Joint Ventures

Joint Ventures - Forming a Consortium and Maximising Development Opportunities - Issue 7, item 22, p 20 Property Joint Ventures - Issue 8, item 15, p 28

#### Land

Land - Right of Support for Future Buildings - Issue 1, item 20, p 12

#### **Latent Defects**

Latent Defects in Building - Issue 5, item 2, p 1

#### **Latent Site Conditions**

Latent Site Conditions and the Trade Practices Act - Issue 1, item 14, p 8

#### Legislation

Freedom of Information in New South Wales - Issue 7, item 6, p 3

Queensland Foreign Land Ownership Register - Issue 7, item 5, p 2

Queensland Workplace Health and Safety Act 1989 - Issue 8, item 6, p 3

# Liability

Legionnaire's Disease - New Australian Standard to Combat Killer Disease - Issue 5, item 7, p 10

Liability of Professionals - Issue 8, item 12, p 13

Product Liability - Issue 4, item 18, p 12

#### Limitation of Liability

Latent Defects and Limitation Periods - High Court Development - Issue 1, item 16, p 9

Liability and Insurance in the Construction Industry - Issue 1, item 2, p 2

RAIA Proposals to Limit Liability - Issue 2, item 10, p 9

#### **Liquidated Damages**

Liquidated Damages - What Limit? - Issue 1, item 24, p 15

#### **Local Government**

The Lesson of San Sebastian - Issue 1, item 17, p 10

#### Negligence

Accrual of Cause of Action - Issue 9, item 22, p 20

Duty of Care - Use of Inflammable substance - Issue 9, item 18, p 17

Insurance - Recovery for Negligent Policy - Issue 9, item 19, p 17

Negligence - Jurisdiction of the Victorian Planning Appeals Board - Date of Negligence - Occupiers' Liability - Issue 9, item 23, p 20

Negligence - Safe System of Work - Union Interference - Issue 9, item 24, p 21

Negligence of Highway Authority - Misfeasance and Non-Feasance - Issue 9, item 21, p 19

# **Negligent Advice**

Negligent Advice, Inaccurate Estimates and the Trade Practices Act - Issue 1, item 15, p 8 Negligent Bureaucrative Advice - Issue 1, item 5, p 3

#### Negotiation

Lack of Negotiation Skills Hampers Dispute Resolution - Issue 6, item 9, p 5

The Art of Negotiations - Issue 7, item 10, p 9

#### **New Contracts**

Choice Magazine Article on Residential Building Contracts - Issue 8, item 1, p 1

Draft SAA Home Building Contract - Issue 4, item 7, p 3

Draft SAA Home Building Contract - Issue 8, item 2, p 2

New SAA Supply Contracts - Issue 1, item 19, p 12

New SAA Supply Contract - Issue 4, item 17, p 9

Project and Construction Management Agreement - Issue 2, item 15, p 18

#### **Notice Provisions**

Building Contracts - Notice Provisions - Issue 4, item 14, p 6

#### Planning

New Planning and Development Approvals Regime in Canberra - Issue 8, item 7, p 4

# **Privilege**

"Common Interest" Privilege - Issue 9, item 9, p 11

# **Product Liability**

Change in Product Liability Reform - Issue 5, item 10, p 13

Product Liability - Issue 4, item 18, p 12

Product Liability - Issue 9, item 27, p 23

# **Professional Liability**

Insurance - Professional Negligence Claim - Issue 5, item 11, p 14

Liability Insurance - Who Needs It? - Issue 5, item 13, p 15

Liability of Professionals - Issue 8, item 12, p 13

# **Project Management**

Project and Construction Management Agreement - Issue 2, item 15, p 18

# Safety

AIDS in the Workplace - Issue 7, item 20, p 16

Code of Practice for the Safe Erection of Steelwork - Issue 7, item 13, p 10

Legionnaire's Disease - New Australian Standard to Combat Killer Disease - Issue 5, item 7, p 10

Material Safety Data Sheets - Issue 7, item 21, p 20

Negligence - Safe System of Work - Union Interference - Issue 9, item 24, p 21

Queensland Workplace Health and Safety Act 1989 - Issue 8, item 6, p 3

#### Standards

Draft SAA Home Building Contract - Issue 8, item 2, p 2

Legionnaire's Disease - New Australian Standard to Combat Killer Disease - Issue 5, item 7, p 10

#### **Supply Contracts**

New SAA Supply Contracts - Issue 1, item 19, p 12

New SAA Supply Contract - Issue 4, item 17, p 9

Reform of Commonwealth Procurement Methods - Issue 8, item 5, p 3

# **Taxation**

Insurance Deductibility and the Tax Office - Issue 5, item 12, p 14

Taxes - Issue 1, item 12, p 6

# **Tendering Issues**

New South Wales Tender Inquiry - Issue 4, item 3, p 2

New South Wales Tender Inquiry - Issue 7, item 1, p 2

Non-conforming Tenders - Duties in Manner in which Assessment is Conducted - Issue 9, item 25, p 22

NPWC Tender Code - Issue 4, item 2, p 2

Reform of Commonwealth Procurement Methods - Issue 8, item 5, p 3

Tender Enquiries - Issue 1, item 13, p 7

#### **Time Barring Provisions**

Building Contracts - Notice Provisions - Issue 4, item 14, p 6

# **Tortious Liability - Developments**

The Lesson of San Sebastian - Issue 1, item 17, p 10

#### **Trade Practices Act**

Conduct Under the Trade Practices Act - Issue 9, item 32, p 25

Immunity From the Trade Practices Act Extended to Government Contractors - Issue 1, item 11, p 6

Latent Site Conditions and the Trade Practices Act - Issue 1, item 14, p 8

Negligent Advice, Inaccurate Estimates and the Trade Practices Act - Issue 1, item 15, p 8

Promise to Keep Offer to Sell Building Open for a Week - Whether Actionable under Section 52 of the Trade Practices Act - Issue 9, item 28, p 23

Troubleshooters - Decision of Disputes Board - Whether Misleading or Deceptive Conduct under the Trade Practices Act - Issue 9, item 32, p 25

#### **Variations**

Variations - Issue 9, item 35, p 28

Variations - NPWC3 - Issue 9, item 34, p 28

# 3. STANDARD INDUSTRY CONTRACTS REFERRED TO

#### AS2124-1978

re Clause 40.2;

Building Contracts - Notice Provisions - Issue 4, item 14, p 7

# AS2124-1986

re Clause 23:

Liability of Professionals - Issue 8, item 12, p 13 at p 16

re Clause 42;

Interest As Damages-Issue 8, item 11, pp 11 at p 12

re Clauses 42 + 46;

Progress Certificates - Issue 5, item 3, p 2

re Clause 45;

Termination of Construction Contracts by Frustration - Issue 2, item 12, pp 13 + 14

referred to;

New SAA Supply Contract - Issue 4, item 17, p 9

re Clause 46.2;

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

use;

Commonwealth Use of Industry Contracts - Issue 5, item 1, p 1

Public Sector Use of AS2124 - Issue 1, item 7, p 5

Taxes - Issue 1, item 12, p 6

# AS2545-1987

re Clause 46.3:

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

referred to:

New SAA Supply Contract - Issue 4, item 17, p 9

# SAA Supply Contracts - AS2987-1987 and AS3556-1988

SAA Supply Contracts - article;

New SAA Supply Contract - Issue 4, item 17, p 9

brief news report;

New SAA Supply Contracts - Issue 1, item 19, p 12

re Clause 31.2;

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

#### **BC3 BUILDING CONTRACT**

arbitration provisions;

New South Wales Law Society's Submission to Building Services Corporation - Issue 8, item 9, referred to at p 9

#### E<sub>5</sub>b

re interest award in arbitration;

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

Attempt to Incorporate Lump Sum Contract E5b in a Subcontract - Issue 9, item 13, p 13

#### **FIDIC**

re Clauses 65 + 66

Termination of Construction Contracts by Frustration - Issue 2, item 12, at p 13

referred to:

Liability of Professionals - Issue 8, item 12, p 13

#### **HIA CONTRACTS**

arbitration provisions;

New South Wales Law Society's Submission to Building Services Corporation - Issue 8, item 9, referred to at p 9

# **HOME BUILDING CONTRACT - SAA (DRAFT)**

Draft SAA Home Building Contract - Issue 4, item 7, p 3

referred to:

Choice Magazine Article on Residential Building Contracts - Issue 8, item 1, p 1

update;

Draft SAA Home Building Contract - Issue 8, item 2, p 2

#### **ICE 5TH EDITION**

re Clauses 64 + 65;

Termination of Construction Contracts by Frustration - Issue 2, item 12, at p 13

# **JCC**

Taxes - Issue 1, item 12, p 6

re interest award in arbitration;

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

use;

Commonwealth Use of Industry Contracts - Issue 5, item 1, p 1

#### MBW1

re interest award in arbitration;

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

#### NPWC3

re Clause 7 (notices) + Clause 44 (default);

Terminating the Contractor's Engagement - Issue 7, item 19, p 15

re Clause 12;

Tender Enquiries - Issue 1, item 13, p 7

re Clause 40;

Variations - NPWC3 - Issue 9, item 33, p 28

re Clause 44:

Contract - Penalty Clauses - Issue 9, item 14, p 14

Unreasonably Terminating the Contractor's Engagement - Issue 9, item 33, p 25

re Clause 48;

Unjust Enrichment - Issue 5, item 5, at p 2 (second column)

re interest award in arbitration;

An Arbitrator's Power to Award Interest - Issue 6, item 21, p 14

referred to;

Interest as Damages - Issue 8, item 11, p 11 at p 12

use

Commonwealth Use of Industry Contracts - Issue 5, item 1, p 1

Public Sector Use of AS2124 - Issue 1, item 7, p 5

Taxes - Issue 1, item 12, p 6

#### SRW1

Certificates - Final - Issue 9, item 7, at p 10

#### SCNPWC2SUB-CONTRACT

Delay Costs Due to Changes of Programme - Issue 9, item 17, at p 16

# 4. TABLE OF CASES

A.

Abbey Orchard Property Investments Pty Ltd; James Wallace Pty Ltd v., Supreme Court of NSW, Court of Appeal, Glass, Samuels and Mahoney JJA, 21 October 1980 - Issue 9, item 1, p 3

Abrasiflex Products (WA) Pty Ltd; Beard v., Full Court of the WA Supreme Court, 15 March 1989 - Issue 9, item 27, p 23

Advance (NSW) Insurance Agencies Pty Ltd v Matthews and Anor, High Court, 2 May 1989 - Issue 7, item 15, p 11

Aqua Lift; Fillite (Runcorn) Ltd v., The Times, 28 February 1989 - Issue 7, item 24, p 26

Atlas Express Ltd v Kafco Importers and Distributors Ltd (1989) 3 WLR 389 - Issue 9, item 10, p 11

Australian Airlines Ltd; Costain Australia Ltd v., Supreme Court of Victoria, Southwell J, 6 June 1988 - Issue 7, item 24, p 25

Australian and New Zealand Banking Group Ltd v Frost Holdings Pty Ltd [1989] VR 695 - Issue 9, item 12, p 12

Aziz v GIFC Limited, unreported, Supreme Court of NSW, No S28244 of 1988, Giles J, 9 August 1988 - Issue 5, item 4, p 4

B.

Barrier Reef Holdings Ltd; Bethlehem Singapore Private Limited v., Supreme Court of NSW, Bryson J, 27 October 1987 - Issue 9, item 35, P 28

Baulderstone Hornibrook Pty Ltd & Another; State Rail Authority of NSW v., Supreme Court of NSW, Cole J, 16 December 1988 - Issue 9, item 34, p 28

Baxter; Pacific Associates Inc v., (1989) 2 All ER 159 - Issue 8, item 12, p13

Beard v Abrasiflex Products (WA) Pty Ltd, Full Court of the WA Supreme Court, 15 March 1989 - Issue 9, item 27, p 23

Bethlehem Singapore Private Limited v Barrier Reef Holdings Ltd, Supreme Court of NSW, Bryson J, 27 October 1987 - Issue 9, item 35, p 28

Bevanere Pty Ltd v Lubidineuse (1985) 6 BCLRS 226 - Issue 1, item 14, p 8

Bond Corporation Pty Ltd v Thiess Contractors Pty Ltd (1988) 17 FCR 487 - Issue 5, item 3, p 3

Bond Corporation Pty Ltd v Thiess Contractors Pty Ltd and Ove Arup Pty Ltd (1987) 6 BCLRS 406 and 9 ATPR 40-771 - Issue 1, item 15, p 8

Broken Hill Proprietary Co Ltd; Queensland Wire Industries Pty Ltd v., (1989) 63 ALJR 181 - Issue 7, item 24, p 28

Building Workers' Industrial Union of Australia & Others; Odco Pty Ltd v., (1988) ATPR 46-042 - Issue 9, item 32, p 25

Building Workers' Industrial Union of Australia and Others; Odco v., Federal Court, No VG151 of 1988, Woodward J, 24 August 1989 - Issue 9, item 31, p 24

Bulk Materials (Coal Handling) Services Pty Limited v Coal and Allied Operations Pty Limited, unreported, 14 July

1988 - Issue 9, item 9, p 11

C.

Capricorn Inks Pty Ltd v Lawter International (Australasia) Pty Ltd (1989) 1 Qd.R.8 - Issue 6, item 20, p 12

Chloride Batteries Australia Limited v Glendale Chemical Products Pty Ltd, Supreme Court of NSW, Commercial Division, Cole J, 16 December 1988 - Issue 9, item 16, p 15

City of Castlemaine; Page v., Supreme Court of Victoria, Gobbo J, 5 August, 1988 - Issue 9, item 22, p 20

Civil & Civic Pty Ltd & Anor; Newark Pty Ltd v., (1987) 75 ALR 350 - Issue 7, item 24, p 25

Clark Equipment Credit of Australia v Como Factors Pty Ltd (1988) 14 NSWLR 522 - Issue 7, item 24, p 25

Coal and Allied Operations Pty Limited; Bulk Materials (Coal Handling) Services Pty Limited v., unreported, 14 July 1988 - Issue 9, item 9, p 11

Codelfa Construction Pty Ltd v State Rail Authority (1982) 149 CLR 337 - Issue 6, item 21, p 17

Colonial Mutual General Insurance Company Ltd v Daloia (1989) VR 161 - Issue 9, item 20, p 18

The Commissioner for Main Roads NSW; Hill v., NSW Court of Appeal, 20 June 1989, (1989) Aust Torts Reports 80-260 - Issue 9, item 21, p 19

The Commissioner for Main Roads v Leighton Contractors Pty Ltd (1986) 7 BCLRS 81 - Issue 2, item 6, p 5

Commonwealth of Australia; Taylor Woodrow International Ltd v., Supreme Court of WA, 7 October 1985, No 1581 of 1985 - Issue 7, item 24, p 26

Como Factors Pty Ltd; Clark Equipment Credit of Australia v., (1988) 14 NSWLR 522 - Issue 7, item 24, p 25

Concrete Constructions (NSW) Pty Ltd; Nelson v., (1989) ATPR 40-936 - Issue 7, item 24, p 26

Construction Planning & Management Pty Ltd v Nikolaou, Supreme Court of Victoria (1988) 4 BCL 255 - Issue 9, item 2, p 3

Costain Australia Ltd v Australian Airlines Ltd, Supreme Court of Victoria, Southwell J, 6 June 1988 - Issue 7, item 24, p 25

D.

Daloia; Colonial Mutual General Insurance Company Ltd v., (1989) VR 161 - Issue 9, item 20, p 18

Dellios; RJ Grills Pty Ltd v., Supreme Court of Victoria, Murray J, (1988) VR 136 - Issue 9, item 8, p 10

Dimovski; Nasic v., [1988] VR 94 - Issue 7, item 24, p 25

Dindori Holdings Pty Limited v Wathen Demolitions Pty Limited, 25 May 1989 - Issue 9, item 7, p 10

E.

AW Edwards Pty Limited; Ipoh Garden Berhad (Aust) Pty Limited v., NSW Court of Appeal, 19 October 1989 - Issue 9, item 6, p 9

The Electricity Commission of New South Wales; White Industries v., Supreme Court of NSW, 2522/1987 - Issue 9, item 25, p 22

Energy Drilling Inc v Petroz NL & Ors (1989) ATPR 40-954 - Issue 9, item 26, p 22

Esanda Finance Corporation Limited v Heinz Plessnig and Anor, High Court of Australia, 9 February, 1989 - Issue 9, item 14, p 14

F.

Fillite (Runcorn) Ltd v Aqua Lift, The Times, 28 February 1989 - Issue 7, item 24, p 26

Forbes Macfie Hansen Pty Ltd & Ors; New South Wales Bar Association & Ors v., (1988) ATPR 40-875 - Issue 1, item 11, p 6

SP Formwork Pty Ltd; Graham Evans & Co Pty Ltd v., Appeal No 363 of 1987, 30 August 1988 - Issue 9, item 17, p

Franklin Food Stores Pty Ltd; Sleiman v., NSW Court of Appeal 11 May 1989, (1989) Aust Torts Reports 80-266 - Issue 9, item 23, p 20

Frost Holdings Pty Ltd; Australian and New Zealand Banking Group Ltd v., [1989] VR 695 - Issue 9, item 12, p 12

G.

GIAB Nominees Pty Ltd; Hooper Constructions Pty Ltd v., Supreme Court of Victoria, Marks J, 2 November 1988 - Issue 7, item 24, p 25

GIFC Limited; Aziz v., unreported, Supreme Court of NSW, No S28244 of 1988, Giles J, 9 August 1988 - Issue 5, item 4, p 4

Glendale Chemical Products Pty Ltd; Chloride Batteries Australia Limited v., Supreme Court of NSW, Commercial Division, Cole J, 16 December 1988 - Issue 9, item 16, p 15

Graham Evans & Co Pty Ltd v SP Formwork Pty Ltd, Appeal No 363 of 1987, 30 August 1988 - Issue 9, item 17, p 15

Grahame Allen Earthmoving Pty Ltd v Woodwark Bay Development Corporation Limited, Mr Justice Dowsett, Qld Supreme Court, 19 December 1988 - Issue 5, item 3, p 2

RJ Grills Pty Ltd v Dellios, Supreme Court of Victoria, Murray J, (1988) VR 136 - Issue 9, item 8, p 10

H.

Hall & Anor; McInnes v., Supreme Court of NSW, Newman J, 17 December 1987 - Issue 9, item 5, p 8

Hansen and Yuncken (Tasmania) Pty Ltd; Jenkins v., (1989) Aust Torts Reports 80-255 - Issue 9, item 24, p 21

Harkin; Kebewar v., (1987) 7 BCLRS 219 - Issue 1, item 20, p 12

Heinz Plessnig and Anor; Esanda Finance Corporation Limited v., High Court of Australia, 9 February, 1989 - Issue 9, item 14, p 14

Henry and Others; Royal Australian Air Force Veterans Residences Trust v., (1989) 9 Qld Law Reports 114 - Issue 9, item 19, p 17

Hill v The Commissioner for Main Roads NSW, NSW Court of Appeal, 20 June 1989, (1989) Aust Torts Reports 80-260 - Issue 9, item 21, p 19

Holmark Construction Co Pty Limited v Willis Faber Johnson & Higgins (NSW) Pty Limited - Issue 5, item 11, p 14

Hooper Bailie Associated Ltd v President, M.B.A. of the ACT and others, unreported, ACT Supreme Court, Davies J, 24 November 1988 - Issue 4, item 15, p 7

Hooper Constructions Pty Ltd v GIAB Nominees Pty Ltd, Supreme Court of Victoria, Marks J, 2 November 1988 - Issue 7, item 24, p 25

Hungerfords & Ors; Walker & Ors v., (1987) Aust. Torts Reports 80-145 - Issue 1, item 6, p 3

Hungerfords v Walker, High Court, 9 February, 1989 - Issue 8, item 11, p 11

Hughes Bros Pty Limited v Trustees of the Roman Catholic Church for the

Archdiocese of Sydney and Anor, unreported, NSW Supreme Court, Giles J, 21 September 1989 - Issue 9, item 33, p 25

I.

Interfoto Picture Library Ltd v Stiletto Visual Programmes Ltd (1988) 1 All ER 348 - Issue 6, item 21, p 16

Ipoh Garden Berhad (Aust) Pty Limited v AW Edwards Pty Limited, NSW Court of Appeal, 19 October 1989 - Issue 9, item 6, p 9

J.

James Wallace Pty Ltd v Abbey Orchard Property Investments Pty Ltd, Supreme Court of NSW, Court of Appeal, Glass, Samuels and Mahoney JJA, 21 October 1980 - Issue 9, item 1, p 3

Jenkins v Hansen and Yuncken (Tasmania) Pty Ltd (1989) Aust Torts Reports 80-255 - Issue 9, item 24, p 21

K.

Kafco Importers and Distributors Ltd; Atlas Express Ltd v., (1989) 3 WLR 389 - Issue 9, item 10, p 11

Kebewar v Harkin (1987) 7 BCLRS 219 - Issue 1, item 20, p 12

Keywest Building Co Pty Ltd; LNC Harper Davidson Pty Ltd Trading as Allansons (WA) v., Supreme Court of WA, Kennedy J, 13 July, 1988 - Issue 9, item 4, p 8

Kleinwort Benson Ltd v Malaysia Mining Corporation BHD [1988] 1 All ER 714 - Issue 4, item 13, p 6

Kleinwort Benson Ltd v Malaysia Mining Corporation BHD 1 All ER, UK Court of Appeal, 2 February 1989 - Issue 7, item 24, p 28

L.

Larkin; Milchas Investments Pty Ltd v., (1989) ATPR 40-956 - Issue 9, item 28, p 23

Lawter International (Australasia) Pty Ltd; Capricorn Inks Pty Ltd v., (1989) 1 Qd.R.8 - Issue 6, item 20, p 12

Leighton Contractors Pty Ltd; The Commissioner for Main Roads v., (1986) 7 BCLRS 81 - Issue 2, item 6, p 5

LNC Harper Davidson Pty Ltd Trading as Allansons (WA) v Keywest Building Co Pty Ltd, Supreme Court of WA, Kennedy J, 13 July, 1988 - Issue 9, item 4, p 8

Lubidineuse; Bevanere Pty Ltd v., (1985) 6 BCLRS 226 - Issue 1, item 14, p 8

Lutz; Parramatta City Council v., (1988) ATT 80-159 - Issue 1, item 5, p 3

M.

Malaysian International Shipping Corporation, Berhad; Nissho Iwai Australia Ltd v., (1989) ALR 375 - Issue 9, item 11, p 12

Malaysia Mining Corporation BHD; Kleinwort Benson Ltd v., [1988] 1 All ER 714 - Issue 4, item 13, p 6

Malaysia Mining Corporation BHD; Kleinwort Benson Ltd v., 1 All ER, UK Court of Appeal, 2 February 1989 - Issue 7, item 24, p 28

D & F Mancuso Investments Pty Ltd & Ors; Ownit Homes Pty Ltd & Ors v., Federal Court of Australia, Qld Registry, 29 April 1988 - Issue 9, item 15, p 14

Matthews and Anor; Advance (NSW) Insurance Agencies Pty Ltd v., High Court, 2 May 1989 - Issue 7, item 15, p 11

McFarlane; Spiers v., (1988) SASR 443 - Issue 9, item 18, p 17

McInnes v Hall & Anor, Supreme Court of NSW, Newman J, 17 December 1987 - Issue 9, item 5, p 8

McNiece Bros Pty Ltd; Trident General Insurance Co Ltd v., 80 ALR 574 - Issue 4, item 16, p 8

Metropolitan Waste Disposal Authority; Pinas Constructions Pty Ltd v., (1988) 12375 of 1988, Brownie J, 4 August 1988 - Issue 2, item 5, p 5

Milchas Investments Pty Ltd v Larkin (1989) ATPR 40-956 - Issue 9, item 28, p 23

The Minister Administering the Environmental Planning and Assessment Act 1979 & Anor; San Sebastian Pty Limited & Anor v., (1986) 6 BCLRS 327 - Issue 1, item 17, p 10

Minister for Public Works v Renard (M.E.) Pty Limited (No. 1), NSW Supreme Court, 15 February 1989 - Issue 7, item 19, p 15, Issue 9, item 33, p 25

Minister for Public Works v Renard Constructions (M.E.) Pty Limited (No. 2), NSW Supreme Court, 26 October 1989 - Issue 9, item 33, p 25

Molodysky v Vema Australia Pty Ltd, Supreme Court of NSW, Cohen J, 20 December 1988, Equity Division No 4189 of 1988 - Issue 9, item 30, p 24

Mutton; White Constructions (NT) Pty Ltd v., Supreme Court of NT, Martin J, 5 August 1988, No 818 of 1987 - Issue 7, item 24, p 26

N.

Nasic v Dimovski [1988] VR 94 - Issue 7, item 24, p 25

Nelson v Concrete Constructions (NSW) Pty Ltd (1989) ATPR 40-936 - Issue 7, item 24, p 26

New South Wales Bar Association & Ors v Forbes Macfie Hansen Pty Ltd & Ors (1988) ATPR 40-875 - Issue 1, item 11, p 6

Newark Pty Ltd v Civil & Civic Pty Ltd & Anor (1987) 75 ALR 350 - Issue 7, item 24, p 25

Nikolaou; Construction Planning & Management Pty Ltd v., Supreme Court of Victoria (1988) 4 BCL 255 - Issue 9, item 2, p 3

Nissho Iwai Australia Ltd v Malaysian International Shipping Corporation, Berhad (1989) ALR 375 - Issue 9, item 11, p 12

Northside Developments Pty Ltd; Registrar-General v., Supreme Court of NSW, Court of Appeal, 1 November 1988 CA No 227/87 - Issue 4, item 12, p 6

0.

Odco Pty Ltd v Building Workers' Industrial Union of Australia & Others (1988) ATPR 46-042 - Issue 9, item 32, p 25

Odco v Building Workers' Industrial Union of Australia and Others, Federal Court, No VG151 of 1988, Woodward J, 24 August 1989 - Issue 9, item 31, p 24

O'Farrell v Road Construction Authority and Morverk Pty Ltd (1984) 6 BCLRS 39 - Issue 7, item 6, p 4

Onerati v Phillips Constructions Pty Ltd (In Liquidation) & Anor, Supreme Court of NSW, Giles J, 12 May 1989 - Issue 9, item 3, p 4

Oscar Faber & Partners; Pirelli General Cable Works Ltd v., (1982) House of Lords, 9 December 1982, 1983 WLR 6 - Issue 1, item 16, p 9

Ownit Homes Pty Ltd & Ors v D & F Mancuso Investments Pty Ltd & Ors, Federal Court of Australia, Qld Registry, 29 April 1988 - Issue 9, item 15, p 14

P.

Pacific Associates Inc v Baxter (1989) 2 All ER 159 - Issue 8, item 12, p13

Page v City of Castlemaine, Supreme Court of Victoria, Gobbo J, 5 August, 1988 - Issue 9, item 22, p 20

Parramatta City Council v Lutz (1988) ATT 80-159 - Issue 1, item 5, p 3

Paul; Pavey & Matthews Pty Ltd v., 162 CLR 221, (1987) 61 ALJR 151 - Issue 5, item 5, p 5

Pavey & Matthews Pty Ltd v Paul 162 CLR 221, (1987) 61 ALJR 151 - Issue 5, item 5, p 5

Petroz NL & Ors; Energy Drilling Inc v., (1989) ATPR 40-954 - Issue 9, item 26, p 22

Phillips Constructions Pty Ltd (In Liquidation) & Anor; Onerativ., Supreme Court of NSW, Giles J, 12 May 1989 - Issue 9, item 3, p 4

Piling Contractors Pty Ltd; White Industries Pty Ltd v., (1986) 7 BCLRS 172 - Issue 9, item 13, p 13

Pinas Constructions Pty Ltd v Metropolitan Waste Disposal Authority (1988) 12375 of 1988, Brownie J, 4 August 1988 - Issue 2, item 5, p 5

Pirelli General Cable Works Ltd v Oscar Faber & Partners (1982) House of Lords, 9 December 1982, 1983 WLR 6 - Issue 1, item 16, p 9

President, M.B.A. of the ACT and others; Hooper Bailie Associated Ltd v., unreported, ACT Supreme Court, Davies J, 24 November 1988 - Issue 4, item 15, p 7

Q.

Oueensland Wire Industries Pty Ltd v Broken Hill Proprietary Co Ltd (1989) 63 ALJR 181 - Issue 7, item 24, p 28

R.

Registrar-General v Northside Developments Pty Ltd, Supreme Court of NSW, Court of Appeal, 1 November 1988 CA No 227/87 - Issue 4, item 12, p 6

Renard (M.E.) Pty Limited (No. 1); Minister for Public Works v., NSW Supreme Court, 15 February 1989 - Issue 7, item 19, p 15, Issue 9, item 33, p 25

Renard Constructions (M.E.) Pty Limited (No. 2); Minister for Public Works v., NSW Supreme Court, 26 October 1989 - Issue 9, item 33, p 25

Resources Conservations Co International; Wormald Engineering Pty Limited v., unreported, Supreme Court of NSW Common Law Division, Building and Engineering List No 11277 of 1988, 2 November 1988 - Issue 4, item 14, p 7

Road Construction Authority and Morverk Pty Ltd; O'Farrell v., (1984) 6 BCLRS 39 - Issue 7, item 6, p 4

R P Robson Constructions Pty Ltd v Williams, 8 February 1989, NSW Supreme Court No 14686/88 - Issue 7, item 24, p

Royal Australian Air Force Veterans Residences Trust v Henry and Others (1989) 9 Qld Law Reports 114 - Issue 9, item 19, p 17

S.

San Sebastian Pty Limited & Anors v The Minister Administering the Environmental Planning and Assessment Act 1979 & Anor (1986) 6 BCLRS 327 - Issue 1, item 17, p 10

Sleiman v Franklin Food Stores Pty Ltd, NSW Court of Appeal 11 May 1989, (1989) Aust Torts Reports 80-266 - Issue 9, item 23, p 20

Spiers v McFarlane (1988) SASR 443 - Issue 9, item 18, p 17

State Rail Authority of NSW v Baulderstone Hornibrook Pty Ltd & Another, Supreme Court of NSW, Cole J, 16 December 1988 - Issue 9, item 34, p 28

State Rail Authority; Codelfa Construction Pty Ltd v., (1982) 149 CLR 337 - Issue 6, item 21, p 17

Stiletto Visual Programmes Ltd; Interfoto Picture Library Ltd v., (1988) 1 All ER 348 - Issue 6, item 21, p 16

T.

Taylor Woodrow International Ltd v Commonwealth of Australia, Supreme Court of WA, 7 October 1985, No 1581 of 1985 - Issue 7, item 24, p 26

Thiess Contractors Pty Ltd; Bond Corporation Pty Ltd v., (1988) 17 FCR 487 - Issue 5, item 3, p 3

Thiess Contractors Pty Ltd and Ove Arup Pty Ltd; Bond Corporation Pty Ltd v., (1987) 6 BCLRS 406 and 9 ATPR 40-771 - Issue 1, item 15, p 8

Trident General Insurance Co Ltd v McNiece Bros Pty Ltd, 80 ALR 574 - Issue 4, item 16, p 8

Trustees of the Roman Catholic Church for the Archdiocese of Sydney and Anor; Hughes Bros Pty Limited v., unreported, NSW Supreme Court, Giles J, 21 September 1989 - Issue 9, item 33, p 25

V.

Vema Australia Pty Ltd; Molodysky v., Supreme Court of NSW, Cohen J, 20 December 1988, Equity Division No 4189 of 1988 - Issue 9, item 30, p 24

W.

Walker; Hungerfords v., High Court, 9 February, 1989 - Issue 8, item 11, p 11

Walker & Ors v Hungerfords & Ors (1987) Aust. Torts Reports 80-145 - Issue 1, item 6, p 3

Wathen Demolitions Pty Limited; Dindori Holdings Pty Limited v., 25 May 1989 - Issue 9, item 7, p 10

Westham Dredging Company Pty Limited v Woodside Petroleum Development Pty Ltd (1983) 5 BCLRS 135 - Issue 1, item 14, p 8

White Constructions (NT) Pty Ltd v Mutton, Supreme Court of NT, Martin J, 5 August 1988, No 818 of 1987 - Issue 7, item 24, p 26

White Industries v The Electricity Commission of New South Wales, Supreme Court of NSW, 2522/1987 - Issue 9, item 25, p 22

White Industries Pty Ltd v Piling Contractors Pty Ltd (1986) 7 BCLRS 172 - Issue 9, item 13, p 13

Williams; RP Robson Constructions Pty Ltd v., 8 February 1989, NSW Supreme Court No 14686/88 - Issue 7, item 24, p 24

Willis Faber Johnson & Higgins (NSW) Pty Limited; Holmark Construction Co Pty Limited v., - Issue 5, item 11, p 14

Woodside Petroleum Development Pty Ltd; Westham Dredging Company Pty Limited v., (1983) 5 BCLRS 135 - Issue 1, item 14, p 8

Woodwark Bay Development Corporation Limited; Grahame Allen Earthmoving Pty Ltd v., Mr Justice Dowsett, Qld Supreme Court, 19 December 1988 - Issue 5, item 3, p 2

Wormald Engineering Pty Limited v Resources Conservations Co International, unreported, Supreme Court of NSW Common Law Division, Building and Engineering List No 11277 of 1988, 2 November 1988 - Issue 4, item 14, p 7