

# **Australian Construction Law Newsletter**

**INDEX - 1991**

**Construction Publications Pty Ltd**

A.C.N. 002 872 488

ISSN 1032-0288

Registered by Australia Post - Publication No. NBG 3339

---

## Authors

**Amor-Smith, John**

Immunity of Arbitrators Under English and Australian Law - Issue 19, p6

**Anderson, G. W.**

National Accreditation Scheme - Issue 16, p21

**Barclay, Andrew**

Arbitration - Enforceability of Arbitration Clauses: the meaning of "may" - Issue 17, p63

**Beatty, Andrew**

Environmental Litigation, Preston (Book Review) - Issue 21, p13

**Boer, Ben**

Sustainable Development and the Business Community: The Challenge of the 1990s - Issue 18, p25

**Brazil, Pat**

The New Corporations Law: A Guide to Some Complexities - Issue 18, p10

**Buttner, John**

Shell and Core Construction - Issue 17, p48

**Callaghan, Paul**

Budget Superannuation Changes - Issue 21, p25

Tax Incentives for Environmental Objectives - Issue 21, p27

**Calvert, John**

Possession of Terminated Subcontractor's Materials - Issue 16, p61

**Chapman, Bill**

Finance Skills a Must for Property Professionals - Issue 19, p47

**Charlston, Jeremy**

Land Contamination - Unwary Buyers Could Face Clean-up Costs - Issue 18, p24

Paddy's Market Redevelopment - Issue 18, p50

**Choy, W. K.**

Sources of Variations in Australian Construction Contracts - Issue 21, p10

**Cominos, David**

Reliance on the Indoor Management Rule - Issue 17, p19

**Conrick, Brian**

Construction Contracts and Insolvency - Issue 19, p48

Subcontractors' Charges - Issue 16, p58

**Coyne, Chris**

Company Directors and Officers Insurance - Issue 16, p35

**Davenport, Philip**

Damages - Calculating Diminution in Value for Defects - Issue 16, p34

Defects Liability Period - Issue 17, p66

Delay Costs - Wharf Properties Case - Issue 21, p62

Design and Construct Contracts - Issue 16, p30

Director - Personal Liability for Warranty - Issue 18, p43

Experts and Arbitrators - Issue 21, p4

ICC Pre-Arbitral Referee Procedure, The - Issue 17, p27

Insolvency - Set Off - Issue 16, p60

---

---

Latent Damage, Limitation Periods and Project Insurance - Issue 21, p53  
Misfeasance in Public Office - Issue 17, p68  
Risk Allocation - A New Approach - Issue 19, p21  
Stamp Duty - Issue 18, p53  
Subsidence - Multiple Parties and Contribution - Issue 16, p63  
Termination of Contract - Issue 19, p57  
The Two Hudson Formulas - Issue 18, p14  
Variations Ordered after the Date for Practical Completion - Issue 17, p53

**Davis, Cathy**

Green Paper on Heritage Legislation - Issue 16, p36  
Land Contamination - Unwary Buyers Could Face Clean-up Costs - Issue 18, p24

**De Donatis, Maria**

Rent Review Clauses - Issue 19, p57

**Deluchi, Alex**

Offers of Compromise - Issue 18, p49

**Dunne, Ambrose**

Beware Insolvent Polluters - Issue 19, p49

**Fletcher, Arch**

Computerised Litigation Support in Construction Cases - Issue 20, p17  
Construction Contracts and Insolvency - Issue 19, p48  
Subcontractors' Charges - Issue 16, p58  
Workers' Compensation and Contractors - Issue 18, p41

**Floreani, Robert**

Arbitration - Court's Jurisdiction to Deal with Arbitrators' Determination on Pleadings in an Arbitration - Issue 17, p62

**Goldman, Gary**

Reliance on the Indoor Management Rule - Issue 17, p19

**Goldstein, David**

Arbitration - Judicial Review of Arbitration Awards - The New Approach - Issue 20, p52  
Arbitration - Time for Lodging an Appeal Against Arbitral Awards - Issue 17, p64

**Golvan, George H.**

Awards and Costs - Issue 17, p4

**Greenham, Phillip**

Copyright in Display Home - Alleged Infringement -  
Points of Similarities and Differences - Measure of Damages - Issue 17, p65  
Joint Venture - Buy Out Provision - Penalty - Issue 18, p45

**Gyles, Roger Q.C.**

Royal Commission Into Productivity in the Building Industry -  
First Interim Report of the Royal Commissioner - Issue 17, p13  
Interim Statement of the Royal Commissioner - Issue 16, p14  
Opening Statement of the Royal Commissioner - Issue 16, p10  
Second Interim Report of the Royal Commissioner - Issue 19, p14

**Harding, Matthew**

Obligations of Referees and the Requirements of Natural Justice - Issue 20, p12

**Harley, Geoff**

Reinstatement - New Powers in Queensland - Issue 16, p35

**Hibbert, Stephen**

Changes in Property Law - Impact on Investors and Developers - Issue 20, p26

---

**Hinds, K. J.**

Principles of Record Keeping Synopsis of Considerations for Future Reference - Issue 19, p17

Principles of Risk Analysis Synopsis of Considerations for Future Reference - Issue 20, p45

**Hooke, Frank**

Tax Changes for Australian Resource Industries - Issue 17, p51

**Jones, Douglas S.**

Structuring Contracts to Protect Against Insolvency - Issue 21, p34

**Kelety, Leslie**

Payment - English Court Upholds Builder's Promise to Pay More to Sub-Contractor to Finish the Job - Issue 17, p69

**Lance, Steven**

New Queensland Industrial Relations Act - Issue 17, p40

**Lothian, Margaret**

Date of Accrual of a Cause of Action in Contract and Tort -

"Supervision" by Architects - Referee's Report - Issue 20, p56

Engineers' Duties to Inform Clients - Issue 20, p59

New RAIA Long Form Services, Conditions and Fees - Issue 16, p8

**Lovell, Ken**

Redundancy Pay - Who Won? - Issue 18, p33

**MacDonald, Ken**

Environmental Impact Assessment in the Planning Process for Mining Projects - Issue 17, p29

**Mangioni, Robert**

Recent Decisions on Directors' Personal Liability - Issue 17, p17

**McCosker, Brad**

Progress Payment Certificate Issued by Architect: JCC Form of Contract - Issue 17, p70

**McLoughlin, Tom**

Professional Liability - The NSW Occupational Liability Bill, 1990 - Issue 20, p25

**McVeigh, Jennifer**

Construction Contracts and Insolvency - Issue 19, p48

Subcontractors' Charges - Issue 16, p58

Workers' Compensation and Contractors - Issue 18, p41

**Megens, Peter**

Arbitration - Disclaimers - Issue 18, p5

**Milner, Anne**

Reinstatement - New Powers in Queensland - Issue 16, p35

**Moti, Julian R.**

Australia to Ratify the ICSID Convention - Issue 17, p26

Book Review - The Immunity of Arbitrators - Issue 17, p12

**Nall, Stephen**

Green Paper on Heritage Legislation - Issue 16, p36

**Nash, Lloyd**

Retention of Title - All Accounts Clauses - Issue 18, p52

**Newton, David**

Dispute Resolution Processes - Issue 18, p23

**Noble, Brian**

Foreign Ownership of Land - Issue 18, p34  
Rent Review Clauses - Issue 19, p57

**Nott, A. J.**

Land and Environment Court [NSW] Law and Practice - Issue 16, p38

**NPWC/NBCC Joint Working Party**

NPWC/NBCC "No Dispute" Paper 9 - Claims Administration - Issue 16, p25  
NPWC/NBCC "No Dispute" Paper 11 - Alternative Contract Strategies - Issue 17, p44

**Oriti, Haydn**

Retention of Title - All Accounts Clauses - Issue 18, p52

**Perrett, Ross**

Demolition - Might is Not Right - Issue 18, p42

**Pilley, John**

Draft Quality Standard Not to Proceed - Issue 17, p50  
Pure Economic Loss and Proximity Problems in Negligence - The Importance of Reliance - Issue 19, p54

**Praeger, Ralph**

Staged Developments - Queensland Green Paper - Issue 21, p22

**Ritossa, Marina**

Professional Liability - The NSW Occupational Liability Bill, 1990 - Issue 20, p25

**Scotford, Andrew**

Concise Method of Measurement - Issue 17, p11

**Shirley, Melinda**

Breach of an ADR Clause - A Wrong Without Remedy? - Issue 19, p40

**Sidwell, A. C.**

Sources of Variations in Australian Construction Contracts - Issue 21, p10

**Snedden, John**

Proposed Queensland Environment Protection Legislation - Issue 21, p26

**Stewart, Kirsten**

Compliance with NSW Supreme Court Construction List Directions - Issue 20, p55

**Straughan, Craig**

Arbitration Clause - NPWC3 - Application for Stay of Proceedings, Claim for Quantum Meruit -  
Whether Arising Out of the Contract - Issue 21, p60

**Tonking, Ian**

Product Liability Update - Proposed New Law - Issue 18, p36

**Trainor, Karen**

Fraser Island Report - Issue 19, p39  
Green Paper on Heritage Legislation - Issue 16, p36  
Land Contamination - Unwary Buyers Could Face Clean-up Costs - Issue 18, p24  
Local Government (Planning and Environment) Act 1990 - Issue 18, p35  
Proposed Queensland Environment Protection Legislation - Issue 21, p26  
Tax Incentives for Environmental Objectives - Issue 21, p27

**Truswell, Andrew**

Trade Practices - Representations in Lease Negotiations - Effect of Disclaimers -  
BOMA Method of Measurement - Issue 19, p58

**Tyrril, John**

Amendments Proposed to the Uniform Commercial Arbitration Acts -  
Commercial Arbitration (Amendment) Bill 1990 (NSW) - Issue 16, p4  
Arbitration Clauses and Court Reference Out - Issue 17, p23  
Arbitration - The Media Debate - Issue 19, p4  
AS2124-1986 - PWD's Evaluation and Experience Manual - Issue 17, p16  
Book Review - Building and Construction Contracts in Australia Law and Practice,  
Dorter & Sharkey, Law Book Company, Release 1 November 1990 - Issue 16, p9  
Book Review - PWD's Contracts Manual - Issue 19, p12  
Building Approvals - Issue 16, p60  
Commercial Arbitration (Amendment) Act 1990 No. 100 (NSW) - Issue 17, p10  
Commercial Arbitration Law and Practice, Jacobs - Issue 18, p9  
Construction Costs of Major Projects - Industry Commission Report No. 8 - Issue 20, p5  
Construction Costs of Major Projects - The Industry Commission's Draft Report - Issue 16, p29  
Cost Adjustment - Use of ABS 6312 - Issue 21, p21  
Dispute Facilitators - Immunity - Issue 18, p43  
Employment - Trade Secrets - Restraint of Trade - Issue 18, p44  
Federal Government's Building & Construction Industry Reform Strategy - Contractual Issues - Issue 20, p6  
Highway Authority - Condition of Road Concealed - Issue 18, p45  
Independent Professional Certification Issue 16, p19  
Insolvency in the Building Industry - South Australian Ministerial Working Party's Report - Issue 17, p41  
JCC A - Proprietor's Notice of Default - Application to Restrain Termination  
Due to Builder's Subsequent Notice of Dispute - Issue 17, p66  
JCC Contract - Architect's Certificates - Whether Reviewable by Arbitrator or Court - Issue 20, p60  
Law Institute of Victoria's Home Renovations and Extensions Contract, 1st Edition 1990 - Issue 17, p15  
Mediation in the NSW Land and Environment Court - Issue 20, p11  
Negligence - Engineers' Liability to Subsequent Purchasers - Issue 18, p46  
Notice Requirements - Estoppel - Issue 18, p47  
Occupational Liability Bill 1990 (NSW) - Issue 18, p37  
Possible Review of General Conditions of Contract AS2124-1986 - Issue 16, p33  
Public Sector Tendering and Contracting in NSW -  
Capital Works Tendering and Contracting: Volume A - Issue 18, p40  
PWD of NSW - Discontinuation of Bills of Quantities - Issue 18, p7  
Retention - SCJCC Subcontract - Trust Fund - Issue 18, p50  
Safety - No Duty of Care to Warn of the Obvious - Issue 16, p61  
Sales Tax - Fitout Partitioning - Issue 18, p52  
Standard Form Contracts, The - Issue 20, p9  
Sydney Dispute Resolution Centre - Issue 21, p23  
Trade Practices Act, "Mere Puff" - Misleading or Deceptive Conduct - Issue 16, p66  
Trade Practices - Building Materials - Misuse of Market Power - Issue 18, p54  
Trade Practices - Damages - Conduct in Unsubstantiated Representations  
Regarding Design Infringement - Issue 16, p65  
Trade Practices - Effect of Limitation Clause - Issue 18, p55  
Trade Practices - Restraint of Trade - Issue 16, p66  
Trade Practices - Troubleshooters - Employees or Independent Contractors - Issue 18, p56  
Trespass - Injunction - Removal of Scaffolding Encroaching Upon Airspace - Damages - Issue 18, p57  
Valuing Work Without a Bill - Issue 20, p4  
Workers Compensation - Deemed Employee - Issue 16, p67

**Varghese, Ros**

Building Control - Certification - Issue 21, p15  
Legal Liabilities of Building Control Officers - Issue 16, p43

**Walker, Geoffrey**

Statements and Negotiations Prior to Signing a Contract: Are you Bound by Them? - Issue 19, p25

**Waller, Mark**

Company Directors and Officers Insurance - Issue 16, p35

---

## Subject

### Arbitration

Amendments Proposed to the Uniform Commercial Arbitration Acts -  
Commercial Arbitration (Amendment) Bill 1990 (NSW) - Issue 16, p4  
Arbitration Agreements - Right to Stay Proceedings Commenced in Court - Issue 21, p58  
Arbitration Clause - NPWC3 - Application for Stay of Proceedings - Claim for Quantum Meruit -  
Whether Arising out of the Contract - Issue 21, p60  
Arbitration - Court's Jurisdiction to Deal with Arbitrators' Determination on Pleadings in an Arbitration - Issue 17, p62  
Arbitration - Disclaimers - Issue 18, p5  
Arbitration - Enforceability of Arbitration Clauses: The Meaning of "may" - Issue 17, p 63  
Arbitration - Judicial Review of Arbitration Awards - The New Approach - Issue 20, p52  
Arbitration - The Media Debate - Issue 19, p4  
Arbitration - Time for Lodging an Appeal Against Arbitral Awards - Issue 17, p64  
Awards and Costs - Issue 17, p4  
Commercial Arbitration (Amendment) Act 1990 No. 100 (NSW) - Issue 17, p10  
Experts and Arbitrators - Issue 21, p4  
ICC International Court of Arbitration - Issue 21, p8  
Immunity of Arbitrators Under English and Australian Law, The - Issue 19, p6

### Architects

Date of Accrual of a Cause of Action in Contract and Tort -  
"Supervision" by Architects - Referee's Report - Issue 20, p56  
JCC Contract - Architect's Certificates - Whether Reviewable by Arbitrator or Court - Issue 20, p60  
New RAIA Long Form Services, Conditions and Fees - Issue 16, p 8

### AS2124-1986

AS2124-1986 - PWD's Evaluation and Experience Manual - Issue 17, p16  
Possible Review of General Conditions of Contract AS2124-1986 - Issue 16, p33

### Bills of Quantities

Bills of Quantities - Issue 19, p11  
Bills of Quantities - The Debate Continues - Issue 20, p4  
Concise Method of Measurement - Issue 17, p11  
Correspondence - Issue 21, p9  
PWD of NSW - Discontinuation of Bills of Quantities - Issue 18, p 7  
Sources of Variations in Australian Construction Contracts - Issue 21, p10

### BOMA Method of Measurement

Trade Practices - Representations in Lease Negotiations - Effect of Disclaimers -  
BOMA Method of Measurement - Issue 19, p58

### Book Reviews

BISCOA Practice Manual - Issue 21, p12  
Book Review - Building and Construction Contracts in Australia Law and Practice,  
Dorter and Sharkey, Law Book Company, Release 1 November 1990 - Issue 16, p 9  
Environmental Litigation, Preston, Law Book Company - Issue 21, p13  
Jacobs Commercial Arbitration Law and Practice - Issue 18, p9  
Immunity of Arbitrators, The - Issue 17, p12  
PWD's Contracts Manual - Issue 19, p12

### Building Approvals

Approval Before Building - Issue 19, p54  
Building Approvals - Issue 16, p60

### Building Control

The Building Code of Australia - Issue 21, p14  
Certification - Issue 21, p15

---

**Building Industry**

- Cabinet Approves Building Industry Reform Strategy - Issue 19, p13
- Royal Commission into Productivity in the Building Industry -
  - First Interim Report - Issue 17, p13
  - Interim Statement of the Royal Commissioner - Issue 16, p14
  - Opening Statement of the Royal Commissioner - Issue 16, p10
  - Second Interim Report - Issue 19, p14

**Building Regulation**

- Independent Professional Certification - Issue 16, p19

**Building Regulations**

- The National Accreditation Scheme - Issue 16, p21

**Cause of Action**

- Date of Accrual of a Cause of Action in Contract & Tort -  
"Supervision" by Architects - Referee's Report - Issue 20, p56

**Certificates**

- JCC Contract - Architect's Certificates - Whether Reviewable by Arbitrator or Court - Issue 20, p60
- Progress Payment Certificate Issued by Architect: JCC Form of Contract - Issue 17, p70

**Claims and Disputes**

- NPWC/NBCC "No Dispute" Paper 9 - Claims Administration - Issue 16, p25

**Construction Industry**

- Construction Costs of Major Projects - Industry Commission Report No. 8 - Issue 20, p5
- Construction Costs of Major Projects - The Industry Commission's Draft Report - Issue 16, p29
- Federal Government's Building & Construction Industry Reform Strategy - Contractual Issues - Issue 20, p6

**Construction List Directions**

- Compliance with NSW Supreme Court Construction List Directions - Issue 20, p55

**Contract Administration**

- Principles of Record Keeping - Synopsis of Considerations for Future Reference - Issue 19, p17

**Contracts**

- AS2124-1986 - PWD's Evaluation and Experience Manual - Issue 17, p16
- Contracts by Fax - Issue 20, p8
- Contracts by Fax: Are They Legitimate? - Issue 19, p20
- Design and Construct Contracts - Issue 16, p30
- JCC Contract - Architect's Certificates - Whether Reviewable by Arbitrator or Court - Issue 20, p60
- Law Institute of Victoria's Home Renovations and Extensions Contract - Issue 17, p15
- Possible Review of General Conditions of Contract AS2124-1986 - Issue 16, p33
- Risk Allocation - A New Approach - Issue 19, p21
- Standard Form Contracts, The - Issue 20, p9
- Statements and Negotiations Prior to Signing a Contract: Are You Bound by Them? - Issue 19, p25
- WAPMA Project Management Agreement - Issue 16, p34

**Copyright**

- Copyright in Display Home - Alleged Infringement -  
Points of Similarities and Differences - Measure of Damages - Issue 17, p65

**Corporate Affairs**

- New Corporations Law, The: A Guide to Some Complexities - Issue 18, p10
- Recent Decisions on Directors' Personal Liability - Issue 17, p17
- Reliance on the Indoor Management Rule - Issue 17, p19

**Corporation Law**

- Understanding the Corporations Law in Less than 2000 Words - Issue 19, p36



**Cost Adjustment**

- Cost Adjustment - Use of ABS 6312 - Issue 21, p21  
Exchange Rates - Tender Protection for Exporters - Issue 18, p13

**Damages**

- Damages - Calculating Diminution in Value for Defects - Issue 16, p34

**Defects**

- Defects Liability Period - Issue 17, p66

**Delay Costs**

- Calculating Head Office Overheads - Issue 17, p20  
Delay Costs - Wharf Properties Case - Issue 21, p62  
Two Hudson Formulas, The - Issue 18, p14

**Demolition**

- Demolition - Might is Not Right - Issue 18 p42

**Development**

- Fraser Island Report - Issue 19, p39  
Staged Developments - Queensland Green Paper - Issue 21, p22

**Directors**

- Company Directors and Officers Insurance - Issue 16, p35  
Director - Personal Liability for Warranty - Issue 18, p43  
Directors' Liabilities - Directors' Defences - Issue 20, p58

**Dispute Resolution**

- Arbitration Clauses and Court Reference Out - Issue 17, p23  
Australia to Ratify the ICSID Convention - Issue 17, p26  
Breach of an ADR Clause - A Wrong Without Remedy? - Issue 19, p40  
Building Disputes Tribunal (NSW) - Issue 18, p22  
Dispute Facilitators - Immunity - Issue 18, p43  
Dispute Resolution Processes - Issue 18, p23  
ICC Pre-Arbitral Referee Procedure, The - Issue 17, p27  
Mediation in the NSW Land and Environment Court - Issue 20, p11  
Obligations of Referees and the Requirements of Natural Justice - Issue 20, p12  
Sydney Dispute Resolution Centre - Issue 21, p23

**Economic Duress**

- Economic Duress Gathering Momentum as a Defence - Issue 20, p58

**Economic Loss**

- Pure Economic Loss and Proximity Problems in Negligence - The Importance of Reliance - Issue 19, p54

**Employment**

- Age Discrimination and Superannuation - Issue 21, p24  
Budget Superannuation Changes - Issue 21, p25  
Employee Liability - Issue 19, p42  
Employment - Trade Secrets - Restraint of Trade - Issue 18, p44  
Reinstatement - New Powers in Queensland - Issue 16, p35

**Engineers' Duties**

- Engineers' Duties to Inform Clients - Issue 20, p59

**Environment**

- Environmental Diligence - Is It Important? - Issue 19, p44  
Environmental Impact Assessment in the Planning Process for Mining Projects - Issue 17, p29  
Environmental Impact Statements - Issue 17, p28  
Land Contamination - Unwary Buyers Could Face Clean-up Costs - Issue 18, p24
-

Proposed Queensland Environment Protection Legislation - Issue 21, p26  
Protecting Australia's Coastal Environment - Issue 19, p46  
Sustainable Development and the Business Community: The Challenge of the 1990s - Issue 18, p25  
Tax Incentives for Environmental Objectives - Issue 21, p27

**Estoppel**

Issue Estoppel - Issue 21, p63

**Finance**

Finance Skills a Must for Property Professionals - Issue 19, p47  
New Credit Laws Expected by June 1992 - Issue 21, p28

**Health and Safety**

Hazardous Substances in the Workplace - Issue 20, p14  
New Occupational Health and Safety Regulations for New South Wales - Manual Handling - Issue 21, p31  
Safety - No Duty of Care to Warn of the Obvious - Issue 16, p61

**Heritage**

Green Paper on Heritage Legislation - Issue 16, p36

**Highway Authorities**

Highway Authority - Condition of Road Concealed - Issue 18, p45

**Industrial Relations**

New Queensland Industrial Relations Act - Issue 17, p40  
Redundancy Pay: - Who Won? - Issue 18, p33  
Redundancy Pay: - Who Won? - Issue 21, p32

**Insolvency**

Beware Insolvent Polluters - Issue 19, p49  
Construction Contracts and Insolvency - Issue 19, p48  
Incurring Debts and the Trade Practices Act - Issue 20, p60  
Insolvency in the Building Industry - South Australian Ministerial Working Party's Report - Issue 17, p41  
Insolvency - Set Off - Issue 16, p60  
Liquidating a Builder - Will the Subbies Get Paid? - Issue 20, p15  
Structuring Contracts to Protect Against Insolvency - Issue 21, p34

**JCC**

JCC Contract - Architect's Certificates - Whether Reviewable by Arbitrator or Court - Issue 20, p60  
JCC A - Proprietor's Notice of Default -  
Application to Restrain Termination Due to Builder's Subsequent Notice of Dispute - Issue 17, p66  
Progress Payment Certificate Issued by Architect: JCC Form of Contract - Issue 17, p70

**Joint Venture**

Joint Venture - Buy Out Provision - Penalty - Issue 18, p45

**Land**

Foreign Ownership of Land - Issue 18, p34

**Land and Environment**

Land and Environment Court [NSW] Law and Practice - Issue 16, p38

**Leases**

Lease Incentives - What, How and Why - Issue 19, p51  
Leases by Estoppel - Issue 17, p42  
Leasing - Challenge by Illegality - Issue 17, p43

**Legal Profession**

Law Council of Australia's Building and Construction Group - Issue 20, p16

---

**Liability**

Latent Damage, Limitation Periods and Project Insurance - Issue 21, p53

Legal Liabilities of Building Control Officers - Issue 16, p43

The New South Wales Personal Injuries Damages Bill - Issue 21, p55

**Limitation Clause**

Trade Practices - Effect of Limitation Clause - Issue 18, p55

**Litigation**

Computerised Litigation Support in Construction Cases - Issue 20, p17

**Local Government**

Local Government (Planning and Environment) Act 1990 (Qld) - Issue 18, p35

**Major Projects**

Government Acts on Impediments to Major Projects - Issue 21, p56

**Misfeasance**

Misfeasance in Public Office - Issue 17, p68

**Negligence**

Negligence - Engineers' Liability to Subsequent Purchasers - Issue 18, p46

Pure Economic Loss and Proximity Problems in Negligence - The Importance of Reliance - Issue 19, p54

**Notice Requirements**

Notice Requirements - Estoppel - Issue 18, p47

**NPWC3**

Arbitration Clause - NPWC3 - Application for Stay of Proceedings, Claim for Quantum Meruit -

Whether Arising Out of the Contract - Issue 21, p60

**Payment**

Payment - English Court Uphold Builder's Promise to Pay More to Sub-Contractor to Finish the Job - Issue 17, p69

**Possession of Materials**

Possession of Terminated Subcontractor's Materials - Issue 16, p61

**Product Liability**

Product Liability - Where to From Here? - Issue 16, p57

Product Liability Update - Proposed New Law - Issue 18, p36

**Professional Liability**

Mandatory Professional Indemnity Insurance - Is This the Emerging Prototype? - Issue 18, p38

Occupational Liability Bill 1990 (NSW) - Issue 18, p37

Professional Liability - The NSW Occupational Liability Bill, 1990 - Issue 20, p25

**Project Delivery**

BOMA Project Review - Issue 18, p39

NPWC/NBCC "No Dispute" Paper 11 - Alternative Contract Strategies - Issue 17, p44

Shell and Core Construction - Issue 17, p48

**Property**

Changes in Property Law - Impact on Investors and Developers - Issue 20, p26

Residential Real Estate - Foreigners May Apply - Issue 20, p43

**Quality Assurance**

Draft Quality Standard Not to Proceed - Issue 17, p50

Move to International Alignment in Construction Quality Systems - Issue 20, p44

**Redevelopment**

Paddy's Market Redevelopment - Issue 18, p50

**Referees**

Date of Accrual of a Cause of Action in Contract & Tort "Supervision" by Architects - Referee's Report - Issue 20, p56

**Rent Review**

Rent Review Clauses - Issue 19, p57

**Resources**

Resource Security: Can the Federal and State Governments Deliver? - Issue 19, p52

**Retention**

Retention - SCJCC Subcontract - Trust Fund - Issue 18, p50

**Retention of Title**

Retention of Title - All Accounts Clauses - Issue 18, p52

**Risk Management**

Principles of Risk Analysis - Synopsis of Considerations for Future Reference - Issue 20, p45

**Safety**

Safety - No Duty of Care to Warn of the Obvious - Issue 16, p61

**Sales Tax**

Sales Tax - Fitout Partitioning - Issue 18, p52

**SC.JCC**

Retention - SCJCC Subcontract - Trust Fund - Issue 18, p50

**Settlement**

Offers of Compromise - Issue 18, p49

**Stamp Duty**

Stamp Duty - Issue 18, p53

**Subcontractors**

Subcontractors' Charges - Issue 16, p58

Subcontractor's Charge Cancelled in Exchange for Guarantee - Issue 16, p62

**Subsidence**

Subsidence - Multiple Parties and Contribution - Issue 16, p63

**Tax**

Tax Changes for Australian Resources Industry - Issue 17, p51

**Tendering**

Public Sector Tendering and Contracting in NSW - Capital Works Tendering and Contracting:  
Volume A - Issue 18, p40

**Termination**

JCC A - Proprietor's Notice of Default -

Application to Restrain Termination Due to Builder's Subsequent Notice of Dispute - Issue 17, p66

Possession of Terminated Subcontractor's Materials - Issue 16, p61

Termination of Contract - Issue 19, p57

**Trade Practice**

Incurring Debts and the Trade Practices Act - Issue 20, p60

Misleading or Deceptive Conduct - Exclusion Clauses - Issue 20, p48

Proposed New Fines Underline Importance of Trade Practices Act - Issue 20, p50

---

Trade Practices Act, "Mere Puff" - Misleading or Deceptive Conduct? - Issue 16, p66  
Trade Practices - Building Materials - Misuse of Market Power - Issue 18, p54  
Trade Practices - Damages -  
Alleged Misleading Conduct in Unsubstantiated Representations Re Design Infringement - Issue 16, p65  
Trade Practices - Effect of Limitation Clause - Issue 18, p55  
Trade Practices - Representations in Lease Negotiations - Effect of Disclaimers -  
BOMA Method of Measurement - Issue 19, p58  
Trade Practices - Restraint of Trade - Issue 16, p66  
Trade Practices - Troubleshooters - Employees or Independent Contractors - Issue 18, p57

**Training**

Construction Industry Training Association - Issue 17, p52

**Trespass**

Trespass - Injunction - Removal of Scaffolding Encroaching Upon Airspace - Damages - Issue 18, p57

**Variations**

Variations Ordered after the Date for Practical Completion - Issue 17, p53

**Workers Compensation**

Accident Compensation (Amendment) Bill 1991 (Vic) - Issue 18, p41  
Amendments to Western Australian Legislation - Issue 18, p41  
Extra-Territorial Workers' Compensation - Issue 16, p59  
Workers Compensation and Contractors - Issue 18, p41  
Workers Compensation - Deemed Employee - Issue 16, p67

---

## Standard Industry Contracts Referred To

### AS2124-1986 - General Conditions of Contract

Issue 16, p30, p31 (re Design & Construct Contracts)

Issue 16, p33

Issue 17, p16, p49, p54, p58, p59, p60, p70, p71

Issue 19, p12, p22, p23, p24

Issue 20, p7, p9

Issue 21, p39, p40, p43

#### re Clause 2

Issue 17, p59

#### re Clause 5

Issue 21, p39, p40, p47

#### re Clause 5.1

Issue 21, p39

#### re Clause 5.2

Issue 21, p39

#### re Clause 5.5

Issue 21, p39, p43

#### re Clause 6.2

Issue 18, p53

#### re Clause 8.1

Issue 19, p24

#### re Clause 12

Issue 19, p22, p24

#### re Clause 23

Issue 17, p59

#### re Clause 33.1

Issue 16, p33

#### re Clause 35.2

Issue 17, p59, p60

#### re Clause 35.3

Issue 17, p49

#### re Clause 35.4

Issue 17, p60

#### re Clause 35.5

Issue 17, p54, p59, p60

Issue 19, p23, p24

#### re Clause 40.1

Issue 17, p59, p60

Issue 19, p24

#### re Clause 40.2

Issue 19, p22

#### re Clause 42

Issue 17, p70, p71

#### re Clause 42.1

Issue 17, p70

#### re Clause 42.2

Issue 17, p70

#### re Clause 42.10

Issue 21, p39

### Decon 1 - Master Builders' Design & Construct Contract

Issue 16, p30

### E5b - Lump Sum Contract

Issue 17, p70, p71

Issue 21, p41

re Clause 22  
Issue 21, p38, p41  
re Clause 25  
Issue 21, p38  
re Clause 28  
Issue 17, p70  
re Clause 30(c)  
Issue 21, p38  
re Clause 30(h)  
Issue 21, p38, p41, p43  
re Clause 31  
Issue 21, p38

**FIDIC Conditions 4th Edition**

re Clause 12  
Issue 19, p22

**ICE Standard Conditions of Contract 5th Edition**

re Clause 12  
Issue 17, p53  
Issue 19, p22

**JCC A/B - Building Works Contract**

Issue 17, p25, p49, p59, p60, p66, p70, p71  
Issue 20, p10, p15, p60, p61, p63  
Issue 21, p38, p42

re Clause 1.02.03  
Issue 20, p62  
re Clause 1.06.05  
Issue 20, p62  
re Clause 1.06.10  
Issue 20, p62  
re Clause 4.09.03  
Issue 20, p15  
Issue 21, p44  
re Clause 5  
Issue 17, p71  
Issue 20, p62, p63  
re Clause 6.10  
Issue 20, p62  
re Clause 7.01  
Issue 17, p49  
re Clause 7.02  
Issue 17, p49  
re Clause 7.02.04  
Issue 17, p49  
re Clause 9  
Issue 20, p62  
re Clause 10  
Issue 17, p70, p71  
re Clause 10.04  
Issue 21, p45  
re Clause 10.20  
Issue 21, p38  
re Clause 10.21.01  
Issue 21, p39  
re Clause 10.25  
Issue 21, p39, p42, p43  
re Clause 12  
Issue 21, p42

**re Clause 12.01**  
Issue 17, p66, p68  
**re Clause 12.02**  
Issue 17, p66  
**re Clause 12.03**  
Issue 20, p15  
**re Clause 12.05.02**  
Issue 20, p15  
Issue 21, p43, p44  
**re Clause 12.06.04(a)**  
Issue 17, p67  
**re Clause 13**  
Issue 17, p70, p71  
Issue 20, p62, p63  
Issue 21, p42  
**re Clause 13.01**  
Issue 17, p66  
**re Clause 13.02**  
Issue 17, p66  
**re Clause 13.08**  
Issue 17, p66

**JCT 80 - Standard Form of Building Contract**

Issue 17, p54

**re Clause 27.2.2**  
Issue 20, p15

**NCAP1**

Issue 21, p21

**NCAP2**

Issue 20, p6  
Issue 21, p21

**NPWC3 - General Conditions of Contract**

Issue 17, p16, p49, p59, p60  
Issue 19, p18, p22  
Issue 20, p9  
Issue 21, p39, p40, p43, p61

**re Clause 5**  
Issue 21, p40  
**re Clause 5.1**  
Issue 21, p39  
**re Clause 5.2**  
Issue 21, p39  
**re Clause 5.5**  
Issue 21, p39, 43  
**re Clause 35.4**  
Issue 19, p18  
**re Clause 44**  
Issue 21, p60, p61  
**re Clause 45**  
Issue 21, p60, p61, p62  
**re Clause 46**  
Issue 21, p39

**SCJCC - Sub-Contract**

Issue 18, p50, p51  
Issue 21, p45



**re Clause 10.01**  
Issue 18, p51  
**re Clause 10.02**  
Issue 18, p51  
**re Clause 10.02.01**  
Issue 18, p51  
**re Clause 10.03**  
Issue 18, p51  
**re Clause 10.04**  
Issue 18, p51  
**re Clause 10.21**  
Issue 18, p51  
**re Clause 10.22**  
Issue 18, p51  
**re Clause 10.22.02**  
Issue 18, p51  
**re Clause 10.23**  
Issue 18, p51  
**re Clause 10.24.05**  
Issue 18, p50, p51  
Issue 21, p45  
**re Clause 10.26**  
Issue 18, p50, p51  
Issue 21, p45

**SCNPWC Edition 3 - Sub-Contract**

**re Clause 39**  
Issue 21, p48  
**re Clause 45**  
Issue 21, p47

## Table Of Cases

### A.

*Accident Compensation Commission v Odco Pty Ltd*, High Court of Australia, 22 October 1990 - Issue 16, p67

*Acclaim Holdings Pty Ltd v Vlado Pty Ltd* [1989] 1 WAR 128 - Issue 18, p53

*Adleigh Contractors Pty Ltd v Vynian Pty Ltd & Civilcon Pty Ltd*, District Court of Queensland, 1791 of 1990, Boulton DCJ - Issue 16, p62

*Alaouie; Pantalone v.*, NSW Supreme Court, Giles J, 24 October 1989, 18 NSWLR 119 - Issue 16, p63

*Alucraft Pty Ltd v Costain Australia Ltd*, Supreme Court of Victoria, Nathan J, 20 July 1990 - Issue 16, p61

*Amman Aviation Pty Ltd v Commonwealth of Australia*, [1990] 92 ALR 601 - Issue 19, p57

*ANZ Executors and Trustee Company Ltd Re: Queensland Treasury Corporation*, Qld Supreme Court, Mackenzie J, No 0214 of 1991, 10 April 1991, unreported - Issue 19, p57

*Armour v Thyssen Edelslahlwerke AG*, House of Lords, (1990) 3 WLR 810 - Issue 18, p52

### B.

*Barra Rosa Pty Ltd; O'Neill v.*, [1989] 96 FLR 436 - Issue 17, p66

*Betts v White Construction (ACT) Pty Ltd & Ors*, 96 ACTR 1 - Issue 21, p63

*Brunswick N.L. v Sam Graham Nominees Pty Ltd*, unreported, Supreme Court of Western Australia, Rowland J, 19 January 1990 - Issue 17, p63; Issue 21, p58

*Building Workers' Industrial Union of Australia & Ors v Odco Pty Ltd*, Federal Court of Australia - Full Court, 21 March 1991, ATPR 41-092 - Issue 18, p56

### C.

*Chicago Bridge and Iron Constructors Pty Ltd; Sarvanidis v.*, Supreme Court of South Australia, White J, 31 July 1989, Aust. Torts Reports 80-292 - Issue 16, p61

*Coffey & Partners Pty Ltd & Ors; National Mutual Life Association of Australia Ltd v.*, Supreme Court of Queensland, Full Court, 30 August 1990, (1990) Aust. Torts Reports 81-057 - Issue 18, p46

*Collier Construction Pty Ltd v Foskett Pty Ltd*, Federal Court, Gummow J, 15 October 1990 - Issue 16, p66

*Commissioner of Taxation; Feltex Commercial Interiors Pty Limited (trading as Co Design) v.*, Federal Court of Australia, No G564 of 1989, Lockhart J, 26 September 1990 - Issue 18, p52

*Commonwealth of Australia; Amman Aviation Pty Ltd v.*, [1990] 92 ALR 601 - Issue 19, p57

*Commonwealth Bank of Australia v Eise & Others*, Supreme Court of Vic, 3 July 1991 - Issue 20, p 58

*Cooper & Dysart Pty Ltd v Sargon & Another*, Full Supreme Court of WA, 16 May 1991 - Issue 20, p60

*Costain Australia Ltd; Alucraft Pty Ltd v.*, Supreme Court of Victoria, Nathan J, 20 July 1990 - Issue 16, p61

*CRA Limited and Anor v NZ Goldfields Investments & Anor* [1989] VR 870 - Issue 18, p45

*CSR Limited; Trade Practices Commission v.*, Federal Court of Australia, 20 December 1990, 1990 ATPR 41-076 - Issue 18, p54

*CSR Ltd and Monier Ltd; La Trobe Valley Village Inc v.*, Supreme Court of Victoria, Phillips J, 26 June 1990 - Issue 19, p54

**D.**

*David Opat & Ors v National Mutual Life Association of Australia Ltd & Ors and Costain (Aust) Ltd*,  
Supreme Court of Victoria, Southwell J, 14 March 1991 - Issue 19, p54

*Dazenko, W Structural & General Engineering Pty Limited v Fraser Hrones & Company Limited*,  
NSW Court of Appeal, No. 751/88, Mahoney, Meagher, Handley JJA, 5 October 1990, unreported - Issue 20, p55

*Dixon Investments Pty Ltd v K Hall & V Hall*, Federal Court of Australia, 3 September 1990 - Issue 17, p65

*Drapkin; Howard v.*, Californian Court of Appeal, 2d Dist., July 1990, Civil No Bo41669 - Issue 18, p43

*Driessen & Sons Pty Ltd; Municipality of Huon v.*, Supreme Court of Tasmania, Full Court, 19 March 1991,  
(1991) Aust Torts Reports 81-093 - Issue 18, p45

**E.**

*Eise & Others; Commonwealth Bank of Australia v.*, Supreme Court of Vic, 3 July 1991 - Issue 20, p58

*Eric Cumine Associates; Wharf Properties v.*, [1991] 52 Build. LR 8 - Issue 21, p62

**F.**

*Feltex Commercial Interiors Pty Limited (trading as Co Design) v Commissioner of Taxation*,  
Federal Court of Australia, No G564 of 1989, Lockhart J, 26 September 1990 - Issue 18, p52

*Foskett Pty Ltd; Collier Construction Pty Ltd v.*, Federal Court, Gummow J, 15 October 1990 - Issue 16, p66

*Fraser Hrones & Company Limited; W Dazenko Structural & General Engineering Pty Limited v.*,  
NSW Court of Appeal, No. 751/88, Mahoney, Meagher, Handley JJA, 5 October 1990, unreported - Issue 20, p55

**G.**

*Gasweld Pty Ltd; Wright v.*, NSW Court of Appeal, 6 March 1991, ATPR 41-087 - Issue 18, p44

**H.**

*Hagstrom & Anor; Talk of the Town Pty Ltd v.*, Federal Court, Pincus J, 21 September 1990,  
1990 ATPR 46-065 - Issue 16, p66

*Hall, K & V Hall; Dixon Investments Pty Ltd v.*, Federal Court of Australia, 3 September 1990 - Issue 17, p65

*Harvey; The Thomas Saunders Partnership v.*, [1989] 9 Trading Law Reports 78 - Issue 18, p42

*Hooper v Lucas & Ors*, New South Wales Land and Environment Court, Hemmings J,  
17 August 1990, unreported - Issue 19, p54

*Hornsby Shire Council v Porter*, New South Wales Court of Appeal, CA No. 40650/90, 15 June 1990 - Issue 16, p60

*Howard v Drapkin*, Californian Court of Appeal, 2d Dist., July 1990, Civil No Bo41669 - Issue 18, p43

*Howard Chia Investments Pty Ltd (No 2); LJP Investments Pty Ltd v.*, Supreme Court of New South Wales,  
Hodgson J, 27 November 1989, (1991) Aust. Torts Reports 81-069 - Issue 18, p57

*Howard Chia Investments Pty Ltd (No 3); LJP Investments Pty Ltd v.*, Supreme Court of New South Wales,  
Hodgson J, 3 December 1990, (1991) Aust. Torts Reports 81-070 - Issue 18, p57

*Hughes Bros Pty Ltd v Telede Pty Ltd*, Supreme Court of NSW, No. 10046 of 1989,  
Hunt J, January 1989 - Issue 17, p66

**I.**

*Ianthe Pty Limited & Others; NZI Capital Corporation Limited v.*, NSW Supreme Court,  
Acting Justice Staff, 31 July 1991 - Issue 20, p58

**J.**

*JLW (New South Wales) Pty Limited; Seabridge Australia Pty Limited v.*, Federal Court of Australia, General Division, Beaumont J, Sydney, 12 April 1991 - Issue 19, p58

*Jones v Swansea City Council* [1990] 1 WLR 1453 - Issue 17, p68

**K.**

*KBH Construction Pty Ltd v Lidco Aluminium Products Pty Ltd*, NSW Supreme Court, Giles J, 27 June 1990 - Issue 18, p50

*KBH Constructions Pty Ltd v PSD Development Corporation Pty Ltd*, NSW Supreme Court, Construction List, Cole J, 11 October 1990, (1990) 21 NSWLR 348 - Issue 20, p60

*Keating, Rockvale Pty Ltd & Others; Yates Security Services Pty Ltd v.*, Federal Court, Full Court, 20 December 1990, No G631/90 - Issue 18, p50, Issue 20, p27

*Ken Strukt Pty Ltd (In Liq.) v Storage Developments Pty Ltd*, (1989) 96 FLR 43 - Issue 16, p60

*Kern Corporation Ltd; Ropart Pty Ltd v.*, NSW Supreme Court, Rolfe J, No 2152 of 1991, 15 May 1991, unreported - Issue 19, p57

*Kewside Pty Ltd v Warman International Limited*, Federal Court, French J, 18 January 1990 (1990) ATPR 46-059 - Issue 18, p55

**L.**

*La Trobe Valley Village Inc v CSR Ltd and Monier Ltd*, Supreme Court of Victoria, Phillips J, 26 June 1990 - Issue 19, p54

*Leighton Contractors Pty Ltd & Ors; South Australian Superannuation Fund Investment Trust v.*, South Australian Court of Appeal, 12 November 1990 - Issue 17, p62

*Lidco Aluminium Products Pty Ltd; KBH Construction Pty Ltd v.*, NSW Supreme Court, Giles J, 27 June 1990 - Issue 18, p50

*LJP Investments Pty Ltd v Howard Chia Investments Pty Ltd (No 2)*, Supreme Court of New South Wales, Hodgson J, 27 November 1989, (1991) Aust Torts Reports 81-069 - Issue 18, p57

*LJP Investments Pty Ltd v Howard Chia Investments Pty Ltd (No 3)*, Supreme Court of New South Wales, Hodgson J, 3 December 1990, (1991) Aust. Torts Reports 81-070 - Issue 18, p57

*Lucas & Ors; Hooper v.*, New South Wales Land and Environment Court, Hemmings J, 17 August 1990, unreported - Issue 19, p54

**M.**

*Madeira v Roggette Pty Ltd*, Supreme Court of Queensland, Full Court, 18 January 1991, No 464/90 - Issue 18, p42

*McBeath v Sheldon & Another*, Supreme Court of NSW, Giles J, No. 12363 of 1989, 16 May 1990 - Issue 20, p56

*Municipality of Huon v Driessen & Sons Pty Ltd*, Supreme Court of Tasmania, Full Court, 19 March 1991, (1991) Aust Torts Reports 81-093 - Issue 18, p45

**N.**

*National Mutual Life Association of Australia Ltd v Coffey & Partners Pty Ltd & Ors*, Supreme Court of Queensland, Full Court, 30 August 1990, (1990) Aust. Torts Reports 81-057 - Issue 18, p46

*National Mutual Life Association of Australia Ltd & Ors and Costain (Aust) Ltd; David Opat & Ors v.*, Supreme Court of Victoria, Southwell J, 14 March 1991 - Issue 19, p54

*Noble Dunn Pty Limited; Technical Team Projects Pty Limited v.*, 20 NSWLR 221 - Issue 17, p64

*Northern Territory of Australia & Anor; Transaustralian Constructions Pty Ltd v.*,  
Supreme Court of the Northern Territory, Angel J, 31 July 1991, unreported - Issue 21, p60

*NZ Goldfields Investments & Anor; CRA Limited and Anor v.*, [1989] VR 870 - Issue 18, p45

*NZI Capital Corporation Limited v Ianthe Pty Limited & Others*, NSW Supreme Court,  
Acting Justice Staff, 31 July 1991 - Issue 20, p58

#### O.

*Odco Pty Ltd; Accident Compensation Commission v.*, High Court of Australia, 22 October 1990 - Issue 16, p67

*Odco Pty Ltd; Building Workers' Industrial Union of Australia & Ors v.*, Federal Court of Australia -  
Full Court, 21 March 1991, ATPR 41-092 - Issue 18, p56

*O'Neill v Barra Rosa Pty Ltd* [1989] 96 FLR 436 - Issue 17, p66

#### P.

*Pantalone v Alaouie*, NSW Supreme Court, Giles J, 24 October 1989, 18 NSWLR 119 - Issue 16, p63

*Pavements and Excavations Pty Ltd; Thiess Contractors Pty Ltd v.*, Supreme Court of Queensland,  
(No. 3709 of 1989) Williams J, 2 February 1990 - Issue 17, p70

*Porter; Hornsby Shire Council v.*, New South Wales Court of Appeal, CA No. 40650/90, 15 June 1990 - Issue 16, p60

*Promenade Investments Pty Limited v State of New South Wales*, Supreme Court of NSW,  
Commercial Division, Rogers CJ - Issue 20, p52

*PSD Development Corporation Pty Ltd; KBH Constructions Pty Ltd v.*, NSW Supreme Court,  
Construction List, Cole J, 11 October 1990 (1990) 21 NSWLR 348 - Issue 20, p60

*Puma Australia Ltd v Sportsman Australia Ltd*, Supreme Court of Queensland, Moynihan J,  
7 December 1990, No 346/90 - Issue 18, p52

#### Q.

*Queensland Treasury Corporation; ANZ Executors and Trustee Company Ltd Re.*, Qld Supreme Court,  
Mackenzie J, No 0214 of 1991, 10 April 1991, unreported - Issue 19, p57

#### R.

*Roffey Bros & Nicholls (Contractors) Ltd; Williams v.*, [1990] 1 All ER 512 - Issue 17, p69

*Roggette Pty Ltd; Madeira v.*, Supreme Court of Queensland, Full Court, 18 January 1991, No 464/90 - Issue 18, p42

*Ropart Pty Ltd v Kern Corporation Ltd*, NSW Supreme Court, Rolfe J, No 2152 of 1991,  
15 May 1991, unreported - Issue 19, p57

*Rozelle Child Care Centre Ltd; Update Constructions Pty Ltd v.*, New South Wales Supreme Court,  
Court of Appeal, 27 March 1990, [1990] NSWLR 251 - Issue 18, p47

#### S.

*Sam Graham Nominees Pty Ltd; Brunswick N.L. v.*, unreported, Supreme Court of Western Australia,  
Rowland J, 19 January 1990 - Issue 17, p63; Issue 21, p58

*Sargon & Another; Cooper & Dysart Pty Ltd v.*, Full Supreme Court of WA, 16 May 1991 - Issue 20, p60

*Sarvanidis v Chicago Bridge and Iron Constructors Pty Ltd*, Supreme Court of South Australia,  
White J, 31 July 1989, Aust. Torts Reports 80-292 - Issue 16, p 61

*Seabridge Australia Pty Limited v JLW (New South Wales) Pty Limited*, Federal Court of Australia,  
General Division, Beaumont J, Sydney 12 April 1991 - Issue 19, p58

*Sears Brown Associates P.C.; Westmount International Hotels Inc et al v.*, (1985)  
Court of Appeals of New York 65 N.Y. 2nd 618 - Issue 20, p59

*Sheldon & Another; McBeath v.*, Supreme Court of NSW, Giles J, No. 12363 of 1989, 16 May 1990 - Issue 20, p56

*South Australian Superannuation Fund Investment Trust v Leighton Contractors Pty Ltd & Ors*,  
South Australian Court of Appeal, 12 November 1990 - Issue 17, p62

*Sportsman Australia Ltd; Puma Australia Ltd v.*, Supreme Court of Queensland,  
Moynihan J, 7 December 1990, No 346/90 - Issue 18, p52

*State of New South Wales; Promenade Investments Pty Limited v.*, Supreme Court of NSW,  
Commercial Division, Rogers CJ - Issue 20, p52

*Storage Developments Pty Ltd; Ken Strukt Pty Ltd (In Liq.) v.*, (1989) 96 FLR 43 - Issue 16, p60

*Swansea City Council; Jones v.*, [1990] 1 WLR 1453 - Issue 17, p68

## T.

*Talk of the Town Pty Ltd v Hagstrom & Anor*, Federal Court, Pincus J, 21 September 1990,  
1990 ATPR 46-065 - Issue 16, p66

*Technical Team Projects Pty Limited v Noble Dunn Pty Limited*, 20 NSWLR 221 - Issue 17, p64

*Tekiela & Anor; Wanem Pty Limited v.*, Federal Court, Gummow J, 26 September 1990,  
1990 ATPR 46-046 - Issue 16, p65

*Teleda Pty Ltd; Hughes Bros Pty Ltd v.*, Supreme Court of NSW, No. 10046 of 1989, Hunt J,  
17 January, 1989 - Issue 17, p66

*Thiess Contractors Pty Ltd v Pavements and Excavations Pty Ltd*, Supreme Court of Queensland,  
(No. 3709 of 1989) Williams J, 2 February 1990 - Issue 17, p70

*Thomas Saunders Partnership, The v Harvey*, [1989] 9 Trading Law Reports 78 - Issue 18, p43

*Thyssen Edelslhalwerke AG; Armour v.*, House of Lords, (1990) 3 WLR 810 - Issue 18, p52

*Tickell v Trifleska Pty Limited and Anor*, NSW Supreme Court, Rogers CJ, Commercial Division,  
3 December 1990 (unreported) - Issue 18, p49

*Trade Practices Commission v CSR Limited*, Federal Court of Australia, 20 December 1990,  
1990 ATPR 41-076 - Issue 18, p54

*Transaustralian Constructions Pty Ltd v Northern Territory of Australia & Anor*,  
Supreme Court of the Northern Territory, Angel J, 31 July 1991, unreported - Issue 21, p60

*Trifleska Pty Limited and Anor; Tickell v.*, NSW Supreme Court, Rogers CJ, Commercial Division,  
3 December 1990 (unreported) - Issue 18, p49

## U.

*Update Constructions Pty Ltd v Rozelle Child Care Centre Ltd*, New South Wales Supreme Court,  
Court of Appeal, 27 March 1990, [1990] NSWLR 251 - Issue 18, p47

## V.

*Vlado Pty Ltd; Acclaim Holdings Pty Ltd v.*, [1989] 1 WAR 128 - Issue 18, p53

*Vynian Pty Ltd & Civilcon Pty Ltd; Adleigh Contractors Pty Ltd v.*, District Court of Queensland,  
1791 of 1990, Boulton DCJ - Issue 16, p62

**W.**

*Wanem Pty Limited v Tekiela & Anor*, Federal Court, Gummow J, 26 September 1990, 1990 ATPR 46-046 - Issue 16, p65

*Warman International Ltd; Kewside Pty Ltd v.*, Federal Court, French J, 18 January 1990, (1990) ATPR 46-059 - Issue 18, p55

*Westmount International Hotels Inc et al v Sears-Brown Associates P.C.*, (1985) Court of Appeals of New York 65 N.Y. 2nd 618 - Issue 20, p59

*Wharf Properties v Eric Cumine Associates [1991] 52 Build. LR 8 - Issue 21, p62*

*White Construction (ACT) Pty Ltd; Betts v.*, 96 ACTR 1 - Issue 21, p63

*Williams v Roffey Bros & Nicholls (Contractors) Ltd*, [1990] 1 All ER 512 - Issue 17, p69

*Wright v Gasweld Pty Ltd*, NSW Court of Appeal, 6 March 1991, ATPR 41-087 - Issue 18, p44

**Y.**

*Yates Security Services Pty Ltd v Keating, Rockvale Pty Ltd & Others*, Federal Court, Full Court, 20 December 1990, No G631/90 - Issue 18, p50, Issue 20, p27