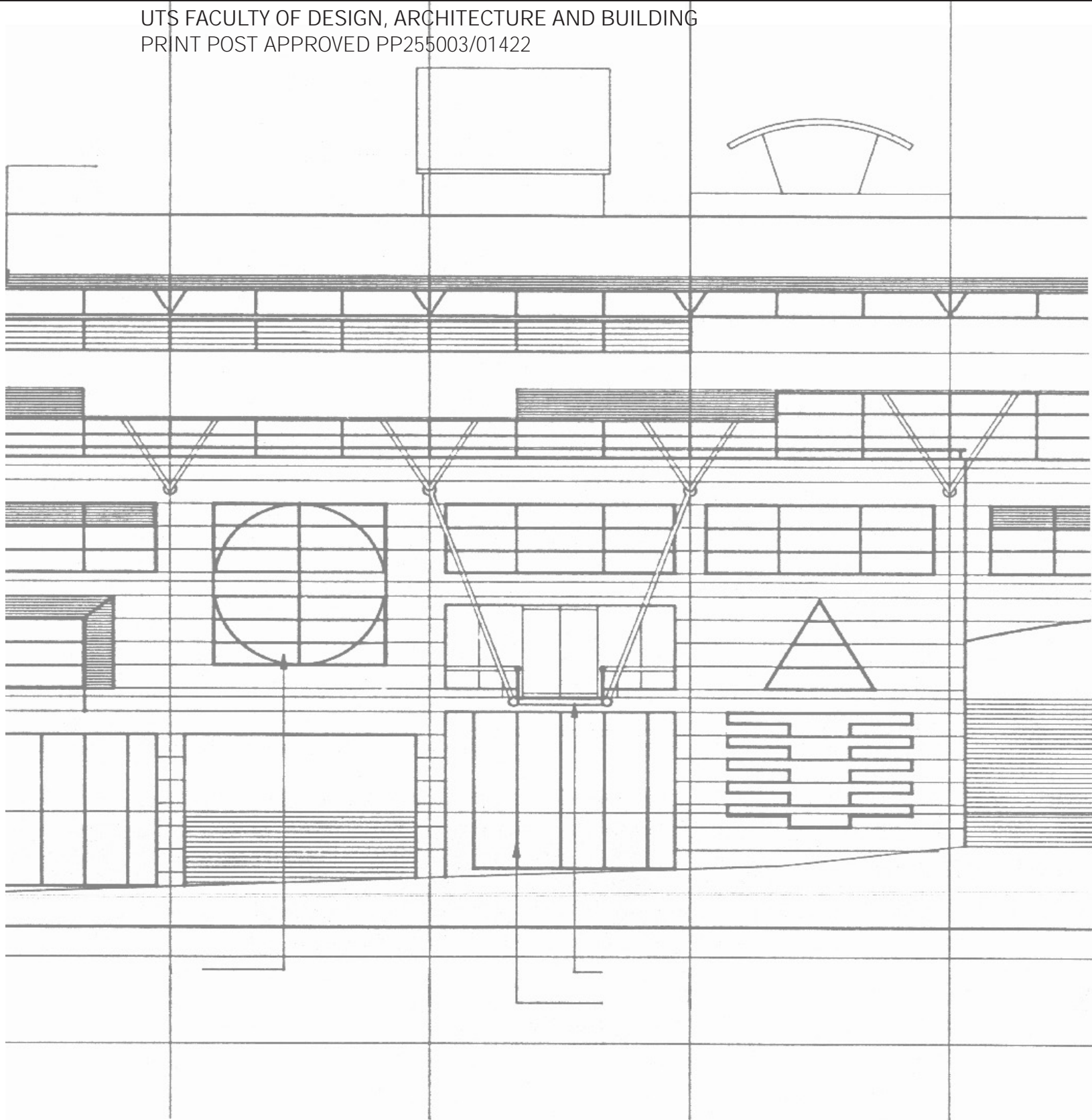


# AUSTRALIAN CONSTRUCTION LAW NEWSLETTER

INDEX 2002

UTS FACULTY OF DESIGN, ARCHITECTURE AND BUILDING  
PRINT POST APPROVED PP255003/01422



# ACLN

## AUSTRALIAN CONSTRUCTION LAW NEWSLETTER

ISSN 1032 0288

Published by:

Faculty of Design, Architecture  
& Building

University of Technology, Sydney

PO Box 123

Broadway NSW 2007

Australia

Tel. (02) 9514 8867

Fax. (02) 9514 8051

### SUBSCRIPTIONS

The subscription rate for the calendar year 2003 is A\$340.30 (including 10% GST). The overseas airmail subscription rate is A\$387.50. The subscription fee covers 6 issues, annual index and all administration and postage. Back issues are available from the publishers.

ABN 77 257 686 961

### EDITOR

John Twyford

### ASSISTANT EDITOR

Sally Beech

### CONTRIBUTIONS

Contributions to the Newsletter from readers are encouraged. Please submit articles for consideration to UTS, marked for the attention of the Editor.

Printer: Lindsay Yates + Partners Pty Ltd

4 George Place

Artarmon NSW 2064

## CONTENTS INDEX 2002

---

AUTHORS

3

---

SUBJECT

7

---

CASES

11

---

ACTS

21

---

STANDARD INDUSTRY CONTRACTS REFERRED TO

23

---

## AUTHORS

### **AUTHORS**

#### **Abbott Tout**

What are Reasonable Hours? Issue #86 p50

#### **Allens Arthur Robinson**

New Security of Payment Legislation in WA? Issue #87 p42

#### **Best, Rick**

E-mail: a Blessing or a Curse? Issue #82 p31

#### **Booth, Richard**

The ABIC Suite Of Building Contracts Development and Particular Features, Issue #85 p10

#### **Boyle, Stephen**

A Practical Guide to Effective Project Management: Part 2, Mechanisms for Project Delivery, Issue #83 p34

#### **Breen, Gerard**

Liability for Insolvent Trading the Shadow Director and Other Issues, Issue #82 p36

#### **Bremen, James**

The Court's Interpretation of Heads of Agreement, LMI Australasia Pty Ltd v Boulderstone Hornibrook Pty Ltd, Issue #83 p41

#### **Brooking QC, The Honourable Professor Robert**

Reflections and Reminiscences of a Building Judge, Issue #85 p5

#### **Burnett, Sharon**

A Late Final Certificate May Still Be Effective, Southern Region Pty Ltd v State of Victoria (No 3), Daysea Pty Ltd v Watpac Australia Pty Ltd, Issue #87 p49

#### **Charles, Justice Stephen**

Address to the BDPS Annual Dinner, Issue #82 p5

#### **Clayton Utz**

Build it Better, Says Report, Issue #87 p37

Native Title Briefing, Ben Ward (on Behalf of the Miriuwung-Gajerrong People) v Western Australia and Others, Issue #86 p55

Native Title Implications of the Ward Decision, Western Australia v Ward; Attorney-General (NT) v Ward; Ningarmara v Northern Territory, Issue #85 p59

Show Me the Money! Issue #86 p49

You Win Some, You Lose Some But Not Usually at the Same Time, Issue #86 p52

#### **Colin Biggers & Paisley**

Court Decision Rains on Home Sale, Hijazi and Hijazi v Raptis, Issue #87 p55

Development Approval For Dumping, Solanowski v Penrith Council, Issue #86 p54

The Latest in s.88k Easements, Blulock Pty Limited v Majic, Issue #84 p59

Substantial Commencement, Young and Vescio v Warringah Shire Council, Issue #82 p55

#### **Confos, Emanuel**

New South Wales Adopts Abolition of 'Deep Pocket Syndrome', Issue #84 p53

#### **Cook, Dalia**

When has a Development 'Commented'? Issue #82 p41

#### **Corrs Chambers Westgarth**

Plans to Wind Back Unfair Contracts Jurisdiction, Issue #82 p47

#### **Davenport, Phillip**

Security of Payment A Warning for Respondents, Fyntray Constructions Pty Ltd v Machind Drainage & Hydraulic Services Pty Ltd, Issue #85 p55

Security of Payment in New Zealand, Issue #87 p15

## AUTHORS

### **de Valence, Gerard**

Competition Theory and the Building and Construction Industry, Issue #87 p5

### **Dixon, Michelle**

Confidentiality Agreements Unenforceable? Maggbury Pty Ltd v Hafele Australia Pty Ltd, Issue #83 p52

### **Duckworth, Matthew**

Proportionate Liability: Can it Work in NSW? Issue #86 p37

### **Flannery, Angela**

PPP's in Australia Two Years On, Issue #85 p50

### **Gerber, Paula**

The Building of Construction Law Education, Issue #85 p54

### **Godfrey, Kelly**

The Duty of Utmost Good Faith, Issue #87 p19

Trade Practices Compliance Programs Ignore Them at Your Peril! Part 1, Issue #83 p21

Trade Practices Compliance Programs Ignore Them at Your Peril! Part 2, Issue #84 p33

### **Gregory, Rob**

Confidentiality Agreements Unenforceable? Maggbury Pty Ltd v Hafele Australia Pty Ltd, Issue #83 p52

### **Harrison, Brianna**

PPP's in Australia Two Years On, Issue #85 p50

### **Hayford, Owen**

Paying the Price Under Project Alliances, Issue #84 p22

### **Hiley, Victoria**

The Obligations of Employers and Employees Following a Workplace Injury, Issue #83 p39

Terminating Injured Employees How to Limit the Chances of Redress, Leticia Cansino v South Western Sydney Area Health Service, Issue #82 p56

### **Hollott, Penny**

Further Update on 'Commencement' of Development in New South Wales, Issue #84 p32

### **Howie, Adrian**

Don't be Afraid of Drowning in Paper! Issue #87 p40

### **Ingui, Sam**

Former Employees Ordered to Pay Damages and are Punished by Court, Digital Pulse Pty Limited v Christopher Harris & Anor, Issue #84 p58

### **Johnson, Jeremy**

Final and Binding Expert Determinations: Beware; Issue #87 p41

### **Kelly, Andrew**

Determining Contracts: Contractual Rights v Common Law Rights, Mazelow Pty Ltd v Herberton Shire Council, Issue #83 p45

### **Levy, Nicole**

Can Eve Trust Adam? Issue #84 p54

### **Lightman, Kylie**

Clause 44.4 of AS2124-1992 Payment for Work Already Performed, Queensland University of Technology v Project Constructions (Aust) P/L & Anor, Issue #87 p52

### **Luhrmann, Amanda**

PPP's in Australia Two Years On, Issue #85 p50

### **Luitingh, Martin**

Expanding Contractors' Claims: The Impact of 'Unjust Enrichment' on Contract, Issue #84 p12

### **Maddock Lonie & Chisholm**

Supreme Court Disagrees with VCAT Anti-Discrimination Decision, State of Victoria v Schou, Issue #82 p58

## AUTHORS

### **Maddocks**

Interaction Between Unfair Dismissal and Anti-Discrimination Law, *Markham v Grain Corp Operations Limited*, Issue #85 p58

Legislation Update: Crimes (Workplace Deaths and Serious Injuries) Bill 2001, Issue #84 p57

Update on the Building and Construction Industry Security of Payment Act 2002 (Vic), Issue #85 p44

### **Marchant, Josh**

PPP's in Australia Two Years On, Issue #85 p50

### **Martelli, Brett**

Liability for Insolvent Trading the Shadow Director and Other Issues, Issue #82 p36

### **McLean, Tom**

The Late Emery Balint, Issue #82 p49

### **Mead, Patrick**

The End for Circuity, Issue #84 p18

'Lock-Out' Agreements Recent Trends, *Walford v Miles*, Issue #83 p54

Loss Without Damage Contractual Rights of Recovery, *Bovis Lend Lease Ltd v Saillard Fuller & Partners*, Issue #82 p51

Recent Developments in Contract Works Insurance, Issue #85 p29

### **Minchy, Greg**

The Court's Interpretation of Heads of Agreement, *LMI Australasia Pty Ltd v Boulderstone Hornibrook Pty Ltd*, Issue #83 p41

### **Morrissey, Bill**

Developments in the Law of Negligence Causing Pure Economic Loss, Issue #84 p26

### **Morton, Catherine**

Attachment Orders by Unpaid Contractors, *De Martin & Gasparini v Energy Australia & 1 Ors*, Issue #87 p53

### **Moses, Joseph**

Termination of Senior Executives, *Westfield v Adams*, Issue #83 p59

### **Muirhead, Stewart**

Consumer Protection & Product Liability, Issue #83 p5

The Liability of Design Professionals 'Duty, Breach & Loss', Issue #82 p9

### **Nankervis, Stewart**

The Application of the Principles of Unjust Enrichment, *ABB Power Generation Ltd v Chapple*, Issue #82 p50

### **Pilley, John L**

Agreements to Arbitrate Clarified, Issue #82 p19

### **PricewaterhouseCoopers Legal**

Acceptance of Offers by Conduct, *Hyder Consulting (Australia) Pty Ltd v Wilh Wilhelmsen Agency Pty Ltd & Anor*, Issue #82 p53

Another Attempt to Extend *Bryan v Maloney* to Commercial Buildings Fail, *Woolcock Street Investments Pty Ltd v CDG Pty Ltd*, Issue #86 p53

Construction Security and Personal Guarantees, Issue #83 p38

Pre-tender Information: What if it's Wrong? Issue #82 p44

Professional Liability Introduces Negligence Demon for Project Managers, *Pride Valley Foods Ltd v Hall & Partners (Contract Management)*, *Palermo Nominees Pty Ltd v Broad Construction Services Pty Ltd*, Issue #82 p59

Project Management Agreements When is an Agent Not an Agent, *Abigroup Contractors Pty Ltd v Peninsula Balmain Pty Ltd*, Issue #86 p58

## AUTHORS

Residential Builders Beware, Led (South Coast) Pty Ltd Trading as Beechwood Homes v Kirkpatrick, Issue #83 p53

Retention of Title Clauses Does Yours Work? Associated Alloys Limited v ACN 001 452 106 Pty Ltd, Issue #82 p54

Rusty Business, Dettmer v K J Mccracken Pty Ltd, Issue #87 p48

Unjust Enrichment and the Use of Architects' Drawings, Torpey Vander Have Pty Ltd v Mass Constructions Pty Ltd, Issue #87 p47

Your Duty to Warn, Issue #83 p40

### **Pudig, Craig**

Building Royal Commission Wins Out, Issue #83 p37

### **Pyman, Stephen**

Queensland Building Services Authority Security of Payment Report, Issue #83 p31

Subcontractors' Charges Act Amendment Bill `There has been Movement at the Station', Issue #82 p29

### **Redenbach, Keith**

Proportionate Liability: Can it Work in NSW? Issue #86 p37

### **Rodighiero, David**

Developers Did Not Owe a Non-Delegable Duty, Toomey v Scolaro's Concrete Constructions Pty Ltd (In Liq), Issue #83 p56

### **Salim, Daniel**

Residential Building Crisis NSW, Issue #87 p39

### **Scalzo, Cathy**

Termination for Off-Site Sexual Harassment, Appeal by Graincorp Corporation Limited & Anor Re Termination of S Markham, Issue #87 p46

### **Schimmelfeder, Joern**

Contractors' Claims: Contract Strategies to Regulate Claims Outside the Contract, Issue #84 p5

### **Smith, Peter**

CPD Program; University of Technology, Sydney; Issue #82 p48

### **Standen, David**

The New Plain English Building Contracts, Issue #85 p21

### **Twyford, John**

Cutting the Baby in Half, Issue #86 p23

### **Ward, Damian**

`Do I Let Them In?' The Investigative Powers of the ACCC, Issue #86 p47

### **Warr, Thomas**

Building Royal Commission Wins Out, Issue #83 p37

### **Wellard, Rachelle**

Developments in the Law of Negligence Causing Pure Economic Loss, Issue #84 p26

### **Wilson, Joshua D**

Is the Arbitrator's Award Ever Truly Final and Binding? Issue #85 p24

### **Wong, Christopher**

The Consumer, Trader and Tenancy Tribunal: Introducing the Super Consumer Tribunal, Issue #82 p24

Home Warranty Insurance Reforms Become Law, Issue #84 p30

Warranty Insurance More Reforms on Home Warranty Insurance: The Saga Continues, Issue #82 p42

## SUBJECT

### **SUBJECT**

#### **ADDRESS**

Address to the BDPS Annual Dinner, Justice Stephen Charles, Issue #82 p5

#### **ALTERNATE DISPUTE RESOLUTION**

Cutting the Baby in Half, John Twyford, Issue #86 p23

#### **ARBITRATION**

Agreements to Arbitrate Clarified, John L Pilley, Issue #82 p19

Don't be Afraid of Drowning in Paper! Adrian Howie, Issue #87 p40

Is the Arbitrator's Award Ever Truly Final and Binding? Joshua D Wilson, Issue #85 p24

#### **BUILDING**

Another Attempt to Extend Bryan v Maloney to Commercial Buildings Fail, Woolcock Street Investments Pty Ltd v CDG Pty Ltd, PricewaterhouseCoopers Legal, Issue #86 p53

Build it Better, Says Report, Clayton Utz, Issue #87 p37

Competition Theory and the Building and Construction Industry, Gerard de Valence, Issue #87 p5

Development Approval For Dumping, Solanowski v Penrith Council, Colin Biggers & Paisley, Issue #86 p54

Further Update on 'Commencement' of Development in New South Wales, Penny Hollott, Issue #84 p32

Home Warranty Insurance Reforms Become Law, Christopher Wong, Issue #84 p30

The Latest in s.88k Easements, Blulock Pty Limited v Majic, Colin Biggers & Paisley, Issue #84 p59

Reflections and Reminiscences of a Building Judge, The Honourable Professor Robert Brooking QC, Issue #85 p5

#### **BUILDING APPROVAL**

Substantial Commencement, Young and Vescio v Warringah Shire Council, Colin Biggers & Paisley, Issue #82 p55

When has a Development 'Commenced'? Dalia Cook, Issue #82 p41

Warranty Insurance More Reforms on Home Warranty Insurance: The Saga Continues, Christopher Wong, Issue #82 p42

#### **CIVIL LIABILITY**

Proportionate Liability: Can it Work in NSW? Keith Redenbach & Matthew Duckworth, Issue #86 p37

#### **CONSUMER LAW**

The Consumer, Trader and Tenancy Tribunal: Introducing the Super Consumer Tribunal, Christopher Wong, Issue #82 p24

#### **CONSTRUCTION LAW**

Recent Events in Construction Law, Richard Manly SC, Issue #86 p5

#### **CONSTRUCTION LAW EDUCATION**

The Building of Construction Law Education, Paula Gerber, Issue #85 p54

#### **CONTRACT**

The ABIC Suite Of Building Contracts Development and Particular Features, Richard Booth, Issue #85 p10

Acceptance of Offers by Conduct, Hyder Consulting (Australia) Pty Ltd v Wilh Wilhelmsen Agency Pty Ltd & Anor, PricewaterhouseCoopers Legal, Issue #82 p53

The Application of the Principles of Unjust Enrichment, ABB Power Generation Ltd V Chapple, Stewart Nankervis, Issue #82 p50

Attachment Orders by Unpaid Contractors, De Martin & Gasparini v Energy Australia & 1 Ors, Catherine Morton, Issue #87 p53

Clause 44. 4 of AS2124-1992 Payment for Work Already Performed, Queensland University of Technology v Project Constructions (Aust) P/L & Anor, Kylie Lightman, Issue #87 p52

Confidentiality Agreements Unenforceable? Maggbury Pty Ltd v Hafele Australia Pty Ltd, Rob Gregory &

## SUBJECT

Michelle Dixon, Issue #83 p52

Construction Security and Personal Guarantees, PricewaterhouseCoopers Legal, Issue #83 p38

Contractors' Claims: Contract Strategies to Regulate Claims Outside the Contract, Joern Schimmelfeder, Issue #84 p5

The Court's Interpretation of Heads of Agreement, LMI Australasia Pty Ltd v Boulderstone Hornibrook Pty Ltd, James Bremen & Greg Minchy, Issue #83 p41

Determining Contracts: Contractual Rights v Common Law Rights, Mazelow Pty Ltd v Herberton Shire Council, Andrew Kelly, Issue #83 p45

The End for Circuitry, Patrick Mead, Issue #84 p18

Expanding Contractors' Claims: The Impact of 'Unjust Enrichment' on Contract, Martin Luitingh, Issue #84 p12

A Late Final Certificate May Still Be Effective, Southern Region Pty Ltd v State of Victoria (No 3), Daysea Pty Ltd v Watpac Australia Pty Ltd, Sharon Burnett, Issue #87 p49

Loss Without Damage Contractual Rights of Recovery, Bovis Lend Lease Ltd v Saillard Fuller & Partners, Patrick Mead, Issue #82 p51

The New Plain English Building Contracts, David Standen, Issue #85 p21

Paying the Price Under Project Alliances, Owen Hayford, Issue #84 p22

Plans to Wind Back Unfair Contracts Jurisdiction, Corrs Chambers Westgarth, Issue #82 p47

Project Management Agreements When is an Agent Not an Agent, Abigroup Contractors Pty Ltd v Peninsula Balmain Pty Ltd, PricewaterhouseCoopers Legal, Issue #86 p58

Residential Builders Beware, Led (South Coast) Pty Ltd Trading as Beechwood Homes v Kirkpatrick, PricewaterhouseCoopers Legal, Issue #83 p53

Retention of Title Clauses Does Yours Work? Associated Alloys Limited v ACN 001 452 106 Pty Ltd, PricewaterhouseCoopers Legal, Issue #82 p54

Show Me the Money! Clayton Utz, Issue #86 p49

### **CONVEYANCING**

Court Decision Rains on Home Sale, Hijazi and Hijazi v Raptis, Colin Biggers & Paisley, Issue #87 p55

### **CPD SEMINARS**

CPD Program; University of Technology, Sydney; Peter Smith; Issue #82 p48

### **DEFECTS**

Your Duty to Warn, PricewaterhouseCoopers Legal, Issue #83 p40

### **DUTY OF CARE**

Developers Did Not Owe a Non-Delegable Duty, Toomey v Scolaro's Concrete Constructions Pty Ltd (In Liq), David Rodighiero, Issue #83 p56

### **E-MAIL**

E-mail: a Blessing or a Curse? Rick Best, Issue #82 p31

### **EMPLOYMENT**

Former Employees Ordered to Pay Damages and are Punished by Court, Digital Pulse Pty Limited v Christopher Harris & Anor, Sam Ingui, Issue #84 p58

Interaction Between Unfair Dismissal and Anti-Discrimination Law, Markham v Grain Corp Operations Limited, Issue #85 p58

Legislation Update: Crimes (Workplace Deaths and Serious Injuries) Bill 2001, Maddocks, Issue #84 p57

The Obligations of Employers and Employees Following a Workplace Injury, Victoria Hiley, Issue #83 p39

Termination for Off-Site Sexual Harassment, Appeal by Graincorp Corporation Limited & Anor Re Termination of S Markham, Cathy Scalzo, Issue #87 p46



## SUBJECT

Termination of Senior Executives, *Westfield v Adams, Joseph Moses*, Issue #83 p59

What are Reasonable Hours? *Abbott Tout*, Issue #86 p50

### **EQUITY**

Can Eve Trust Adam? *Nicole Levy*, Issue #84 p54

### **EXPERT DETERMINATIONS**

Final and Binding Expert Determinations: Beware, *Jeremy Johnson*, Issue #87 p41

### **INSOLVENCY**

Liability for Insolvent Trading the Shadow Director and Other Issues, *Gerard Breen & Brett Martelli*, Issue #82 p36

### **INSURANCE**

The Duty of Utmost Good Faith, *Kelly Godfrey*, Issue #87 p19

Recent Developments in Contract Works Insurance, *Patrick Mead*, Issue #85 p29

You Win Some, You Lose Some But Not Usually at the Same Time, *Clayton Utz*, Issue #86 p52

### **LIABILITY**

Residential Building Crisis NSW, *Daniel Salim*, Issue #87 p39

### **NATIVE TITLE**

Native Title Briefing, *Ben Ward (on Behalf of the Miriuwung-Gajerrong People) v Western Australia and Others*, *Clayton Utz*, Issue #86 p55

Native Title Implications of the Ward Decision, *Western Australia v Ward; Attorney-General (NT) v Ward; Ningarmara v Northern Territory*, *Clayton Utz*, Issue #85 p59

### **NATURAL JUSTICE**

Building Royal Commission Wins Out, *Craig Pudig & Thomas Warr*, Issue #83 p37

### **NEGLIGENCE**

Developments in the Law of Negligence Causing Pure Economic Loss, *Bill Morrissey & Rachelle Wellard*, Issue #84 p26

Rusty Business, *Dettmer v K J Mccracken Pty Ltd*, *PricewaterhouseCoopers Legal*, Issue #87 p48

### **OBITUARY**

The Late Emery Balint, *Tom McLean*, Issue #82 p49

### **PROJECT MANAGEMENT**

PPP's in Australia Two Years On, *Angela Flannery, Amanda Luhrmann, Josh Marchant & Brianna Harrison*, Issue #85 p50

A Practical Guide to Effective Project Management: Part 2, Mechanisms for Project Delivery, *Stephen Boyle*, Issue #83 p34

Professional Liability Introduces Negligence Demon for Project Managers, *Pride Valley Foods Ltd v Hall & Partners (Contract Management), Palermo Nominees Pty Ltd v Broad Construction Services Pty Ltd*, *PricewaterhouseCoopers Legal*, Issue #82 p59

### **SECURITY OF PAYMENTS**

New Security of Payment Legislation in WA? *Allens Arthur Robinson*, Issue #87 p42

Queensland Building Services Authority Security of Payment Report, *Stephen Pyman*, Issue #83 p31

Security of Payment A Warning for Respondents, *Fyntray Constructions Pty Ltd v Machind Drainage & Hydraulic Services Pty Ltd*, *Phillip Davenport*, Issue #85 p55

Security of Payment in New Zealand, *Phillip Davenport*, Issue #87 p15

Update on the Building and Construction Industry Security of Payment Act 2002 (Vic), *Maddocks*, Issue #85 p44

### **SUBCONTRACTORS**

Subcontractors' Charges Act Amendment Bill `There has been Movement at the Station', *Stephen Pyman*, Issue #82 p29

## SUBJECT

### **TENDERING**

Pre-tender Information: What if it's Wrong? PricewaterhouseCoopers Legal, Issue #82 p44

### **TRADE PRACTICES**

Consumer Protection & Product Liability, Stewart Muirhead, Issue #83 p5

'Do I Let Them In?' The Investigative Powers of the ACCC, Damian Ward, Issue #86 p47

The Liability of Design Professionals 'Duty, Breach & Loss', Stewart Muirhead, Issue #82 p9

'Lock-Out' Agreements Recent Trends, Walford v Miles, Patrick Mead, Issue #83 p54

New South Wales Adopts Abolition of 'Deep Pocket Syndrome', Emanuel Confos, Issue #84 p53

Trade Practices Compliance Programs Ignore Them at Your Peril! Part 1, Kelly Godfrey, Issue #83 p21

Trade Practices Compliance Programs Ignore Them at Your Peril! Part 2, Kelly Godfrey, Issue #84 p33

### **UNFAIR DISMISSAL**

Supreme Court Disagrees with VCAT Anti-Discrimination Decision, State of Victoria v Schou, Maddock Lonie & Chisholm, Issue #82 p58

Terminating Injured Employees How to Limit the Chances of Redress, Leticia Cansino v South Western Sydney Area Health Service, Victoria Hiley, Issue #82 p56

### **UNJUST ENRICHMENT**

Unjust Enrichment and the Use of Architects' Drawings, Torpey Vander Have Pty Ltd v Mass Constructions Pty Ltd, PricewaterhouseCoopers Legal, Issue #87 p47

**CASES**

**A**

ABB Power Generation Ltd v Chapple [2001] WASCA 412; Issue #82 p50; Issue #84 p14; Issue #86 pp1718  
 Abigroup Contractors Pty Ltd v Peninsula Balmain Pty Ltd (2001) 18 BCL 15, Issue #86 p59  
 Abigroup Contractors Pty Ltd v Peninsula Balmain Pty Ltd (2002) 18 BCL 15, Issue #84 p9  
 Abigroup Contractors Pty Ltd; Peninsula Balmain Pty Ltd v, (2002) NSWCA 211, Issue #86 p58  
 ACCC v The Daniels Corporation International Pty Ltd (2001) ATPR 41-808, Issue #84 p48  
 ACCC v Boral Ltd (2001) ATPR 41-803, Issue #84 p49  
 ACCC v Simply No Knead (franchising) Pty Ltd (2000) FCA 1365; Issue #83 p16; Issue #84 p7  
 ACCC v Simsmetal Ltd (2000) ATPR 41-764, Issue #84 p51  
 ACCC v The Real Estate Institute of Western Australia Inc & Ors (1999) ATPR 41-673, Issue #84 p51  
 ACN 001 452 106 Pty Ltd; Associated Alloys Limited v, (2000) HCA 25, Issue #82 p54  
 Adams; Westfield Holdings Pty Ltd v, (2001) NSW IRC 293, Issue #83 p59  
 AG v Kearney (1985) 158 CLR 500, Issue #84 p48  
 AGC Advances (Limited); West v, (1986) 5 NSW LR 610, Issue #83 pp5, 10  
 Ahden Engineering (Australia) Pty Ltd; Lampson (Australia) Pty Ltd v, (unreported) Qld Sup Ct, Moynihan J,  
 28 May 1998, Issue #87 p26  
 Akron Securities Ltd v Ilcliffe (1997) 41 NSWLR 353, Issue #82 p11  
 Alcatel Australia Ltd v Scarcella (1998) 44 NSWLR 349, Issue #84 p6  
 Aliakmon Shipping Co Ltd; Leigh & Sillavan Ltd v, (1986) AC 785, Issue #82 p51  
 Aliferis v Kyriakon [2000] VSCA 123, Issue #86 p40  
 Amadio; Commercial Bank of Australia Ltd v, (1983) 151 CLR 447, Issue #84 p7  
 cf Amann Aviation Pty Ltd v Commonwealth (1991) 100 ALR 267, Issue #83 p46  
 Anthoness v Bland Shire Council (1960) 60 SR (NSW) 659, Issue #86 p14  
 Antico; Standard Chartered Bank v, (1995) 131 ALR, Issue #82 p36  
 ANZ Banking Group Ltd v Westpac Banking Corporation, Issue #84 p15  
 Apand Pty Ltd; Perre v, (1999) 198 CLR 180; Issue #82 pp1517, Issue #86 p53  
 Appledore Ferguson (Shipwaters) Ltd; Stone Vickers Ltd v, [1991] 2 Lloyd's Reps 288, Issue #84 p20  
 Arcos Ltd; Hillas v, (1932) 147 LT, Issue #83 p55  
 AS Nominees Ltd; Australian Securities Commission v, (1995), Issue #82 p37  
 Associated Alloys Limited v ACN 001 452 106 Pty Ltd (2000) HCA 25, Issue #82 p54  
 Re Arthur Yates & Co Ltd [2001] NSW SC 40, Issue #83 p54  
 Astley v Austrust Ltd (1999) 197 CLR 1, Issue #83 p40  
 Atlikson v Hastings Deering (Qld) Pty Ltd (1985) ATPR 40-556, Issue #83 p7  
 Austotel Pty Ltd v Franklins Selfserve Pty Ltd (1989) 16 NSWLR 582, Issue #84 p8  
 Australian Associated Motor Insurers Ltd; Tiep Thi To v, (2001) 11 ANZ Ins Cas 61490, Issue #87 p28  
 Australian Casualty Co Ltd; Johnson v, (1992) 7 ANZ Ins Cas 61109, Issue #87 p25  
 Australian Mutual Provident Society; Dalgety & Co Ltd v, [1908] VLR 481, Issue #84 p7  
 Australian National Parks & Wildlife Service; PMT Partners Pty Ltd (in liquidation) v, (1995) 184 CLR 301,  
 Issue #82 pp1922  
 Australian Safeway Stores Pty Ltd; Hampton Park Central Pty Ltd v, [2000] VSC 422, Issue #86 p42  
 Australian Securities Commission v AS Nominees Ltd (1995), Issue #82 p37  
 Austrust Ltd; Astley v, (1999) 197 CLR 1, Issue #83 p40

**B**

Badge Constructions Pty Ltd v Penbury Coast Pty Ltd (1999) SASC 6, Issue #86 p6  
 Baker v Gough (1962) 80 WN 1263, Issue #86 p25  
 Bank of China; Hawkins v, (1992) 26 NSWLR 562, Issue #82 p38  
 Bank of Melbourne Ltd; Dorrough v, (1995) 8 ANZ Ins Cas 61290, Issue #87 p24  
 Bankstown Football Club; CIC Insurance Ltd v, (1997) 187 CLR 384, Issue #87 p24  
 Bartlett; Jones v, (2000) 75 ALJR 1, Issue #83 p57  
 Barwon Region Water Authority; CIC Insurance Ltd v, (1999) 10 ANZ Ins Cas 61-425, Issue #87 pp2627

## CASES

Bathurst City Council; Brambles Holdings Ltd v, (2002) 53 NSWLR 153; Issue #84 p17, Issue #86 p19  
Baulderstone Hornibrook Pty Ltd; LMI Australasia Pty Ltd v, [2001] NSWSC 886, Issue #83 pp4144  
Baulderstone Hornibrook Pty Ltd; Riteway Constructions Pty Ltd v, [1988] 2 QdR 218, Issue #82 p29  
Beck v Montana Constructions Pty Ltd [19645] NSW 229, Issue #87 p47  
Beechwood Development Company (Scotland) Ltd v Stuart Mitchell trading as Discovery Land Survey (2001) Scot SC 30, Issue #86 p20  
Begbie v State Bank of New South Wales Limited (1994) 80 PR 41-288, Issue #83 p6  
Bell v Lever Bros Ltd [1932] AC 161, Issue #84 p8  
Bellgrove v Eldridge (1954) 90 CLR 613, Issue #86 p14  
Ben Ward (on behalf of the Miriuwung-Gajerrong People) v Western Australia and others, High Court of Australia, August 8 2002, Issue #86 pp5557  
Benjamin McNabb v United States of America 318 US 332 (1943), Issue #86 p24  
Bland Shire Council; Anthoness v, (1960) 60 SR (NSW) 659, Issue #86 p14  
Blomley v Ryan (1956) 99 CLR 362, Issue #83 p9  
Blulock Pty Limited v Majic [2001] NSWSC 1063, Issue #84 p59  
Bogajian v United States 423 F 2d 1231 (1970), Issue #86 p8  
Boral Ltd; ACCC v, (2001) ATPR 41-803, Issue #84 p49  
Boral Resources (Vic) Pty Ltd v Robak Engineering and Construction Pty Ltd and Foster Hall Pty Ltd; Issue #86 pp3839, 4344  
Bovis Lend Lease Ltd v Saillard Fuller & Partners [2001] 77 CON LR 134; Issue #82 p51; Issue #84 p21  
Bradford Corporation; Ward v, (1971) LGR 27, Issue #86 p27  
Bradham v Williams (1968) NZLR 728, Issue #86 p15  
Brambles Holdings Ltd v Bathurst City Council (2002) 53 NSWLR 153; Issue #84 p17, Issue #86 p19  
Brennan v City of Whittlesea (1990) 5 AATR 249, Issue #82 p41  
Brenner v First Artists Management Pty Ltd (1993) 2 VR 221; Issue #84 p16, Issue #86 p19  
British Westinghouse Electric and Manufacturing Co Ltd v Underground Electric Railways Co of London Ltd (1912) AC 673, Issue #86 pp1617  
Broad Construction Services Pty Ltd; Palermo Nominees Pty Ltd v, (unreported, Supreme Court of Western Australia, CIV 2439 of 1996, 17 April 1998), Issue #82 p59  
Broad Construction Services Pty Ltd; Palermo Nominees Pty Ltd v, (1999) 15 BCL 20, Issue #83 p40  
Brook and Delcomyn 16 cb (NS) 403, Issue #86 p25  
Brown; Tahmindjis v, (1985) 60 ALR 120, Issue #86 p26  
Bryan v Maloney (1995) 182 CLR 609, 128 ALR 163; Issue #82 pp15, 51; Issue #84 p26; Issue #86 p53  
Burger King Corporation v Hungry Jack's Pty Ltd [2001] NSWCA 187; Issue #83 p43; Issue #84 p6  
Burnie Port Authority v General Jones Pty Ltd (1994) 179 CLR 520, Issue #83 pp5758  
Butcher; Solle v, [1950] 1 KB 671, Issue #84 p8

## C

Carpalo Nominees Pty Ltd v Marrosan Nominees Pty Ltd (1997) 112 NTR 1, Issue #86 p6  
CDG Pty Ltd & Anor; Woolcock Street Investments Pty Ltd v, [2002] QCA 88; Issue #84 p28, Issue #86 p53  
Cedenco Foods Ltd v State Insurance Ltd (1997) 6 NZBLC 102,221, Issue #87 p23  
Chapple; ABB Power Generation Ltd v, [2001] WASCA 412; Issue #82 p50, Issue #84 p14, Issue #86 pp1718  
Christopher Harris & Anor; Digital Pulse Pty Limited v, Issue #84 p58  
Choong Sam; Pegang Mining Co Ltd v, [1969] 2 MLJ 52, Issue #86 p39  
CIC Insurance Ltd v Bankstown Football Club (1997) 187 CLR 384, Issue #87 p24  
CIC Insurance Ltd v Barwon Region Water Authority (1999) 10 ANZ Ins Cas 61-425, Issue #87 pp2627  
City Mutual Life Assurance Society Ltd; Gates v, (1986) 160 CLR 1, Issue #82 p9  
City of Whittlesea; Brennan v, (1990) 5 AATR 249, Issue #82 p41  
Clark Equipment Australia Ltd v Covcat Pty Ltd (1987) 71 ALR FC, Issue #83 p9  
Clive Adams Associates; Plant Constructions Plc v, [2000] BLR 137, Issue #83 p40  
Coad; Rema Industries v, (1992) 107 ALR 374, Issue #82 pp3839  
Coalcliff Collieries & Anor v Sijehama Pty Ltd & Anor (1991) 24 NSWLR 1; Issue #83 pp14, 55

## CASES

Coalcliff Community Inc v Minister for Urban Affairs and Planning (1999) 106 LGERA 243, Issue #84 p32  
Coleman; Gordon M Jenkins Pty Ltd v, (1989) 87 ALR 477 a, Issue #86 p26  
Colonial Mutual; Kassem v, [2001] NSWCA 38 (unreported), Issue #87 p24  
Commercial Bank of Australia Ltd v Amadio (1983) 151 CLR 447, Issue #84 p7  
Commissioner of Taxation; Esso v, High Court of Australia, 1999, Issue #84 p48  
Commonwealth; cf Amann Aviation Pty Ltd v, (1991) 100 ALR 267, Issue #83 p46  
Commonwealth Bank of Australia; Parks v, (1990) ASC 56-020 per Rolfe J, Issue #83 pp89  
Commonwealth Disposals Commission; McRae v, (1951) 84 CLR 377, Issue #84 p8  
Commonwealth; Grace Bros Pty Limited v, (1946) 72 CLR 288, Issue #86 p30  
Commonwealth v Verwayen (1990) 170 CLR 394, Issue #84 p8  
Concrete Constructions (NSW) Pty Ltd; Nelson v, (1990) 169 CLR 594, Issue #83 p7  
Co-operative Bulk Handling Ltd v Jennings Industries Ltd [1997] 9 ANZ Ins Cas 61355, Issue #84 p18  
Cooperative Insurance Society; Grant v, (unreported) 21 October 1983, Issue #87 p24  
Co-operative Retail Services Ltd v Taylor Young Partnership & Ors [2000] 16 CONST U 347, Issue #84 p19  
Counting Instruments Ltd; Scherer v, (1986) 1 WLR 615, Issue #86 p6  
Covcat Pty Ltd; Clark Equipment Australia Ltd v, (1987) 71 ALR FC, Issue #83 p9  
Craig Davis Constructions Pty Ltd; Rival Nominees Pty Ltd v, (Supreme Court of Victoria, unreported 26 June 1981), Issue #86 p6  
Cromie; Taunton-Collins v, (1964) 1 WLR 633, Issue #82 pp2223

### D

D Phillips Constructions (Vic) Pty Ltd v Mullavey (1980) VR 171, Issue #86 p6  
Dalgety & Co Ltd v Australian Mutual Provident Society [1908] VLR 481, Issue #84 p7  
The Daniels Corporation International Pty Ltd; ACCC v, (2001) ATPR 41-808, Issue #84 p48  
Davy Offshore Ltd; National Oil Well v, [1993] 2 Lloyd's Rep 582, Issue #84 p20  
Day v Pingen Pty Ltd [1981] 148 CLR 289; Issue #82 p41; Issue #84 p32  
Daysea Pty Ltd v Watpac Australia Pty Ltd [2001] QCA 49; Issue #87 pp49, 51  
De Martin & Gasparini v Energy Australia & 1 Ors [2002] NSWCA 330, Issue #87 p53  
Dennys Lascelles Limited; McDonald v, (1933) 48 CLR 447, Issue #83 p47  
Dettmer v K J McCracken Pty Ltd [2002] NSWCA 199, Issue #87 p48  
Digital Pulse Pty Limited v Christopher Harris & Anor, Issue #84 p58  
Dimes v Grand Junction Canal [1852] III HLC 759, Issue #86 p27  
Dorrough v Bank of Melbourne Ltd (1995) 8 ANZ Ins Cas 61290, Issue #87 p24  
Downard-Pickford (North Queensland) Pty Ltd; Wallis v, (1994) 179 CLR 388, Issue #86 p43  
Drummoyne Municipal Council v Lebnan and Ors [1974] 131 CLR 350; Issue #82 p41; Issue #84 p32  
Duke of Norfolk; Russell v, [1949] 1AER 109, Issue #86 p25  
Dura (Australia) Constructions Pty Ltd; Manningham City Council v, (1999) VSCA 158, Issue #82 pp2022

### E

Eastern Construction Co Pty Ltd v Southern Portland Cement Ltd (1960) NSW 505, Issue #86 p15  
Edward J Shauqhnessy v United States of America 345 US 206 (1953), Issue #86 p24  
Elders Ltd v Swinbank (unreported) Fed Ct FC, 7 February 2000, Issue #87 p26  
Eldridge; Bellgrove v, (1954) 90 CLR 613, Issue #86 p14  
Emm Yannoulatos (Overseas) Pty Ltd; Sundell (TA) v, (1955) 56 SR (NSW) 323, Issue #83 p10  
Empirnall Holdings Pty Ltd v Machon Paull Partners Pty Ltd (1988) 14 NSWLR 523, Issue #86 pp1213  
Energy Australia & 1 Ors; De Martin & Gasparini v, [2002] NSWCA 330, Issue #87 p53  
Entwells v National & General (1991) 6 ANZ Ins Cas 61-059, Issue #87 p27  
Esso v Commissioner of Taxation, High Court of Australia, 1999, Issue #84 p48  
Etridge; Royal Bank of Scotland v, (AP) 120011 UKHL 44 (11 October, 2001), Issue #84 p54  
Ex parte Dackfield Pty Ltd (1983) Qd R 10, Issue #82 p41

### F

## CASES

Fangrove Pty Ltd v Tod Group Holdings Pty Ltd [1999] 2 QdR 236, Issue #84 p26  
FCH Consulting Pty Ltd v Wimmera-Mallee Rural Water Authority and R & L Tank Fabrications Pty Ltd; Issue #86 pp3839, 4344  
FCH Consulting Pty Ltd (No 2); Wimmera-Mallee Rural Water Authority v, [2000] VSC 193, Issue #86 p42  
First Artists Management Pty Ltd; Brenner v, (1993) 2 VR 221; Issue #84 p16, Issue #86 p19  
Franklins Selfserve Pty Ltd; Austotel Pty Ltd v, (1989) 16 NSWLR 582, Issue #84 p8  
Fricker Carrington Holdings Pty Ltd; State of South Australia v, (1985) 3 BCL 72, Issue #86 p20  
Frobisher; Walker v, (1801) 6 Ves, Jun 70, Issue #86 p25

### G

Garcia v National Australia Bank Ltd (1998) 194 CLR 395; Issue #84 p7, 54  
Gary Rodgers Motors (Aust) Pty Ltd v Subaru (Aust) Pty Ltd (1999) FCA 903; Issue #83 pp11, 16  
Gas & Fuel Corporation of Victoria v Wood Hall Ltd & Leonard Pipeline Contractors Ltd [1978] VR 385, Issue #86 p23  
Gates v City Mutual Life Assurance Society Ltd (1986) 160 CLR 1, Issue #82 p9  
General Jones Pty Ltd; Burnie Port Authority v, (1994) 179 CLR 520, Issue #83 pp5758  
Gibson v Parkes District Hospital (1991) 26 NSWLR 9, Issue #87 p2324  
Gimson v Victorian Workcover Authority [1995] 1 VR 209, Issue #87 p24  
GIO Australia Holdings Limited; Marks v, (1998) HCA 69; Issue #82 pp914,16  
GIO Insurance Ltd v Leighton Contractors Pty Ltd (1996) 9 ANZ Ins Cas 61293, Issue #87 p26  
Gordon M Jenkins Pty Ltd v Coleman (1989) 87 ALR 477 a, Issue #86 p26  
Gough; Baker v, (1962) 80 WN 1263, Issue #86 p25  
Gould v Vaggelas (1985) 157 CLR 215, Issue #82 p12  
Grace Bros Pty Limited v Commonwealth (1946) 72 CLR 288, Issue #86 p30  
GrainCorp Corporation Limited & Anor re termination of S Markham (PR924102, 24 October 2002) AIRC, p46  
Grand Junction Canal; Dimes v, [1852] III HLC 759, Issue #86 p27  
Grant v Cooperative Insurance Society (unreported) 21 October 1983, Issue #87 p24  
The Greyhound Racing Control Board; Stollery v, (1972) 128 CLR 509, Issue #86 p28  
GSA Group Limited v Siebe (Unrep) SC NSW 27 April 1993, Issue #83 p15  
Guardian Royal Exchange Assurance of New Zealand Limited (No.2); Stuart v, (1988) 5 ANZ Ins Cas 60844, Issue #87 p24  
Gutteridge Haskins & Davey Pty Ltd; Pullen v, (1993) 1 VR 27, Issue #86 p17

### H

Hafele Australia Pty Ltd; Maggbury Pty Ltd v, (High Court of Australia), Issue #83 p52  
Hagglunds Drives Pty Ltd; Mulgrave Central Mill Co Ltd v, (Appeal No.2309 of 2001); Issue #82 pp19, 2223  
Hall & Deaton; McInnes v, Issue #86 p28  
Hall & Partners (Contract Management); Pride Valley Foods Ltd v, (unreported, Technology and Construction Court, QBD, Case No.1998 TCC 574), Issue #82 p59  
Hampshire CC; Post Office v, [1979] 2 All ER 818, Issue #84 p20  
Hampton Park Central Pty Ltd v Australian Safeway Stores Pty Ltd [2000] VSC 422, Issue #86 p42  
H&R E&W Pty Ltd & Ors; Woodside Petroleum Development Pty Ltd & Ors v, [1999] WASCA (Full Court Judgment delivered 16 march 1999), Issue #84 p18  
Harbutt's Plasticine Ltd v Wayne Tank (1970) 1 QB 447; Issue #86 pp14, 1617  
Harris; Northern Sandblasting Pty Ltd v, (1997) 188 CLR 313, Issue #83 pp5758  
Hastings Deering (Qld) Pty Ltd; Atlikson v,(1985) ATPR 40-556, Issue #83 p7  
Hawkins v Bank of China (1992) 26 NSWLR 562, Issue #82 p38  
Re Henry Walker Etlin Contracting Pty Ltd [2001] QSC 189, Issue #82 p29  
Henville v Walker (2001) HCA 52 (6 September 2001); Issue #82 pp9, 11, 1417  
Herberton Shire Council; Mazelow Pty Ltd v, [2002] QCA 119, Issue #83 pp4548  
Hijazi and Hijazi v Raptis [2002] NSWSC 499, Issue #87 p55  
Hillas v Arcos Ltd (1932) 147 LT, Issue #83 p55

## CASES

Hoad v Scone Motors (1977) 21 NSWLR 88, Issue #86 p14  
Holidays-A-Float Pty Ltd v Hornsby Shire Council, Stein J 24 March 1992, unreported, Issue #84 p32  
Hornsby Shire Council; Holidays-A-Float Pty Ltd v, Stein J 24 March 1992, unreported, Issue #84 p32  
Housing Guarantee Fund Ltd; O'Loughlin v, [2001] VCAT 192, Issue #86 p43  
HTW Valuers; I & L Securities v, (2000) QCA 383; Issue #82 pp1011, 14, 17  
Huddard Parker Ltd v The Ship (Mill Hill) (1950) 81 CLR 502, Issue #82 p23  
Hungry Jack's Pty Ltd; Burger King Corporation v, [2001] NSWCA 187; Issue #83 p43; Issue #84 p6  
Hurley v McDonald's Australia Ltd (2000) ATPR 41-471 (40,578), Issue #84 p7  
Hyder Consulting (Australia) Pty Ltd v Wilh Wilhelmsen Agency Pty Ltd & Anor (2001) NSWCA 313, Issue #82 p53  
Hyder Consulting (Australia) Pty Ltd v Wilh Wilhelmsen Agency Pty Ltd & Others (2002) 18 BCL 122, Issue #86 p11  
Re Hydrodan (Corby) Ltd, Issue #82 p37  
Hyundai Construction Co Ltd; North Ocean Shipping Co Ltd v, (1987) 3 ALL ER 1170, Issue #83 p15

### I

I & L Securities v HTW Valuers (2000) QCA 383; Issue #82 pp1011, 14, 17  
Ilcliffe, Akron Securities Ltd v, (1997) 41 NSWLR 353, Issue #82 p11

### J

J & B Cadwell Ltd v Logan House Retirement Home Ltd (1999) 2 NZLR 99, Issue #86 p16  
James Street Hardware & Furniture Co v Spizzir (1987) 62 OR (2d) 385, Issue #86 p16  
Janssen-Cilag Pty Ltd v Pfizer Pty Ltd (1992) 37 FCR 526, Issue #82 p13  
Jennings Industries Ltd; Co-operative Bulk Handling Ltd v, [1997] 9 ANZ Ins Cas 61355, Issue #84 p18  
Jiniess Pty Ltd & Ors; Proprietors Unit Plan 95/98 & Ors v, (2000) NTSC 89; Issue #82 p16; Issue #84 p26  
John Doyle Construction Ltd v Laing Management (Scotland) Ltd (2002) Scot CS 110 (18 April 2002), Issue #86 p7  
John Holland Construction & Engineering Pty Ltd v Kvaerner (1996) 82 BLR 83, Issue #86 pp89  
John Hollywood Pty Ltd v Ng (Supreme Court Western Australia, unreported 28 April 1992), Issue #86 p6  
Johnson v Australian Casualty Co Ltd (1992) 7 ANZ Ins Cas 61-109, Issue #87 p25  
Johnson; Taylor v, (1983) 151 CLR 422, Issue #84 p8  
Jones v Bartlett (2000) 75 ALJR 1, Issue #83 p57

### K

K J McCracken Pty Ltd; Dettmer v, [2002] NSWCA 199, Issue #87 p48  
Kassem v Colonial Mutual [2001] NSWCA 38 (unreported), Issue #87 p24  
Kearney; AG v, (1985) 158 CLR 500, Issue #84 p48  
Kelly; MAM Insurance Pty Ltd v, (1999) 10 ANZ Ins Cas 61-420, Issue #87 p25  
Kenna v Kenna (1999) NSWSC 533, Issue #82 pp3940  
Keywest Building Co Pty Ltd; LNC Harper Davidson Pty Ltd v, (Supreme Court, Western Australia, unreported 13 July 1988), Issue #86 p6  
The King v Sussex Justices [1924] 1KB 256, Issue #86 pp2728  
Kirkpatrick; LED (South Coast) Pty Ltd trading as Beechwood Homes v, [2002] NSWSC, Issue #83 p53  
Kizbeau Pty Ltd v WG&B Pty Ltd (1995) 184 CLR 281, Issue #82 p9, 16  
Kondis v State Transport Authority, Issue #83 pp5758  
Kvaerner; John Holland Construction & Engineering Pty Ltd v, (1996) 82 BLR 83, Issue #86 pp89  
Kyriakon; Aliferis v, [2000] VSCA 123, Issue #86 p40

### L

Laing Management (Scotland) Ltd; John Doyle Construction Ltd v, (2002) Scot CS 110 (18 April 2002), Issue #86 p7  
Lampson (Australia) Pty Ltd v Ahden Engineering (Australia) Pty Ltd (unreported) Qld Sup Ct, Moynihan J, 28 May 1998, Issue #87 p26  
Lebnan and Ors; Drummoyne Municipal Council v, [1974] 131 CLR 350; Issue #82 p41; Issue #84 p32

## CASES

LED (South Coast) Pty Ltd trading as Beechwood Homes v Kirkpatrick [2002] NSWSC, Issue #83 p53  
Leigh & Sillavan Ltd v Aliakmon Shipping Co Ltd (1986) AC 785, Issue #82 p51  
Leighton Contractors Ltd v Western Australian Government Railways Commission (1966) 115 CLR 575, Issue #86 p6  
Leighton Contractors Pty Ltd; GIO Insurance Ltd v, (1996) 9 ANZ Ins Cas 61-293, Issue #87 p26  
Leticia Cansino v South Western Sydney Area Health Service (1999) NSWIRComm 355, Issue #82 p56  
Lever Bros Ltd; Bell v, [1932] AC 161, Issue #84 p8  
Lichter v Mellon-Stuart Co 305F 2d 216 (1962), Issue #86 p8  
Linden Gardens, Issue #82 p51  
Livesey v The New South Wales Bar Association (1983) 151 CLR 288, Issue #86 p28  
LMI Australasia Pty Ltd v Baulderstone Hornibrook Pty Ltd [2001] NSWSC 886, Issue #83 pp4144  
LNC Harper Davidson Pty Ltd v Keywest Building Co Pty Ltd (Supreme Court, Western Australia, unreported 13 July 1988), Issue #86 p6  
Logan House Retirement Home Ltd; J & B Cadwell Ltd v, (1999) 2 NZLR 99, Issue #86 p16

## M

Mabo case (1992), Issue #86 p97  
Machon Paull Partners Pty Ltd; Empirnall Holdings Pty Ltd v, (1988) 14 NSWLR 523, Issue #86 pp1213  
Mackellar; Salemi v, (1977) 137 CLR 396, Issue #86 p29  
Maggbury Pty Ltd v Hafele Australia Pty Ltd (High Court of Australia), Issue #83 p52  
Maher; Waltons Stores (Interstate) Ltd v, (1988) 164 CLR 387, Issue #84 p8  
Majic; Blulock Pty Limited v, [2001] NSWSC 1063, Issue #84 p59  
Maloney; Bryan v, (1995) 182 CLR 609, 128 ALR 163; Issue #82 pp15, 51; Issue #84 p26, Issue #86 p53  
MAM Insurance Pty Ltd v Kelly (1999) 10 ANZ Ins Cas 61420, Issue #87 p25  
Manifest Shipping & Co Ltd v Uni-Polaris Insurance Co Ltd ('The Star Sea') [2001] 2 WLR 170, Issue #87 p28  
Manningham City Council v Dura (Australia) Constructions Pty Ltd (1999) VSCA 158, Issue #82 pp2022  
March v Stramare (E & MH) Pty Ltd, Issue #82 p12  
Marks v GIO Australia Holdings Limited (1998) HCA 69, Issue #82 pp914,16  
Marrosan Nominees Pty Ltd; Carpaolo Nominees Pty Ltd v, (1997) 112 NTR 1, Issue #86 p6  
Mass Constructions Pty Ltd; Torpey Vander Have Pty Ltd v, [2002] NSWCA 263, Issue #87 p47  
Matthew Hall Mechanical & Electrical Engineers Pty Ltd; Nauru Phosphate Royalties Trust v, (1994) 2 VR 386, Issue #86 p10  
Mayor of Manchester; Nutall v, (1892) 8 TLR 513, Issue #86 p27  
Mazelow Pty Ltd v Herberton Shire Council [2002] QCA 119, Issue #83 pp4548  
McDonald v Dennys Lascelles Limited (1933) 48 CLR 447, Issue #83 p47  
McDonald's Australia Ltd; Hurley v, (2000) ATPR 41-471 (40,578), Issue #84 p7  
McInnes v Hall & Deaton, Issue #86 p28  
McRae v Commonwealth Disposals Commission (1951) 84 CLR 377, Issue #84 p8  
Mellon-Stuart Co; Lichter v, 305F 2d 216 (1962), Issue #86 p8  
Metropolitan Waste Disposal Authority; Pimas v, Issue #86 p29  
Middle Harbour Investments Pty Ltd; North Sydney Municipal Council v, (1963) 81 WN (Pt 1) NSW 35, Issue #84 p32  
Miles & Ors v Palm Bridge Pty Ltd (2001) WA SC 42, Issue #86 p5  
Miles; Walford v, (1992) 2 WLR 174, 2 AC 128; Issue #83 pp14, 5455  
Minister for Public Works; Renard Constructions (ME) Pty Ltd v, (1992) 26 NSWLR 234; Issue #83 pp1314; Issue #84 p6  
Minister for Urban Affairs and Planning; Coalcliff Community Inc v, (1999) 106 LGERA 243, Issue #84 p32  
Montagnese; Zumpano v, [1997] 2 VR 525, Issue #84 p26  
Montana Constructions Pty Ltd; Beck v, [19645] NSW 229, Issue #87 p47  
Moss v Sun Alliance Aust Ltd (1990) 55 SASR 145, Issue #87 p25  
Mountain ('The Italia Express') No.2; Ventouris v, [1992] 2 Lloyd's Rep 281, Issue #87 p24



## CASES

Mulgrave Central Mill Co Ltd v Hagglands Drives Pty Ltd (Appeal No.2309 of 2001); Issue #82 pp19, 2223  
Mullavey; D Phillips Constructions (Vic) Pty Ltd v, (1980) VR 171, Issue #86 p6  
Murandoo Yanner case (2000), Issue #86 p57

### N

National & General; Entwells v, (1991) 6 ANZ Ins Cas 61059, Issue #87 p27  
National Australia Bank Ltd; Garcia v, (1998) 194 CLR 395; Issue #84 p7, 54  
National Mutual Life Association of Australasia Ltd; Wyllie v, (unreported) NSW Sup Ct, Hunter J, 18 April  
1987, Issue #87 p27  
National Oil Well v Davy Offshore Ltd [1993] 2 Lloyd's Rep 582, Issue #84 p20  
Nauru Phosphate Royalties Trust v Matthew Hall Mechanical & Electrical Engineers Pty Ltd (1994) 2 VR  
386, Issue #86 p10  
Nelson v Concrete Constructions (NSW) Pty Ltd (1990) 169 CLR 594, Issue #83 p7  
The New South Wales Bar Association; Livesey v, (1983) 151 CLR 288, Issue #86 p28  
Ng; John Hollywood Pty Ltd v, (Supreme Court Western Australia, unreported 28 April 1992), Issue #86 p6  
North Ocean Shipping Co Ltd v Hyundai Construction Co Ltd (1987) 3 ALL ER 1170, Issue #83 p15  
North Sydney Municipal Council; Sabemo Pty Ltd v, [1977], Issue #84 p13  
North Sydney Municipal Council v Middle Harbour Investments Pty Ltd (1963) 81 WN (Pt 1) NSW 35, Issue  
#84 p32  
Northern Sandblasting Pty Ltd v Harris (1997) 188 CLR 313, Issue #83 pp5758  
NRMA Insurance Ltd v Tatt (1989) 92 ALR 299, Issue #87 p26  
Nutall v Mayor of Manchester (1892) 8 TLR 513, Issue #86 p27

### O

Olex Focas Pty Ltd v Skoda Export Co Limited (1997) ATPR (Digest) 46-167, Issue #83 p8  
Olex Focas Pty Ltd v Skoda Export Company Limited (1998) 3 VR 380; Issue #83 pp10, 12  
O'Loughlin v Housing Guarantee Fund Ltd [2001] VCAT 192, Issue #86 p43  
Oshlack v Richmond River Council (1998) 193 CLR 72, Issue #86 p6  
Owners of Motor Vessel 'Norma'; Owners of Steamship 'Catalina' v, (1938) 61 Lloyd's LR 36, Issue #86 p27  
Owners of Steamship 'Catalina' v Owners of Motor Vessel 'Norma' (1938) 61 Lbyd's LR 36, Issue #86 p27

### P

Palermo Nominees Pty Ltd v Broad Construction Services Pty Ltd, (unreported, Supreme Court of Western  
Australia, CIV 2439 of 1996, 17 April 1998), Issue #82 p59  
Palermo Nominees Pty Ltd v Broad Construction Services Pty Ltd (1999) 15 BCL 20, Issue #83 p40  
Palm Bridge Pty Ltd; Miles & Ors v, (2001) WA SC 42, Issue #86 p5  
Parkes District Hospital; Gibson v, (1991) 26 NSWLR 9, Issue #87 p2324  
Parks v Commonwealth Bank of Australia (1990) ASC 56-020 per Rolfe J, Issue #83 pp89  
Paul; Pavey & Matthews Pty Ltd v, (1987) 162 CLR 221, Issue #84 p8, 14  
Pavey & Matthews Pty Ltd v Paul (1987) 162 CLR 221; Issue #84 p8, 14; Issue #86 p18; Issue #86 p18  
Pegang Mining Co Ltd v Choong Sam [1969] 2 MLJ 52, Issue #86 p39  
Penbury Coast Pty Ltd; Badge Constructions Pty Ltd v, (1999) SASC 6, Issue #86 p6  
Peninsula Balmain Pty Ltd; Abigroup Contractors Pty Ltd v, (2002) 18 BCL 15; Issue #84 p9; Issue #86 p59  
Penrith Council; Solanowski v, (2002) NSW CA 175, Issue #86 p54  
Perre v Apand Pty Ltd (1999) 198 CLR 180; Issue #82 pp1517, Issue #86 p53  
Petrofina (UK) Ltd and Ors Magnaload Ltd and Anor [1984] 1 QB 127, Issue #84 p20  
Pfizer Pty Ltd; Janssen-Cilag Pty Ltd v, (1992) 37 FCR 526, Issue #82 p13  
PHH Asset Management Ltd; Pitt v, [1993] 4 All ER 961, Issue #83 p54  
Phillips Construction Co Inc v United States 394F 2d 834 (1968), Issue #86 p8  
Pimas v Metropolitan Waste Disposal Authority, Issue #86 p29  
Pinglen Pty Ltd; Day v, [1981] 148 CLR 289; Issue #82 p41; Issue #84 p32  
Pitt v PHH Asset Management Ltd [1993] 4 All ER 961, Issue #83 p54  
Plant Constructions Plc v Clive Adams Associates [2000] BLR 137, Issue #83 p40  
Plumstead Board of Works; Spackman v, (1885) 10 App Cas 229, Issue #86 p25

## CASES

PMT Partners Pty Ltd (in liquidation) v Australian National Parks & Wildlife Service (1995) 184 CLR 301, Issue #82 pp1922  
Post Office v Hampshire CC [1979] 2 All ER 818, Issue #84 p20  
Pride Valley Foods Ltd v Hall & Partners (Contract Management) (unreported, Technology and Construction Court, QBD, Case No.1998 TCC 574), Issue #82 p59  
Project Constructions (Aust) P/L & Anor; Queensland University of Technology v, [2002] QCA 224, Issue #87 p52  
Proprietors Unit Plan 95/98 & Ors v Jiniess Pty Ltd & Ors (2000) NTSC 89; Issue #82 p16; Issue #84 p26  
Pullen v Gutteridge Haskins & Davey Pty Ltd (1993) 1 VR 27, Issue #86 p17

### Q

Queensland University of Technology v Project Constructions (Aust) P/L & Anor [2002] QCA 224, Issue #87 p52

### R

R v University of Cambridge (1723) 1 Str 557, Issue #86 p24  
Raptis; Hijazi and Hijazi v, [2002] NSWSC 499, Issue #87 p55  
The Real Estate Institute of Western Australia Inc & Ors; ACCC v, (1999) ATPR 41-673, Issue #84 p51  
Rema Industries v Coad (1992) 107 ALR 374, Issue #82 pp3839  
Renard Constructions (ME) Pty Ltd v Minister for Public Works (1992) 26 NSWLR 234; Issue #83 pp1314; Issue #84 p6  
Richmond River Council; Oshlack v, (1998) 193 CLR 72, Issue #86 p6  
Riteway Constructions Pty Ltd v Baulderstone Hornibrook Pty Ltd [1988] 2 QdR 218, Issue #82 p29  
Rival Nominees Pty Ltd v Craig Davis Constructions Pty Ltd (Supreme Court of Victoria, unreported 26 June 1981), Issue #86 p6  
Robak's case; Issue #86 pp3839, 4344  
Robak Engineering and Construction Pty Ltd and Foster Hall Pty Ltd; Boral Resources (Vic) Pty Ltd v; Issue #86 pp3839, 4344  
Royal Bank of Scotland v Etridge (AP) 120011 UKHL 44 (11 October, 2001), Issue #84 p54  
Russell v Duke of Norfolk [1949] 1AER 109, Issue #86 p25  
Ryan; Blomley v, (1956) 99 CLR 362, Issue #83 p9

### S

Sabemo Pty Ltd v North Sydney Municipal Council [1977], Issue #84 p13  
Saillard Fuller & Partners; Bovis Lend Lease Ltd v, [2001] 77 CON LR 134; Issue #82 p51; Issue #84 p21  
Salemi v Mackellar (1977) 137 CLR 396, Issue #86 p29  
Scarcella; Alcatel Australia Ltd v, (1998) 44 NSWLR 349, Issue #84 p6  
Schou; State of Victoria v, [2001] VSC 321, Issue #82 p58  
Scolaro's Concrete Constructions Pty Ltd (in Liq); Toomey v, (The Supreme Court of Victoria), Issue #83 pp5658  
Scherer v Counting Instruments Ltd (1986) 1 WLR 615, Issue #86 p6  
Scone Motors; Hoad v, (1977) 21 NSWLR 88, Issue #86 p14  
Shephard & ANZ Banking Group (1997) 41 NSWLR 431, Issue #82 p38  
The Ship (Mill Hill); Huddard Parker Ltd v, (1950) 81 CLR 502, Issue #82 p23  
Siebe; GSA Group Limited v, (Unrep) SC NSW 27 April 1993, Issue #83 p15  
Sijehama Pty Ltd & Anor; Coalcliff Collieries & Anor v, (1991) 24 NSWLR 1; Issue #83 pp14, 55  
Simply No Knead (franchising) Pty Ltd; ACCC v, (2000) FCA 1365; Issue #83 p16; Issue #84 p7  
Simsmetal Ltd; ACCC v, (2000) ATPR 41-764, Issue #84 p51  
Skoda Export Co Limited; Olex Focas Pty Ltd v, (1997) ATPR (Digest) 46-167, Issue #83 p8  
Skoda Export Company Limited; Olex Focas Pty Ltd v, (1998) 3 VR 380; Issue #83 pp10, 12  
Smith v Wyong Shire Council (No.3) (1984) 53 LGRA 170, Issue #84 p32  
Solanowski v Penrith Council (2002) NSW CA 175, Issue #86 p54  
Solle v Butcher [1950] 1 KB 671, Issue #84 p8  
South Western Sydney Area Health Service; Leticia Cansino v, (1999) NSWIRComm 355, Issue #82 p56

## CASES

Southern Portland Cement Ltd; Eastern Construction Co Pty Ltd v, (1960) NSW 505, Issue #86 p15  
Southern Region Pty Ltd v State of Victoria (No 3) [2001] VSC 436, Issue #87 p49  
Spackman v Plumstead Board of Works (1885) 10 App Cas 229, Issue #86 p25  
Spatt; Varley v, [1995] VLR 403, Issue #86 p25  
Spizzir; James Street Hardware & Furniture Co v, (1987) 62 OR (2d) 385, Issue #86 p16  
Sprung v Royal Insurance Company (UK) Ltd [1997] CLC 70, Issue #87 p25  
State Bank of New South Wales Limited; Begbie v, (1994) 80 PR 41-288, Issue #83 p6  
State Insurance Ltd; Cedenco Foods Ltd v, (1997) 6 NZBLC 102,221, Issue #87 p23  
State of South Australia v Fricker Carrington Holdings Pty Ltd (1985) 3 BCL 72, Issue #86 p20  
State of Victoria (No 3); Southern Region Pty Ltd v, [2001] VSC 436, Issue #87 p49  
State of Victoria v Schou [2001] VSC 321, Issue #82 p58  
State Transport Authority; Kondis v, Issue #83 pp5758  
Stollery v The Greyhound Racing Control Board (1972) 128 CLR 509, Issue #86 p28  
Stone Vickers Ltd v Appledore Ferguson (Shipwaters) Ltd [1991] 2 Lloyd's Reps 288, Issue #84 p20  
Stramare (E & MH) Pty Ltd; March v, Issue #82 p12  
Stuart Mitchell trading as Discovery Land Survey; Beechwood Development Company (Scotland) Ltd v,  
(2001) Scot SC 30, Issue #86 p20  
Stuart v Guardian Royal Exchange Assurance of New Zealand Limited (No.2) (1988) 5 ANZ Ins Cas 60-844,  
Issue #87 p24  
Subaru (Aust) Pty Ltd; Gary Rodgers Motors (Aust) Pty Ltd v, (1999) FCA 903; Issue #83 pp11, 16  
Re Summit Design & Construction Pty Ltd [1999] NSWSC 1136, Issue #86 p40  
Sun Alliance Aust Ltd; Moss v, (1990) 55 SASR 145, Issue #87 p25  
Sundell (TA) v Emm Yannoulatos (Overseas) Pty Ltd (1955) 56 SR (NSW) 323, Issue #83 p10  
Sussex Justices; The King v, [1924] 1KB 256, Issue #86 pp2728  
Swinbank; Elders Ltd v, (unreported) Fed Ct FC, 7 February 2000, Issue #87 p26

### T

Taco Bell Pty Ltd; Taco Co of Australia Inc v, (1982) 42 ALR 177, Issue #84 p9  
Taco Co of Australia Inc v Taco Bell Pty Ltd (1982) 42 ALR 177, Issue #84 p9  
Tahmindjis v Brown (1985) 60 ALR 120, Issue #86 p26  
Tatt; NRMA Insurance Ltd v, (1989) 92 ALR 299, Issue #87 p26  
Taunton-Collins v Cromie (1964) 1 WLR 633, Issue #82 pp2223  
Taylor v Johnson (1983) 151 CLR 422, Issue #84 p8  
Taylor Young Partnership & Ors; Co-operative Retail Services Ltd v, [2000] 16 CONST U 347, Issue #84 p19  
Tiep Thi To v Australian Associated Motor Insurers Ltd (2001) 11 ANZ Ins Cas 61-490, Issue #87 p28  
Tod Group Holdings Pty Ltd; Fangrove Pty Ltd v, [1999] 2 QdR 236, Issue #84 p26  
Toomey v Scolaro's Concrete Constructions Pty Ltd (in Liq) (The Supreme Court of Victoria), Issue #83  
pp5658  
Torpey Vander Have Pty Ltd v Mass Constructions Pty Ltd [2002] NSWCA 263, Issue #87 p47

### U

Underground Electric Railways Co of London Ltd; British Westinghouse Electric and Manufacturing Co Ltd  
v, (1912) AC 673, Issue #86 pp1617  
Uni-Polaris Insurance Co Ltd ('The Star Sea'); Manifest Shipping & Co Ltd v, [2001] 2 WLR 170, Issue #87  
p28  
United States of America; Benjamin McNabb v, 318 US 332 (1943), Issue #86 p24  
United States; Bogajian v, 423 F 2d 1231 (1970), Issue #86 p8  
United States of America; Edward J Shaughnessy v, 345 US 206 (1953), Issue #86 p24  
United States; Phillips Construction Co Inc v, 394F 2d 834 (1968), Issue #86 p8  
United States; Wunderlich Contracting Co & Others v, 351F 2d 956 (1965), Issue #86 p8  
University of Cambridge; R v, (1723) 1 Str 557, Issue #86 p24

## CASES

### V

- Vaggelas; Gould v, (1985) 157 CLR 215, Issue #82 p12  
Varley v Spatt [1995] VLR 403, Issue #86 p25  
Ventouris v Mountain ('The Italia Express') No.2 [1992] 2 Lloyd's Rep 281, Issue #87 p24  
Verwayen; Commonwealth v, (1990) 170 CLR 394, Issue #84 p8  
Victorian Workcover Authority; Gimson v, [1995] 1 VR 209, Issue #87 p24  
Viola; Xuereb v, (1989) 18 NSWLR 453, Issue #86 p29

### W

- Walford v Miles (1992) 2 WLR 174, 2 AC 128; Issue #83 pp14, 5455  
Walker; Henville v, (2001) HCA 52 (6 September 2001); Issue #82 pp9, 11, 1417  
Walker v Frobisher (1801) 6 Ves, Jun 70, Issue #86 p25  
Wallis v Downard-Pickford (North Queensland) Pty Ltd (1994) 179 CLR 388, Issue #86 p43  
Waltons Stores (Interstate) Ltd v Maher (1988) 164 CLR 387, Issue #84 p8  
Ward v Bradford Corporation (1971) LGR 27, Issue #86 p27  
Wardley Limited v Western Australia (1991) 171 CLR 506; Issue #82 pp910, 16  
Warringah Shire Council; Young and Vescio v, (2001) NSWLEC 20, Issue #82 p55  
Watpac Australia Pty Ltd; Daysea Pty Ltd v, [2001] QCA 49; Issue #87 pp49, 51  
Wayne Tank; Harbutt's Plasticine Ltd v, (1970) 1 QB 447; Issue #86 pp14, 1617  
West v AGC Advances (Limited) (1986) 5 NSW LR 610; Issue #83 pp5, 10  
Western Australia and others; Ben Ward (on behalf of the Miriuwung-Gajerrong People) v, High Court of Australia, August 8 2002, Issue #86 pp5557  
Western Australia; Wardley Limited v, (1991) 171 CLR 506; Issue #82 pp910, 16  
Western Australian Government Railways Commission; Leighton Contractors Ltd v, (1966) 115 CLR 575, Issue #86 p6  
Westfield Holdings Pty Ltd v Adams (2001) NSW IRC 293, Issue #83 p59  
Westpac Banking Corporation; ANZ Banking Group Ltd v, Issue #84 p15  
WG&B Pty Ltd; Kizbeau Pty Ltd v, (1995) 184 CLR 281; Issue #82 p9, 16  
Wik case (1996), Issue #86 pp5556  
Wilh Wilhelmsen Agency Pty Ltd & Anor; Hyder Consulting (Australia) Pty Ltd v, (2001) NSWCA 313, Issue #82 p53  
Wilh Wilhelmsen Agency Pty Ltd & Others; Hyder Consulting (Australia) Pty Ltd v, (2002) 18 BCL 122, Issue #86 p11  
Williams; Bradham v, (1968) NZLR 728, Issue #86 p15  
Wimmera-Mallee Rural Water Authority v FCH Consulting Pty Ltd (No 2) [2000] VSC 193, Issue #86 p42  
Wimmera-Mallee Rural Water Authority and R & L Tank Fabrications Pty Ltd; FCH Consulting Pty Ltd v; Issue #86 pp3839, 4344  
Wood Hall Ltd & Leonard Pipeline Contractors Ltd; Gas & Fuel Corporation of Victoria v, [1978] VR 385, Issue #86 p23  
Woodside Petroleum Development Pty Ltd & Ors v H&R E&W Pty Ltd & Ors [1999] WASCA (Full Court Judgment delivered 16 march 1999), Issue #84 p18  
Woolcock Street Investments Pty Ltd v CDG Pty Ltd & Anor [2002] QCA 88; Issue #84 p28; Issue #86 p53  
Wunderlich Contracting Co & Others v United States 351F 2d 956 (1965), Issue #86 p8  
Wyllie v National Mutual Life Association of Australasia Ltd (unreported) NSW Sup Ct, Hunter J, 18 April 1987, Issue #87 p27  
Wyong Shire Council (No.3); Smith v, (1984) 53 LGRA 170, Issue #84 p32

### X

- Xuereb v Viola (1989) 18 NSWLR 453, Issue #86 p29

### Y

- Young and Vescio v Warringah Shire Council (2001) NSWLEC 20, Issue #82 p55

### Z

- Zumpano v Montagnese [1997] 2 VR 525, Issue #84 p26

## ACTS

- ASIC Act, Issue #84 p48
- Bankruptcy Act 1966 (Cth), Issue #86 pp3940
- Building Act 1993 (Vic); Issue #85 p46; Issue #86 pp3738
- Building and Construction Industry Security of Payment Act 1999 (NSW); Issue #85 pp46, 55; Issue #86 p49; Issue #87 pp15, 42, 54
- Building and Construction Industry Security of Payment Act 2002 (Vic); Issue #85 p44; Issue #87 p15
- Building and Construction Industry Security of Payment Bill 2002 (NSW), Issue #87 p18
- Builders Licensing Act 1971 (NSW), Issue #84 p14
- Building Services Corporation Act 1989, Issue #84 p30
- Civil Liability Amendment (Personal Responsibility) Bill 2002 (NSW), Issue #86 pp4041, 44
- Civil Liability (Contribution) Act 1978; Issue #84 p20; Issue #85 p30
- Commercial Arbitration Act, Issue #87 p41
- Commercial Arbitration Act 1984, Issue #85 p25
- Commercial Arbitration Act 1984 (NSW), Issue #86 p5, 32, 33,
- Commercial Arbitration Act 1990 (Qld), Issue #82 pp1920
- Construction Contracts Act 2002 (NZ), Issue #87 p15
- Construction Industry Payments Bill 2000 (WA); Issue #83 p33; Issue #87 p42
- Consumer, Trader and Tenancy Tribunal Act 2001, Issue #82 pp24, 28
- Contractors Debts Act 1897, Issue #87 p53
- Contractor's Debts Act 1997 (NSW); Issue #85 p46; Issue #87 pp16, 53
- Contracts Review Act 1980 (NSW), Issue #83 pp810
- Conveyancing Act; Issue #84 p59; Issue #87 p55
- Corporations Act 2001 (Cth); Issue #83 p21; Issue #84 pp48, 58; Issue #86 p40
- Crimes Act 1958 (Vic), Issue #84 p57
- Crimes (Workplace Death and Serious Injury) Bill 2001, Issue #84 p57
- Crimes (Industrial Manslaughter) Bill, Issue #84 p57
- Electronic Communications Privacy Act 1986 (US), Issue #82 p33
- Electronic Transactions Act 2000 (NSW); Issue #82 p33; Issue #83 pp38, 53
- Environmental Planning and Assessment Act 1979 (NSW); Issue #82 p55; Issue #84 pp32, 53; Issue #86 pp3738
- Equal Opportunity Act 1995 (Vic), Issue #85 p58
- Fair Trading Act 1987 (NSW), Issue #84 pp5, 9, 12
- Fair Trading Act 1989 (Qld), Issue #85 p35
- Freedom of Information Act 1982, Issue #86 p26
- Home Building Act 1989; Issue #82 pp24, 26, 28, 4243; Issue #84 p30; Issue #87 p39
- Home Building Amendment (Insurance) Act 2002, Issue #84 p30; Issue #87 p39
- Income Tax Assessment Act 1997, Issue #83 p15
- Income Tax Assessment Act (Cth), Issue #85 p52
- Industrial Relations Act 1940 (NSW), Issue #83 p10
- Industrial Relations Act 1996 (NSW), Issue #82 p47

## ACTS

Industrial Relations Amendment (Unfair Contracts) Bill 2001 (NSW), Issue #82 p47  
Insurance Contracts Act 1984 (Cth); Issue #85 p37; Issue #87 p19  
Insurance Laws Amendment Act 1998, Issue #87 p26  
Local Government Act 1919 (NSW), Issue #84 p32  
Mining Act 1978 (WA), Issue #86 p56  
Northern Territory Commercial Arbitration Act 1985, Issue #82 p20  
Planning and Environment Act 1987, Issue #82 p41  
Protection of the Environment Operations Act 1997 (NSW), Issue #84 p49  
Queensland Building Services Authority Act 1991; Issue #82 p30; Issue #83 p31  
Racial Discrimination Act, Issue #85 p59  
Regulation of Investigatory Powers Act 2000 (UK), Issue #82 p33  
Royal Commissioner Act 1902 (Cth), Issue #83 p37  
Sex Discrimination Act 1994 (Cth), Issue #85 p58  
Spam Act 2001 (US), Issue #82 p33  
Subcontractors' Charges Act 1974 (Qld); Issue #82 p29; Issue #83 p33; Issue #85 p47  
Subcontractors' Charges Amendment Bill 2001, Issue #82 p29  
Supreme Court Act 1935 (SA), Issue #87 p26  
Supreme Court Act 1970 (NSW), Issue #86 p34  
Trade Practices Act 1974 (Cth); Issue #82 pp9, 21, 44; Issue #83 pp5, 68, 10, 2224; Issue #84 pp5, 7, 9, 12, 31, 53; Issue #85 pp35, 48; Issue #86 pp31, 43, 47, 58  
Trade Practices Amendment Act (No.1) 2001, Issue #82 p10  
Trade Practices Amendment Bill (No.1) 2000, Issue #83 p15  
Victorian Building Act 1993, Issue #84 p53  
WA Mining Act, Issue #85 p59  
Worker's Liens Act 1893 (SA), Issue #85 p47  
Workplace Injury Management and Employees Compensation Act 1998, Issue #83 p39  
Workplace Relations Act 1996, Issue #87 p46

## CONTRACTS

### STANDARD INDUSTRY CONTRACTS REFERRED TO

ABIC BW.1 (basic works), #85 pp1023  
ABIC MW.1, #85 pp1023  
ABIC SW.1 (simple works), #85 pp1023  
AS2124-1978, #83 p12  
AS2124-1986, #85 pp22, 55  
AS2124-1992, Issue #82 p19, #83 pp4551, #86 p58, #87 pp4952  
AS2545-1987, #85 pp5556, #86 p49  
AS4300-1995, #85 p22  
CIC-1 (1997), #85 pp1314, 22  
JCC Building Works Contract (1994), Issue #82 p19, #85 pp2022  
MBW.1, #85 p22  
NPWC-3, Issue #82 p19  
PC-1 (Property Council 1), Issue #83 p12  
RAIA-MBFA Contract Edition 4 (1958), #85 p21  
RAIA-MBFA Edition 5, #85 p22  
SBW.2, #85 pp13, 21  
BBC-1, #85 pp13, 20  
MBW-2, #85 pp13, 20

