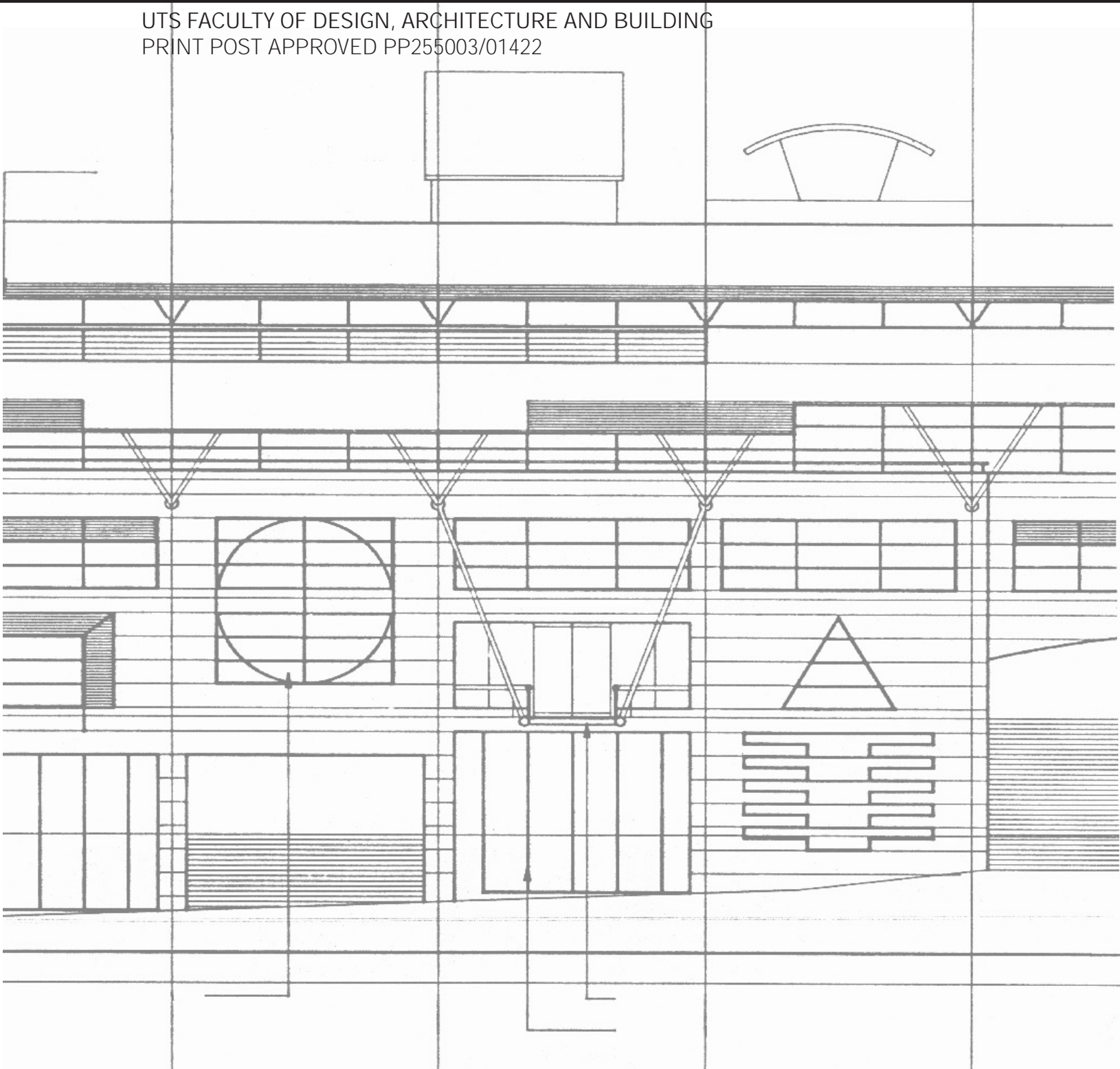


# AUSTRALIAN CONSTRUCTION LAW NEWSLETTER

INDEX 2003

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 2004 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 EDITORS

Sally Beech & Myra Nikolich

### 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 2003

---

AUTHORS	3
---------	---

---

SUBJECT	8
---------	---

---

CASES	12
-------	----

---

ACTS	24
------	----

---

STANDARD INDUSTRY CONTRACTS REFERRED TO	27
---	----

---

## AUTHORS

### **AUTHORS**

**Ambikapathy, Jennan**

Superintendents Between A Rock And A Hard Place?, Issue #92 p31

**Ang, Andrew**

Construction Companies Prepare National Reforms to Workplace Safety on the Way, Issue #92 p49

**Barlow, Jude**

Safe as Houses?, Issue #91 p18

**Baron, Adrian**

The Role of the Contract Administrator: Breathing New Life into the 'Prevention Principle', Issue #89 p5

**Baxt, Professor Bob**

Unconscionability, Issue #93 p45

**Beath, Garry**

New Obligations for Principal Contractors And that Means You, Issue #93 p54

**Bennett, Elizabeth**

Unconscionability, Issue #93 p45

**Byrnes, Bronwyn**

Seeking Uniformity in the Commercial Arbitration Acts, Issue #92 p40

**Carcano, Stephen**

Multiple Offences (& Penalties) Under the OH&S Act, Issue #92 p52

**Charrett, Dr Donald**

Design & Construct Contracts and Final Design Cost Risk, Issue #91 p5

**Clayton Utz**

Buying Someone Else's Mistake, Issue #92 p45

**Cole, John**

China's Construction Industry Are You In or Out?, Issue #93 p53

**Colin Biggers & Paisley**

Easements Required for Development, Woodland v Manly Municipal Council, Issue #91 p61

**Craig, Dr Ron**

Contract Illegal, Not Merely Unenforceable, but Parallel Remedy in Restitution is Available Ali Mohamed V Alaga & Co (A Firm) [1999] EWCA 2855; [2000] 1 WLR 1815; [1999] 3 All ER 699, Issue #92 p38

**Cross, David**

The Cole Royal Commission Delivers its Final Report, Issue #90 p54

**Davenport, Philip**

Security of Payment in NSW Significant Changes, Issue 88 p25

**Davis, Simon**

Seeking Uniformity in the Commercial Arbitration Acts, Issue #92 p40

**Deacons**

Progress Claims and AS21241992: Contractors Beware! Brewarrina Shire Council v Beckhaus Civil Pty Ltd, Issue #91 p63

**Denton, Gavin**

China's Construction Industry Are You In or Out?, Issue #93 p53

**Downes, Jacqueline**

ACCC Offers Protection to Whistleblowers, Issue #91 p58

**Edser, Kristy**

New Obligations for Principal Contractors And that Means You, Issue #93 p54

**Edwards, Daniel**

QLD Cabinet Gives Go Ahead for Draft Building and Construction Industry Security of Payment Bill, Issue #92 p59

## AUTHORS

### **Godfrey, Kelly**

Managing Occupational Health and Safety of OnHired Employees in the Labour Hire Industry in NSW, Issue #91 p36

The Renaissance of the Implied Term of Trust & Confidence, Issue 88 p29

### **Goldstein, David**

Expert Determinations When are they Final and Binding? Age Old Builders Pty Ltd v Swintons Pty Ltd, Issue #90 p58

### **Guthrie, Scott**

Subcontractors' Charges Act and Proofs of Debt Beware the Double Dip, Issue #90 p51

### **Hadgkiss, Nigel**

Industry Building Task Force What's in Store?, Issue #93 p 58

### **Harvey, Cameron**

Implied Licence To Plans, Torpey Vander Have Pty Ltd v Mass Constructions Pty Ltd, Issue #89 p59

### **Heindl, Sabiene**

Boral High Court Decision, Boral Besser Masonry Limited (Now Boral Masonry Ltd) v Australian Competition and Consumer Commission, Issue #89 p50

### **Hibbert, Steve**

Terrorism Insurance Cover for Commercial Property, Issue #92 p54

### **Hiley, Victoria**

Director and Company Fined Following Workplace Death, Inspector Kenneth Vassel v Stokes Contractors Pty Ltd (in liq) and Anor, Issue #90 p59

'Gap' in Drafting Results in Employer Having to Pay Thousands of Dollars in Severance Pay, Construction, Forestry, Mining and Energy Union v Amcor Limited, Issue #89 p52

### **Jochelson, Geoffrey**

Letter to the Editor, Issue 88 p5

### **Joy, Martin**

The Interaction of Directors' Duties and Sustainable Development in Australia Setting off on the Uncharted Road, Issue #93 p18

### **Kaczmarek, Jess**

If it's not in the Scheme, it's not a Development Contribution Plan, Issue #92 p56

### **Kelly, Andrew**

Adjudication The UK Experience, Issue #90 p42

Workplace Health & Safety Clients, Architects and Engineers Beware, Issue #91 p57

### **Lacy, Nicole**

Mareva Injunctions: When can they be used? Hyder Consulting (Victoria) Pty Ltd v Transfield Pty Ltd and Anor, Issue #89 p58

### **Latif, Emily**

Employee or Independent Contractor, Slater v Workcover/Allianz Aust (Chiquita Brands Adelaide Pty Ltd)/CGU & Country Metropolitan Agency Contracting Services Pty Ltd, Issue #91 p60

### **Lawson, Frank**

Terrorism Insurance Cover for Commercial Property, Issue #92 p54

### **Le Fevre, Brigid**

Power to Extend Time: A Warning to Principals, Abigroup Contractors Pty Ltd v Peninsula Balmain Pty Ltd (No.2), Issue 88 p54

### **Lee, Rebecca**

Pitfalls of Bad Risk Allocation, Issue 88 p18

### **Lennox, Clare**

PPP Lessons to be Learnt, Cubic Transportation System Inc v State of New South Wales & 2 Ors, Issue 88

## AUTHORS

p58

### **Lester, David**

Performance Guarantees Traps and Pitfalls, Issue #93 p49

### **Luo, Lisa**

China Permits Construction Wholly Foreign Owned Enterprises (WFOEs), Issue #93 p52

### **Mallesons Stephen Jaques**

Concurrent Delay, Issue #92 p35

Defects Liability Period An Introduction, Issue #92 p32

### **Manly, Richard**

Dispute Resolution in the Construction Industry `Recent Developments in the Common Law', Issue #93 p36

### **Maslem, Melanie**

The Duty of Good Faith and the Commercial Viability of Pressing Claims for its Breach, Placer (Granny Smith) Pty Ltd v Thiess Contractors Pty Ltd, Issue #89 p48

### **McConvill, James**

The Interaction of Directors' Duties and Sustainable Development in Australia Setting off on the Uncharted Road, Issue #93 p18

### **Miller, Stuart**

The Law of Liens in Victoria Relating to Construction Work Performed by a Head Contractor, Issue 88 p6

### **Millhouse, Alan**

PPP Lessons to be Learnt, Cubic Transportation System Inc v State of New South Wales & 2 Ors, Issue 88 p58

### **Morley, Jonathan**

Employee Piercing off the Agenda, Issue #92 p48

### **Nankervis, Stewart**

Mareva Injunctions: When can they be used? Hyder Consulting (Victoria) Pty Ltd v Transfield Pty Ltd and Anor, Issue #89 p58

### **Netto, Anne Magdaline**

Tortious Liability of the Developer to Third Parties, Issue #92 p6

### **Nikolich, Myra**

The Legality of EMail Messages, Issue #91 p27

### **Oddie, Carolyn**

Boral High Court Decision, Boral Besser Masonry Limited (Now Boral Masonry Ltd) v Australian Competition and Consumer Commission, Issue #89 p50

### **Persijn, Sarah**

Amendments to the Building Code of Australia New Energy Efficiency Requirements, Issue #93 p56

### **PricewaterhouseCoopers Legal**

`Industry Practice' No Shield Against OH&S Prosecutions, Issue #92 p50

Liability For Environmental Incidents Are You in Control?, Issue #92 58

Unconscionable Conduct and the Trade Practices Act, Issue #89 p34

### **Pyman, Steve**

Subcontractors' Charges Act and Proofs of Debt Beware the Double Dip, Issue #90 p51

### **Regan, Robert**

Security of Payment Act 1999 (NSW) A Reminder of its Consequences, Issue #90 p6

### **Rochester, Michael**

An Introduction to the Delay and Disruption Protocol, Issue #89 p18

### **Rutherford, Amy**

Expert Reports, Issue #92 p43

## AUTHORS

### **Ryder, Chris**

Superintendents Between A Rock And A Hard Place?, Issue #92 p31

### **Sarre, Dr Rick**

Criminal Manslaughter in the Workplace, Issue #89 p24

### **Scalzo, Cathy**

The Disabling Effects of Drug Addiction, Issue #92 p47

### **Shepherd, Alexa**

Subcontractors' Charges Act and Proofs of Debt Beware the Double Dip, Issue #90 p51

### **Shields, Andrew**

Further Restrictions on Bryan v Maloney Another Nail in the Coffin? Leonard Charles Goulding and Anor v Robert Raymond Kirkby, Issue #89 p45

### **Standen, David**

Architects Acts in Australia: What Use Are They?, Issue #90 p31

Letter to the Editor, Issue #90 p5

### **Standen, Geoff**

The Devil in the Detail, State of New South Wales & 3 Ors v Banabelle Electrical Pty Limited; Banabelle Electrical Pty Limited v State of New South Wales & 3 Ors; State of New South Wales & 2 Ors v Fugen Holdings Pty Limited; Fugen Holdings Pty Limited v State of New South Wales & 2 Ors; State of New South Wales & Ors v Automatic Fire Protection Design Pty Limited; Automatic Fire Protection Design Pty Limited v State of New South Wales & Ors, Issue 88 p56

### **Steinepreis, Greg**

Pitfalls of Bad Risk Allocation, Issue 88 p18

### **Stephenson, Andrew**

Arbitration A One Stop Shop for Multiparty Disputes? Origin Energy Resources Limited v Benaris International NV & Anor; Woodside Energy Limited v Benaris International NV & Anor; Origin Energy Resources Limited v Benaris International NV & Anor, Issue #89 p54

### **Sung, Heechung**

Tougher Penalties Under New Occupational Health & Safety Laws, Issue 88 p52

### **Taylor, Ian**

Security of Payment Act 1999 (NSW) A Reminder of its Consequences, Issue #90 p6

### **Thomas, Bryan**

Apportionment of Liability in the Construction Industry Truth or Illusion? Issue #90 p10

### **Tiernan, Francis**

The Admissibility of Evidence of Surrounding Circumstances in the Interpretation of Contracts, Issue #92 p14

### **Tooma, Michael**

Construction Companies Prepare National Reforms to Workplace Safety on the Way, Issue #92 p49

### **Twyford, John**

Book Review Profesional Liability in Australia, Authors Stephen Walmsley, Alister Abadee & Ben Zipser, Issue #90 p57

### **van Kemebeek, Janette**

China Permits Construction Wholly Foreign Owned Enterprises (WFOEs), Issue #93 p52

### **Venus, Paul**

Preparing Better Expert Evidence, Issue #90 p46

### **Wales, Irene**

Good Faith and the Duty to Warn The New Proactive Approach of the Courts to Construction Contracting, Issue #93 p6

### **Wallis, Andrew**

## AUTHORS

The Duty of Good Faith and the Commercial Viability of Pressing Claims for its Breach, Placer (Granny Smith) Pty Ltd v Thiess Contractors Pty Ltd, Issue #89 p48

### **Wells, Jamie**

CFMEU Grieves Over Strike Action; Theiss Pty Ltd v Construction, Forestry, Mining And Energy Union, Issue #89 p53

Protected Picketing Still A Possibility, Transfield Construction Pty Ltd v Automotive Food, Metal, Engineering, Printing and Kindred, Issue 88 p57

### **Wilson, Joshua D**

Contractual Composition, Construction and the Matrix of Facts, Howtrac Rentals Pty Ltd v Thiess Contractors (NZ) Ltd , Issue #89 p36

### **Wong, Christopher**

Power to Extend Time: A Warning to Principals, Abigroup Contractors Pty Ltd v Peninsula Balmain Pty Ltd (No.2), Issue 88 p54

Reforms on the Quality of Construction of Buildings, Issue #89 p29

Adjudicator's Determination Subject to Judicial Review, Issue #93 p41

### **Wong, Marie**

Implied Licence To Plans, Torpey Vander Have Pty Ltd v Mass Constructions Pty Ltd, Issue #89 p59

## SUBJECT

### SUBJECT

#### ADJUDICATION

Adjudication The UK Experience, Andrew Kelly, Issue #90 p42

#### ARBITRATION

Arbitration A One Stop Shop for Multiparty Disputes? Origin Energy Resources Limited v Benaris International NV & Anor; Woodside Energy Limited v Benaris International NV & Anor; Origin Energy Resources Limited v Benaris International NV & Anor , Andrew Stephenson, Issue #89 p54

Expert Reports, Amy Rutherford, Issue #92 p43

Seeking Uniformity in the Commercial Arbitration Acts, Simon Davis & Bronwyn Byrnes, Issue #92 p40

#### ARCHITECTS ACTS

Architects Acts in Australia: What Use Are They? David Standen, Issue #90 p31

#### BOOK REVIEW

Professional Liability in Australia, Authors Stephen Walmsley, Alister Abadee & Ben Zipser; Review by John Twyford, Issue #90 p57

#### BUILDING

Safe as Houses?, Jude Barlow, Issue #91 p18

Tortious Liability of the Developer to Third Parties, Dr Anne Magdaline Netto, Issue #92 p6

#### BUILDING INDUSTRY TASK FORCE

Industry Building Task Force What's in Store?, Nigel Hadgkiss, Issue #93 p58

#### BUILDING REGULATION

Amendments to the Building Code Of Australia New Energy Efficiency Requirements, Sarah Persijn, Issue #93 p56

#### COLE ROYAL COMMISSION

The Cole Royal Commission Delivers its Final Report, David Cross, Issue #90 p54

Workplace Health & Safety Clients, Architects and Engineers Beware, Andrew Kelly , Issue #91 p57

#### CONSTRUCTION

Reforms on the Quality of Construction of Buildings, Christopher Wong, Issue #89 p29

#### CONTRACT

'Gap' in Drafting Results in Employer Having to Pay Thousands of Dollars in Severance Pay, Construction, Forestry, Mining and Energy Union v Amcor Limited, Victoria Hiley, Issue #89 p52

An Introduction to the Delay and Disruption Protocol, Michael Rochester, Issue #89 p18

Concurrent Delay, Malleons Stephen Jaques, Issue #92 p35

Contract Illegal, Not Merely Unenforceable, but Parallel Remedy in Restitution is Available Ali Mohamed V Alaga & Co (A Firm) [1999] EWCA 2855; [2000] 1 WLR 1815; [1999] 3 All ER 699, Dr Ron Craig, Issue #92 p38

Contractual Composition, Construction and the Matrix of Facts, Howtrac Rentals Pty Ltd v Thies Contractors (NZ) Ltd , Joshua D Wilson, Issue #89 p36

Defects Liability Period An Introduction, Malleons Stephen Jaques, Issue #92 p32

Further Restrictions on Bryan v Maloney Another Nail in the Coffin? Leonard Charles Goulding and Anor v Robert Raymond Kirkby, Andrew Shields, Issue #89 p45

Good Faith and the Duty to Warn The New Proactive Approach of the Courts to Construction Contracting, Irene Wales, Issue #93 p6

Power to Extend Time: A Warning to Principals, Abigroup Contractors Pty Ltd v Peninsula Balmain Pty Ltd (No.2), Christopher Wong & Brigid Le Fevre, Issue #88 p54

Superintendents Between A Rock And A Hard Place?, Jennan Ambikapathy & Chris Ryder, Issue #92 p31



## SUBJECT

The Admissibility of Evidence of Surrounding Circumstances in the Interpretation of Contracts, Francis Tiernan, Issue #92 p14

The Devil in the Detail, State of New South Wales & 3 Ors v Banabelle Electrical Pty Limited; Banabelle Electrical Pty Limited v State of New South Wales & 3 Ors; State of New South Wales & 2 Ors v Fugen; Holdings Pty Limited; Fugen Holdings Pty Limited v State of New South Wales & 2 Ors; State of New South Wales & Ors v Automatic Fire Protection Design Pty Limited; Automatic Fire Protection Design Pty Limited v State of New South Wales & Ors, Geoff Standen, Issue #88 p56

The Law of Liens in Victoria Relating to Construction Work Performed by a Head Contractor, Stuart Miller, Issue #88 p6

The Role of the Contract Administrator: Breathing New Life into the 'Prevention Principle', Adrian Baron, Issue #89 p5

Unconscionability, Professor Bob Baxt & Elizabeth Bennett, Issue #93 p45

### **CONTRACTING IN THE PEOPLES' REPUBLIC OF CHINA**

China Permits Construction Wholly Foreign Owned Enterprises (WFOEs), Lisa Luo & Janette van Kemebeek, Issue #93 p52

China's Construction Industry Are You In or Out?, John Cole & Gavin Denton, Issue #93 p53

### **DIRECTORS' LIABILITY**

The Interaction of Directors' Duties and Sustainable Development in Australia Setting off on the Uncharted Road, James McConvill & Martin Joy, Issue #93 p18

### **DISPUTE RESOLUTION**

Adjudicator's Determination Subject to Judicial Review, Christopher Wong, Issue #93 p41

Dispute Resolution in the Construction Industry 'Recent Developments in the Common Law', Richard Manly, Issue #93 p36

### **EASEMENTS**

Easements Required for Development, Woodland v Manly Municipal Council, Colin Biggers & Paisley, Issue #91 p61

### **E-MAIL**

The Legality of E-Mail Messages, Myra Nikolich, Issue #91 p27

### **EMPLOYMENT**

Boral High Court Decision, Boral Besser Masonry Limited (Now Boral Masonry Ltd) v Australian Competition And Consumer Commission, Carolyn Oddie & Sabiene Heindl, Issue #89 p50

The Renaissance of the Implied Term of Trust & Confidence, Kelly Godfrey, Issue #88 p29

### **ENVIRONMENT**

Liability For Environmental Incidents Are You in Control?, PricewaterhouseCoopers Legal, Issue #92 p58

### **EVIDENCE**

Preparing Better Expert Evidence, Paul Venus, Issue #90 p46

### **EXPERT DETERMINATIONS**

Expert Determinations When are they Final and Binding? Age Old Builders Pty Ltd v Swintons Pty Ltd, David Goldstein, Issue #90 p58

### **GOOD FAITH**

The Duty of Good Faith and the Commercial Viability of Pressing Claims for its Breach, Placer (Granny Smith) Pty Ltd v Thiess Contractors Pty Ltd, Andrew Wallis & Melanie Maslem, Issue #89 p48

### **INDUSTRIAL ACTION**

Protected Picketing Still A Possibility, Transfield Construction Pty Ltd v Automotive Food, Metal, Engineering, Printing and Kindred, Jamie Wells, Issue #88 p57

### **INJUNCTIONS**

Mareva Injunctions: When can they be used? Hyder Consulting (Victoria) Pty Ltd v Transfield Pty Ltd and Anor, Nicole Lacy & Stewart Nankervis, Issue #89 p58

## SUBJECT

### **INSURANCE**

Terrorism Insurance Cover for Commercial Property, Frank Lawson & Steve Hibbert, Issue #92 p54

### **LETTER TO THE EDITOR**

David Standen, Issue #90 p5

Geoffrey Jochelson, Issue #88 p5

### **LIABILITY**

Apportionment of Liability in the Construction Industry Truth or Illusion? Bryan Thomas, Issue #90 p10

Criminal Manslaughter in the Workplace, Dr Rick Sarre, Issue #89 p24

### **LICENCING**

Implied Licence To Plans, Torpey Vander Have Pty Ltd v Mass Constructions Pty Ltd, Cameron Harvey & Marie Wong, Issue #89 p59

### **LOCAL GOVERNMENT**

If it's not in the Scheme, it's not a Development Contribution Plan, Jess Kaczmarek, Issue #92 p56

### **NEGLIGENCE**

Buying Someone Else's Mistake, Clayton Utz, Issue #92 p45

### **OCCUPATIONAL HEALTH & SAFETY**

'Industry Practice' No Shield Against OH&S Prosecutions, PricewaterhouseCoopers Legal, Issue #92 p50

Construction Companies Prepare National Reforms to Workplace Safety on the Way, Michael Tooma & Andrew Ang, Issue #92 p49

Managing Occupational Health and Safety of On-hired Employees in the Labour Hire Industry in NSW, Issue #91 p36

Multiple Offences (& Penalties) Under the OH&S Act, Stephen Carcano, Issue #92 p52

Tougher Penalties Under New Occupational Health & Safety Laws, Heechung Sung, Issue #88 p52

### **PAYMENT CLAIMS**

Security of Payment Act 1999 (NSW) A Reminder of its Consequences, Ian Taylor & Robert Regan, Issue #90 p6

### **PROGRESS CLAIMS**

Progress Claims and AS2124-1992: Contractors Beware! Brewarrina Shire Council v Beckhaus Civil Pty Ltd, Deacons, Issue #91 p63

### **RISK**

Design & Construct Contracts and Final Design Cost Risk, Dr Donald Charrett, Issue #91 p5

Pitfalls of Bad Risk Allocation, Greg Steinepreis & Rebecca Lee, Issue #88 p18

### **SECURITY**

Performance Guarantees Traps and Pitfalls, David Lester, Issue #93 p49

### **SECURITY OF PAYMENT**

QLD Cabinet Gives Go Ahead for Draft Building and Construction Industry Security of Payment Bill, Daniel Edwards, Issue #92 p59

Security of Payment in NSW Significant Changes, Philip Davenport, Issue #88 p25

### **SUBCONTRACTORS' CHARGES**

Subcontractors' Charges Act and Proofs of Debt Beware the Double Dip, Alexa Shepherd, Scott Guthrie & Steve Pyman, Issue #90 p51

### **TENDERING**

PPP Lessons to be Learnt, Cubic Transportation System Inc v State of New South Wales & 2 Ors, Alan Millhouse & Clare Lennox, Issue #88 p58

### **TRADE PRACTICES**

ACCC Offers Protection to Whistleblowers, Jacqueline Downes, Issue #91 p58

Unconscionable Conduct and the Trade Practices Act, PricewaterhouseCoopers Legal, Issue #89 p34

## SUBJECT

### **WORKERS' COMPENSATION**

New Obligations for Principal Contractors And that Means You, Garry Beath & Kristy Edser, Issue #93 p54

### **WORKPLACE RELATIONS**

CFMEU Grieves Over Strike Action; Theiss Pty Ltd v Construction, Forestry, Mining And Energy Union;  
Jamie Wells, Issue #89 p53

Director and Company Fined Following Workplace Death, Inspector Kenneth Vassel v Stokes Contractors  
Pty Ltd (in liq) and Anor, Victoria Hiley, Issue #90 p59

Employee or Independent Contractor, Slater v Workcover/Allianz Aust (Chiquita Brands Adelaide Pty Ltd)/  
CGU & Country Metropolitan Agency Contracting Services Pty Ltd, Emily Latif, Issue #91 p60

Employee Piercing off the Agenda, Jonathan Morley, Issue #92 p48

The Disabling Effects of Drug Addiction, Cathy Scalzo, Issue #92 p47

**CASES**

**A**

- Abacus Funds Management Limited v Davenport [2003] NSWSC 935 [judgment of Gzell J on 24 October 2003], Issue #93 pp41, 43
- Abigroup Contractors Pty Limited and Luis Bustamante; WorkCover Authority of NSW (Insp Maltby) & Anor v, [2003] NSWIRComm 201, Issue #92 pp50, 5253
- Abigroup Contractors Pty Ltd v Peninsula Balmain Pty Ltd (No.2) (2002) 18 BCL 15, Issue #88 pp5455
- Abigroup Contractors Pty Ltd v Transfield Pty Ltd and Anor [1998] VSC 103, Issue #89 p56
- Abigroup Contractors Pty Ltd; Peninsula Balmain Pty Ltd v, [2002] NSWCA 211 (3 July 2002) (Mason P, Stein and Hodgson JJA), Issue #89 pp5, 1114
- ACCC v CG Berbatis Holdings Pty Ltd [2000] FCA 1376, Issue #89 p34
- ACCC v Samton Holdings Pty Ltd [2002] FCA 62, Issue #89 p34
- ACCC v Simply No-Knead (Franchising) Pty Ltd (2000) 104 FCR 253, Issue #89 p35
- Acorn Consolidated Pty Ltd v Hawkslade Investments Pty Ltd [1999] 21 WAR 425, Issue #92 pp19, 26
- Adalia Pty Ltd; Katelis v, [2002] VSC 497, Issue #89 p40
- Adam Brothers Ltd; Triple A Investments Ltd v, (1985) 23 DLR (4th), Issue #93 p16
- Addis Case, Issue #88 pp3537
- Advance Fitness Corp Pty Ltd v Bondi Diggers Memorial & Sporting Club Ltd [1999] NSW SC264, Issue #93 p9
- AFMEPKIU v NSW Sugar Milling Co-operative (AIRC, Print P9636, Munro J, 25 March 1998), Issue #88 p30
- Age Old Builders Pty Ltd v Swintons Pty Ltd [2002] VCAT 1489 (6 December 2002) (Prof Damien Cremean), Issue #90 p58
- Aintree Holdings Pty Ltd (t/as Beaumonde Homes) v George Corderoy and Marilyn Corderoy (1996) 16 WAR 416, Issue #92 pp4042
- Air Great Lakes Pty Ltd v KS Easter (Holdings) Pty Ltd [1985] 2 NSWLR 309, 326, Issue #89 p38
- Air New Zealand Limited & Anor v Leibler & Ors [1999] 1 VR 1, Issue #93 pp47, 48
- Air Services Australia; Hughes Aircraft Systems International v, (1997) 76 FCR 151, Issue #88 pp5859; Issue #93 p9
- Aiton v Transfield [1999] NSWSC 996, Issue #93 pp8, 9
- Alaga & Co (A Firm); Ali Mohamed v, [1999] EWCA 2855; [2000] 1 WLR 1815; [1999] 3 All ER 699, Issue #92 p38
- Alaga & Co; Mohamed v, The Times 2 April 1998; [1998] 2 All ER 720, Issue #92 p38
- Alcatel Australia Limited v Scarcella & Ors Matter Nos CA 40797/97; CA 40798/97 (1998) NSWSC 483, Issue #89 p35
- Alcatel Australia Ltd v Scarcella (1998) 44 NSWLR 349, Issue #89 p41; Issue #93 p9
- Aldersea v Public Transport Corporation (2001) 183 ALR 545, Issue #88 pp34, 36
- Ali Mohamed v Alaga & Co (A Firm) [1999] EWCA 2855; [2000] 1 WLR 1815; [1999] 3 All ER 699, Issue #92 p38
- Ali; Bank of Credit and Commerce International SA v, [2001] 2 WLR 735, Issue #89 p42
- Amadio; Commercial Bank of Australia v, (1983) 151 CLR 447, Issue #89 p34; Issue #93 p45
- Amcors Limited; Construction, Forestry, Mining and Energy Union v, [2002] FCA 610 (13 May 2002) Finkelstein J, Issue #89 p52
- Anaconda Nickel Ltd; Edensor Nominees Pty Ltd v, [2001] VSC 502, Issue #93 pp47, 48
- Angela Kinnane v Zee Homes Pty Ltd [2003] SASC 187, Issue #92 p42
- Anisminic Limited v Foreign Compensation Commissioner [1969] 2 AC 147, Issue #93 p42
- Anns & Ors v London Borough Council of Merton [1978] AC 728, Issue #92 pp910
- Ansetts v Australian Stations Pty Ltd (2002) 76 ALJR 1348, Issue #89 p46
- Apand; Perre v, (1999) 198 CLR 180, Issue #89 p46
- Arcos Ltd; Hillas & Co v, (1932) 38 Com Cas 23, Issue #89 p40
- Astley v Austrust Limited, 187 CLR 1, Issue #90 p28
- Austotel Pty Ltd; Turner Corporation Pty Ltd (Receiver and Manager Appointed) v, (1997) 13 BCL 378, Issue #89 pp7, 10, 13

## CASES

Australian Airlines Ltd; *Byrne and Frew v*, (1995) 185 CLR 410, Issue #88 pp2931, 35, Issue #89 p41  
Australian Competition and Consumer Commission v *Berbatis* 197 ALR 153, Issue #93 p45  
Australian Competition and Consumer Commission; *Boral Besser Masonry Limited (now Boral Masonry Ltd) v*, [2003] HCA 5 (7 February 2003) (Gleeson CJ, Gaudron, McHugh, Gummow, Kirby, Hayne & Callinan JJ), Issue #89 pp5051  
*Australian Conservation Foundation v Minister for Resources* (1989) 19 ALD 70, Issue #93 p30  
*Australian Mutual Provident Society v Dowell Australia Limited*, Unreported, SCNSW, Rogers CJ of Comm D, 8 November 1998, Issue #90 p27  
*Australian National Hotels Pty Ltd; Jager v*, 7 Tas R 437, Issue #88 p30  
*Australian Safeway Stores Pty Ltd; Hampton Park Central Pty Ltd v*, Unreported VSC 20 October 2000, Issue #90 pp21, 28  
*Australian Securities and Investments Commission v MauerSwisse Securities Ltd* (2002) 42 ACSR 605, Issue #93 p29  
*Australian Stations Pty Ltd; Ansetts v*, (2002) 76 ALJR 1348, Issue #89 p46  
*Automatic Fire Protection Design Pty Limited v State of New South Wales & Ors* [2002] NSWSC 178 (22 March 2002), Issue #88 p56  
*Automotive Food, Metal, Engineering, Printing and Kindred; Transfield Construction Pty Ltd v*, (2002) FCA 1413 (20 November 2002), Issue #88 p57

## B

*B&B Constructions (Aust) Pty Ltd v Brian A Cheeseman & Associates Pty Ltd* (1994) 35 NSWLR 227, Issue #92 pp17, 20, 25  
*Banabelle Electrical Pty Limited v State of New South Wales & 3 Ors* [2002] NSWSC 178 (22 March 2002), Issue #88 p56  
*Bank of Credit & Commerce International SA (in liq); Malik and Mahmud v*, (1997) 3 WLR 95, Issue #88 pp31, 33, 3536  
*Bank of Credit & Commerce International; Husain and Zafar v*, [2002] EWCA Civ 82, Issue #88 p36  
*Bank of Credit and Commerce International SA v Ali* [2001] 2 WLR 735, Issue #89 p42  
*Barak Pty Ltd v WTH Pty Ltd t/a Avis Australia* [2002] NSWSC 649, Issue #90 p49; Issue #92 p43  
*Bathurst City Council; Brambles Holdings Ltd v*, (2001) 53 NSWLR 153, Issue #89 p43  
*Bauilderstone Hornibrook Pty Ltd; LMI Australia Pty Ltd v*, BC 200106393, Issue #93 p10  
*Baxendale; Hadley v*, (1854) 9 Exch 341; 156 ER 145, Issue #88 p37  
*Beckhaus Civic Pty Ltd v Brewarrina Shire Council* (2002) NSWSC 960, Issue #90 p7  
*Beckhaus Civic Pty Ltd; Brewarrina Shire Council v*, [2003] NSWCA 4, Issue #90 p7; Issue #91 p63  
*Beckhaus Civil Pty Ltd v The Council of the Shire of Brewarrina*, NSWSC 55025 of 2002, Issue #88 p25  
*Benaris International NV & Anor; Origin Energy Resources Limited v*, [2002] TASSC 50 (unreported), Issue #89 pp5457  
*Benaris International NV & Anor; Origin Energy Resources Limited v*, [2002] TASSC 104 (unreported), Issue #89 pp5457  
*Berbatis; Australian Competition and Consumer Commission v*, 197 ALR 153, Issue #93 p45  
*Berg Bennett & Associates Pty Ltd; Service Station Association Ltd v*, (1993) 45 FCR 84; 117 ALR 393, Issue #93 p7  
*BHP Information Technology Pty Ltd; GEC Marconi Systems Pty Ltd v*, (2003) FCA 50, Issue #89 p43  
*Bird Construction Co; Winnipeg Condominium Corp No. 36 v*, (1995) 121 DLR 193, Issue #92 p10  
*Blacktown City Guardian; Burazin v*, (1996) 142 ALR 144, Issue #88 pp2930, 35  
*Blyth Chemicals Ltd v Bushnell* (1933) 49 CLR 66, Issue #88 p31  
*Bognor Regis Urban District Council; Dutton v*, [1972] 1 QB 373, Issue #92 pp89  
*Bondi Diggers Memorial & Sporting Club Ltd; Advance Fitness Corp Pty Ltd v*, [1999] NSW SC264, Issue #93 p9  
*Boral Besser Masonry Limited (now Boral Masonry Ltd) v Australian Competition and Consumer Commission* [2003] HCA 5 (7 February 2003) (Gleeson CJ, Gaudron, McHugh, Gummow, Kirby, Hayne & Callinan JJ), Issue #89 pp5051  
*Boral Resources v Robak Engineering and Construction Pty Ltd and Foster Hall Pty Ltd* [1999] 2 VR 507, Issue #90 pp1923, 28

## CASES

Botany Bay Council & Anor; Carr v, [2003] NSW ADT 2009 (9 September 2003), Issue #92 p47  
Bow Valley Husky (Bermuda) Ltd v Saint John Shipbuilding Ltd (Supreme Court of Canada, judgment delivered December 1997), Issue #93 p16  
Bowen v Paramount Builders (Hamilton) Ltd [1977] 1 NZLR 394, Issue #92 p10  
Bowker v Prophecy Technologies Pty Ltd (Unreported, IRC99/291, Marks J, 26 May 1999), Issue #88 p35  
BP Australia Pty Ltd v Nyran Pty Ltd [2002] FCA 679, Issue #90 p47  
BP Refinery (Westernport) Pty Ltd v Shire of Hastings (1977) 180 CLR 266, 282, Issue #89 p41  
Brackenridge v Toyota Motor Corporation Australia Ltd (1996) 41 AILR 3-454, Issue #88 p29  
Bradley Air Conditioning Pty Ltd (in liq); Seventeenth Canute Pty Ltd v, [1987] 1 Qd R 11, Issue #90 p52  
Brambles Holdings Ltd v Bathurst City Council (2001) 53 NSWLR 153, Issue #89 p43  
Brentwood District Council; Murphy v, [1990] 2 AER 908, Issue #92 pp910  
Brewarrina Shire Council v Beckhaus Civic Pty Ltd [2003] NSWCA 4, Issue #90, p7, Issue #91 p63  
Brewarrina Shire Council; Beckhaus Civic Pty Ltd v, (2002) NSWSC 960, Issue #90 p7  
Brian A Cheeseman & Associates Pty Ltd; B&B Constructions (Aust) Pty Ltd v, (1994) 35 NSWLR 227, Issue #92 pp17, 20, 25  
Brickhill v Cooke [1984] 3 NSWLR 396, Issue #90 p26  
Broad Construction Services Pty Ltd; Palermo Nominees Pty Ltd v, [1999] 15 BCL 20, Issue #93 pp12, 15, 16  
Broadley & Ors; Thomson v, [2002] QSC 255 (20 June 2002), Issue #88 p30  
Brodyn Pty Limited t/as Time Cost and Quality v Phillip Davenport & Ors [2003] NSWSC 1019 [judgment of Einstein J on 6 November 2003], Issue #93 pp41, 43  
Brunswick Construction Ltd v Nowlan (1974) 21 BLR 27, Issue #93 pp11, 15  
Bryan v Maloney (1995) 125 ALR 163, Issue #89 pp457; Issue #92 p10  
Bude-Stratton Town Council; Moores v, [2000] IRLR 676 EAT, Issue #88 p33  
Building Workers Industrial Union & Ors v Odco Pty Ltd (1991) 29 FCR 104, Issue #91 p38  
Burazin v Blacktown City Guardian (1996) 142 ALR 144, Issue #88 pp2930, 35  
Burger King Corporation v Hungry Jack's Pty Ltd [2001] NSWCA 187, Issue #89 p35; Issue #93 pp6, 7, 8, 9  
Burns Philp Hardware Pty Ltd v Howard Chia Pty Ltd (1987) 8 NSWLR 642, Issue #92 p16  
Bushnell; Blyth Chemicals Ltd v, (1933) 49 CLR 66, Issue #88 p31  
Byrne and Frew v Australian Airlines Ltd (1995) 185 CLR 410, Issue #88 pp2931, 35  
Byrne v Australian Airlines Ltd (1995) 185 CLR 410, 422, Issue #89 p41

## C

Carr v Botany Bay Council & Anor [2003] NSW ADT 2009 (9 September 2003), Issue #92 p47  
Carrigan v Darwin City Council (Unreported, AIRC, von Doussa J, 20 March 1997), Issue #88 p29  
Cassegrain & Ors; Commonwealth Development Bank of Australia Pty Limited & Anor v, [2002] NSWSC 980, Issue #90 p49; Issue #92 p43  
Caulson Pty Ltd; HG & R Nominees Pty Ltd v, (2000) V Conv R 54-630; [2000] VSC 126 (28 March 2000), Issue #88 p11  
CDG Pty Ltd (formerly Cardno and Davies Australia Pty Ltd) and John Cameron Johnson; Woolcock Street Investments Pty Ltd v, [2002] QCA 88, Issue #89 p47  
CG Berbatis Holdings Pty Ltd; ACCC v, [2000] FCA 1376, Issue #89 p34  
CH Magill v National Australia Bank Ltd (2001) NSWCA 221, Issue #89 p43  
Church Commissioners for England; D&F Estates Ltd v, [1989] AC 177, Issue #92 p12  
Clark and Doherty v The State of NSW [2002] NSWIRComm 274 (18 October 2002), Issue #88 p36  
Clayton; Hawkins v, [1998] 164 CLR 539, Issue #90 p28  
Clive Adams Associates and JHM Construction Services Ltd; Plant Constructions Plc v, [2000] BLR 137, Issue #93 pp12, 14, 15, 17  
CMR of Taxation (No. 2); Spassked Pty Ltd v, [2002] FCA 489, Issue #90 p49  
Cobram Laundry Service Pty Ltd; Murray Goulburn Cooperative Co Limited v, [2001] VSCA 57, Issue #92 pp18, 2526  
Codelfa Construction Pty Ltd v State Rail Authority of New South Wales (1982) 149 CLR 337, 352, Issue #89 pp40, 4243; Issue #92 pp1415, 1718, 2021, 2425, 28

## CASES

Collins Hill Group Pty Ltd v Trollope Silverwood and Beck Pty Ltd [2002] VSCA 205, Issue #89 p43  
Commercial Bank of Australia v Amadio (1983) 151 CLR 447, Issue #89 p34; Issue #93 p45  
Commonwealth Bank of Australia v Spira (2002) NSWSC 905, Issue #89 p41  
Commonwealth Bank; Patty v, [2002] FCA 111 (19 February 2002), Issue #88 p30  
Commonwealth Development Bank of Australia Pty Limited & Anor v Cassegrain & Ors [2002] NSWSC 980, Issue #90 p49  
Commonwealth Development Bank of Australia Pty Ltd & Anor v Cassegrain & Ors [2002] NSWSC 980, Issue #92 p43  
Commonwealth of Australia; Perini Corporation v, [1969] 2 NSW 530, Issue #89 p11; Issue #92 p31  
Compania Panamena Europa Navegacion, Limitada; Leyland & Co v, (1943) 76 Lloyd's LR 113, Issue #92 p31  
Concut Pty Ltd v Worrell and Another (2000) 176 ALR 693, Issue #88 p31  
Constan Industries of Australia Pty Ltd v Norwich Winterthur Insurance (Australia) Ltd (1986) 160 CLR 226, Issue #89 p41  
Construction, Forestry, Mining and Energy Union v Amcor Limited [2002] FCA 610 (13 May 2002) Finkelstein J, Issue #89 p52  
Construction, Forestry, Mining and Energy Union; Theiss Pty Ltd v, (PR926866), Issue #89 p53  
Cooke; Brickhill v, [1984] 3 NSWLR 396, Issue #90 p26  
Co-ordinated Industries Pty Ltd and others; Turner Corporation Ltd (in prov liq) v, (1995) 11 BCL 202, Issue #89 pp8, 10, 13  
Council of the Shire of Brewarrina, The; Beckhaus Civil Pty Ltd v, NSWSC 55025 of 2002, Issue #88 p25  
CPL (Surry Hills) Pty Ltd; Walter Construction Group Ltd v, [2003] NSWSC 266, Issue #90 p6  
Craig v The State of South Australia (1995) 184 CLR 163, Issue #93 p41  
Cubic Transportation System Inc v State of New South Wales & 2 Ors [2002] NSWSC 656, Issue #88 pp5859  
Cubic Transportation Systems Inc & Anor v State of New South Wales & 2 Ors [2002] NSWSC 656 revised 27/02/2003, Issue #93 p10  
Cubic Transportation Systems Inc v State of NSW & Ors [2001] NSW SC 1195, Issue #88 p58

## D

D&F Estates Ltd v Church Commissioners for England [1989] AC 177, Issue #92 p12  
Darwin City Council; Carrigan v, (Unreported, AIRC, Von Doussa J, 20 March 1997), Issue #88 p29  
Davenport; Abacus Funds Management Limited v, [2003] NSWSC 935 [judgment of Gzell J on 24 October 2003], Issue #93 pp41, 43  
David Jones Ltd; Electronic Industries Ltd v, (1954) 91 CLR 288, Issue #89 p41  
Davoren Nominees Pty Ltd; Surfers Paradise Investments Pty Ltd (in liq) v, [2003] QCS 025), Issue #90 p53  
Daysea Pty Ltd v Watpac Australia Pty Ltd (2001) 17 BCL 434, Issue #91, p63  
De Winton; Durack v, (1998) 9 BPR 16, Issue #91 p61  
Devaugh Pty Ltd; Lamac Developments Pty Ltd v, [2002] WASCA 245, Issue #92 pp4042  
Dick; Mackay v, (1881) 6 App Cas 251, Issue #89 p41  
Digi-Tech (Australia) Limited & Ors; Graham Brand & Ors v, [2002] NSWSC 997, Issue #90 p47  
Donoghue v Stevenson [1932] All ER Rep 1, Issue #92 pp79  
Dowell Australia Limited; Australian Mutual Provident Society v, Unreported, SCNSW, Rogers CJ of Comm D, 8 November 1998, Issue #90 p27  
Downard-Pickford [North Queensland] Pty Ltd; Wallis v, [1994] 179 CLR 388, Issue #90 p24  
Durack v De Winton (1998) 9 BPR 16, Issue #91 p61  
Dutton v Bognor Regis Urban District Council [1972] 1 QB 373, Issue #92 pp89  
Dyson; Olsson v, (1969) 120 CLR 365, Issue #89 p14

## E

Eagle Star Life Assurance Co Limited; Mannai Investment Co Limited v, [1997] AC 749, Issue #92 p14  
Eastwood & anor v Magnox Electric plc (2002) EWCA Civ 463, Issue #88 p34  
Edensor Nominees Pty Ltd v Anaconda Nickel Ltd [2001] VSC 502, Issue #93 pp47, 48  
Edward Lindenburg v Joe Canning (1992) 62 BLR 147, Issue #93 p16

## CASES

Effem Foods Pty Ltd; Trawl Industries of Australia Pty Ltd v, (1992) 27 NSWLR 326, Issue #92 pp1516  
Electronic Industries Ltd v David Jones Ltd (1954) 91 CLR 288, Issue #89 p41  
Emmerson v Housing Industry Association Ltd (1999) 46 AILR 4-080, Issue #88 p36  
Environment Protection Authority v McConnell Dowell Constructors (Aust) Pty Ltd [2003] NSWLEC 70, Issue #92 p58  
Ermogenus v Greek Orthodox Community of SA Inc. [2002] HCA 8, Issue #89 p43

### F

F R Coyle Pty Limited & Ors; NRMA Insurance Limited v, [1994] 13 ACLR 231, Issue #90 p27  
FAI Traders Insurance Pty Ltd v Savoy Plaza Pty Ltd [1993] 2 VR 343, Issue #89 p43  
Fangrove Pty Ltd v Tod Group Holdings (1999) 2 Qd R 235, Issue #92 p10  
FCH Consulting Pty Ltd v Wimmera-Mallee Rural Water Authority and R & L Tank Fabrications Pty Ltd [1999] 2 VR 507, Issue #90 pp1920  
FCH Consulting Pty Ltd; Wimmera-Mallee Rural Water Authority v, [2000] VSC 102, Issue #90 p21  
First Energy (UK) Ltd v Hungarian International Bank Ltd [1993] 2 Lloyd's Rep 194, Issue #89 p40  
Florida Hotels Pty Limited v Mayo (1965) 113 CLR 588, Issue #90 p57  
Foreign Compensation Commissioner; Anisminic Limited v, [1969] 2 AC 147, Issue #93 p42  
Forklift Engineering Australia Pty Ltd v Powerlift (Nissan) Pty Ltd BC 200007795, Issue #93 p10  
Frederick W Neilson [Canberra] Pty limited v PDC Constructions [ACT] Pty Limited [1987] 71 ACTR 1, Issue #90 p27  
Fugen Holdings Pty Limited; State of New South Wales & 2 Ors v, [2002] NSWSC 178 (22 March 2002), Issue #88 p56  
Fyntray Constructions Pty Ltd v Macind Drainage and Hydraulic Services Pty Ltd (2002) NSWCA 238, Issue #90 p7

### G

Gambotto v John Fairfax Publications Pty Ltd (2001) 104 IR 303, Issue #88 p35  
Garry Rogers Motors (Aust) Pty Ltd v Subaru (Aust) Pty Ltd (1999) ATPR 41703, Issue #93 p9  
Gaymark Investments Property Ltd v Walter Construction Group [1999] NTSC 143; (2000) 16 BCL 449, Issue #89 pp5, 78  
GEC Marconi Systems Pty Ltd v BHP Information Technology Pty Ltd (2003) FCA 50, Issue #89 p43  
Geeson; National Roads and Motorists' Association Ltd v, (2001) 39 ACSR 401, Issue #93 pp25, 26  
George Corderoy and Marilyn Corderoy; Aintree Holdings Pty Ltd (t/as Beaumonde Homes) v, (1996) 16 WAR 416, Issue #92 pp4042  
Gilbertson (Old) Pty Ltd; Lloyd v, (1996) 68 IR 277, Issue #88 p29  
GIO Australia Holdings Ltd; GPG (Australia Trading) Pty Ltd v, (2001) 40 ACSR 252, Issue #89 p34  
Gogay v Hertfordshire County Council [2000] IRLR 703, Issue #88 p36  
Goulding and Anor v Kirby, Issue #89 p47  
GPG (Australia Trading) Pty Ltd v GIO Australia Holdings Ltd (2001) 40 ACSR 252, Issue #89 p34  
Grace Worldwide (Aust) Pty Ltd; Perkins v, (1997) 72 IR 186, Issue #88 p29  
Graham Brand & Ors v Digi-Tech (Australia) Limited & Ors [2002] NSWSC 997, Issue #90 p47  
Greek Orthodox Community of SA Inc.; Ermogenus v, [2002] HCA 8, Issue #89 p43  
Gutteridge Haskins & Davy Pty Limited; Pullen v, [1992] Australian Torts Reports, Cases 61 384, Issue #90 p26

### H

Hadley v Baxendale (1854) 9 Exch 341; 156 ER 145, Issue #88 p37  
Hall and Partners; Pride Valley Foods Ltd v; [2000] EWHC Technology 106, Issue #93 pp13, 14, 17  
Hamlin; Invercargill CC v, [1994] 3 NZLR 513, Issue #92 p10  
Hampton Park Central Pty Ltd v Australian Safeway Stores Pty Ltd, Unreported VSC 20 October 2000, Issue #90 pp21, 28  
Harrison v Inala Plaza Pty Ltd [2002] QSC 293, Issue #92 p20  
Hawkins v Clayton [1998] 164 CLR 539, Issue #90 p28



## CASES

Hawkslade Investments Pty Ltd; Acorn Consolidated Pty Ltd v, [1999] 21 WAR 425, Issue #92 pp19, 26  
HECEC Australia Pty Ltd v HydroElectric Corporation ATPR 46-196, Issue #93 p45  
Hedley Byrne & Co Ltd v Heller & Partners Limited [1964] AC 465, Issue #92 pp710  
Heller & Partners Limited; Hedley Byrne & Co Ltd v, [1964] AC 465, Issue #92 pp710  
Henderson v Merrett Syndicate Ltd [1994] 3 All ER 506, Issue #90 pp2728  
Hertfordshire County Council; Gogay v, [2000] IRLR 703, Issue #88 p36  
HG & R Nominees Pty Ltd v Caulson Pty Ltd (2000) V Conv R 54-630; [2000] VSC 126 (28 March 2000), Issue #88 p11  
Hili Modern Electronics Pty Ltd; SMK Cabinets v, [1984] V.R. 391, Issue #89 p7  
Hillas & Co v Arcos Ltd (1932) 38 Com Cas 23, Issue #89 p40  
Hinds v Laser Resources Management Pty Ltd (AIRC, U2001/5431, 21 February 2002), Issue #88 p29  
Hollis v Vabu Ltd [2001] HCA 44, Issue #88 p33  
Home-Payne; Hussey v, (1879) 4 App. Cas. 311, Issue #89 p39  
Housing Industry Association Ltd; Emmerson v, (1999) 46 AILR 4-080, Issue #88 p36  
Howard Chia Pty Ltd; Burns Philp Hardware Pty Ltd v, (1987) 8 NSWLR 642, Issue #92 p16  
Howtrac Rentals Pty Ltd (No.2); Thiess Contractors (NZ) Ltd v, (2002) VSCA 220, Issue #89 p42  
Howtrac Rentals Pty Ltd v Thiess Contractors (NZ) Ltd [2000] VSC 415, Issue #89 pp3643  
Hugh Wilson; Victoria University of Manchester v, (1984) 2 Const LR 1, Issue #93 p11, 16  
Hughes Aircraft Systems International v Air Services Australia (1997) 76 FCR 151, Issue #88 pp5859; Issue #93 p9  
Human Rights & Equal Opportunity Commission; Marsden v, [2000] FCA 1619, Issue #92 p47  
Hungarian International Bank Ltd; First Energy (UK) Ltd v, [1993] 2 Lloyd's Rep 194, Issue #89 p40  
Hungry Jack's Pty Ltd; Burger King Corporation v, [2001] NSWCA 187, Issue #89 p35; Issue #93 pp6, 7, 8, 9  
Husain and Zafar v Bank of Credit & Commerce International [2002] EWCA Civ 82, Issue #88 p36  
Hussey v Home-Payne (1879) 4 App. Cas. 311, Issue #89 p39  
Hyder Consulting (Victoria) Pty Ltd v Transfield Pty Ltd and Anor [2002] VSC 315 (16 August 2002) Byrne J, Issue #89 p58  
HydroElectric Corporation; HECEC Australia Pty Ltd v, ATPR 46-196, Issue #93 p45

### I

Inala Plaza Pty Ltd; Harrison v, [2002] QSC 293, Issue #92 p20  
Ingelwood Shire Council; Voli v, [1963] 110 CLR 74, Issue #90 p26  
Inspector Kenneth Vassel v Stokes Contractors Pty Ltd (in liq) and Anor [2002] NSWIRComm 331 (Peterson J), Issue #90 p59  
Invercargill CC v Hamlin [1994] 3 NZLR 513, Issue #92 p10  
Investors Compensation Scheme Limited v West Bromwich Building Society [1998] 1 WLR 896, Issue #89 pp40, 42; Issue #92 pp23, 25, 28

### J

Jager v Australian National Hotels Pty Ltd, 7 Tas R 437, Issue #88 p30  
Jiniess Pty Ltd; Proprietors Units Plan No 95/98 v, [2000] NTSC 89, Issue #90 p22  
Joe Canning; Edward Lindenburg v, (1992) 62 BLR 147, Issue #93 p16  
John Fairfax Publications Pty Ltd; Gambotto v, (2001) 104 IR 303, Issue #88 p35  
John Holland Construction & Engineering Pty Ltd v Kvaerner RJ Brown Pty Ltd (1997) 13 BCL 262, Issue #91 p8  
Johnson (AP) v Unisys Ltd [2001] UKHL 13, [2001] 2 All ER 801, [2001] 2 WLR 1076 (22 March 2001), Issue #88 pp34, 36  
Junior Books Ltd v Veitchi Ltd [1982] 3 AER 201, Issue #92, p9

### K

Katelis v Adalia Pty Ltd [2002] VSC 497, Issue #89 p40  
Kelso v McCulloch, Unreported, SCNSW Equity Division, J 3832 of 1994, Young J, 24 October, 1994, Issue #90 p53

## CASES

Kevin, Prunty & Associates; Macpherson & Kelley v, [1983] VR 573, Issue #90 p26  
Kim Smoker Pty Ltd; Nettleford v, (1996) 69 IR 370, Issue #88 p29  
King v State Bank of NSW (Unreported, NSWIRC no. 1153 of 1996, 6 December 2000), Issue #88 p36  
King v University Court of the University of St Andrews (2002) IRLR 252 Court of Session, Issue #88 p34  
Kinhill Engineers Pty Ltd; Leighton Contractors Pty Ltd v, (1996) 12 BCL 415, Issue #91 p8  
Kirby; Goulding and Anor v, Issue #89 p47  
Kittochside Nominees Pty Ltd; Morgan v, (2002) 117 IR 152, Issue #91 p46  
Krupp [Australia] Pty Limited; RW Miller & Co Pty Limited v, [1992] 11 BCL 74, Issue #90 p27  
KS Easter (Holdings) Pty Ltd; Air Great Lakes Pty Ltd v, [1985] 2 NSWLR 309, 326, Issue #89 p38  
Kvaerner RJ Brown Pty Ltd; John Holland Construction & Engineering Pty Ltd v, (1997) 13 BCL 262, Issue #91 p8

### L

L Schuler AG v Wickham Machine Tool Sales Ltd [1974] AC 235, 251, 2556, 264, 272, Issue #89 p40  
Lamac Developments Pty Ltd v Devaugh Pty Ltd [2002] WASCA 245, Issue #92 pp4042  
Lanigan Baldwin Pty Ltd; Mt Holden Estates Pty Ltd v, (2003) VCAT 937, Issue #93 p36  
Laser Resources Management Pty Ltd; Hinds v, (AIRC, U2001/5431, 21 February 2002), Issue #88 p29  
Leibler & Ors; Air New Zealand Limited & Anor v, [1999] 1 VR 1, Issue #93 pp47, 48  
Leighton Contractors Pty Ltd v Kinhill Engineers Pty Ltd (1996) 12 BCL 415, Issue #91 p8  
Leonard Charles Goulding and Anor v Robert Raymond Kirkby [2002] NSWCA 393 (Heydon JA, Hodgson JA & Santow JA), Issue #89 pp4547  
Leyland & Co v Compania Panamena Europa Navegacion, Limitada (1943) 76 Lloyd's LR 113, Issue #92 p31  
Lloyd v Gilbertson (Qld) Pty Ltd (1996) 68 IR 277, Issue #88 p29  
LMI Australia Pty Ltd v Bauilderstone Hornibrook Pty Ltd BC 200106393, Issue #93 p10  
London Borough Council of Merton; Anns & Ors v, [1978] AC 728, Issue #92 pp910  
Lubenham Fidelities and Investment Co Ltd v South Pembrokeshire District Council (1986) 33 BLR 46 (CA), Issue #92 p31  
Lui Chong Hing Bank Limited; Tai Hing Cotton Mill Limited v, [1996] AC 80, Issue #90 pp2627

### M

Macind Drainage and Hydraulic Services Pty Ltd; Fyntray Constructions Pty Ltd v, (2002) NSWCA 238, Issue #90 p7  
Mackay v Dick (1881) 6 App Cas 251, Issue #89 p41  
Macpherson & Kelley v Kevin, Prunty & Associates [1983] VR 573, Issue #90 p26  
Magnox Electric plc; Eastwood & anor v, (2002) EWCA Civ 463, Issue #88 p34  
Makita (Australia) Pty Ltd v Sprowles (2001) 52 NSWLR 705, Issue #90 p46  
Malik and Mahmud v Bank of Credit & Commerce International SA (in liq) (1997) 3 WLR 95, Issue #88 pp31, 33, 3536  
Maloney; Bryan v, (1995) 125 ALR 163, Issue #89 pp457; Issue #92 p10  
Management Corporation Strata Title Plan No. 1075; RSP Architects Planners & Engineers (Raglan Squire & Partners) FR v, [1999] 2 SLR 449, Issue #92 p11  
Manly Municipal Council; Woodland v, [2003] NSWSC 392, Issue #91 pp6162  
Mannai Investment Co Limited v Eagle Star Life Assurance Co Limited [1997] AC 749, Issue #92 p14  
Manufacturers Mutual Insurance Limited v The Queensland Government Railways (1968) 118 CLR 314, Issue #91 p12  
Manufacturers Mutual Insurance Limited v Withers (1988) 5 ANZ Insurance Cases 60855, Issue #92 pp16, 22  
Maplas Equipment and Services Pty Ltd.; Schenker & Co (Aust) Pty Ltd v, [1990] VR 834, 837, et seq., Issue #89 p40  
Marble Tile Co Ltd; National Mutual Life Nominees Ltd v, Unreported, SCNSW, Rolf J, 28 July 1992, Issue #90 p28  
Marsden v Human Rights & Equal Opportunity Commission [2000] FCA 1619, Issue #92 p47  
Mass Constructions Pty Ltd; Torpey Vander Have Pty Ltd v, [2002] NSWCA 263 (Spigelman CJ, Young CJ in EQ & Foster AJA), Issue #89 p59

## CASES

Mathews; Pavey v, (1987) 162 CLR 221, Issue #92 p38  
MauerSwisse Securities Ltd; Australian Securities and Investments Commission v, (2002) 42 ACSR 605, Issue #93 p29  
Mayo; Florida Hotels Pty Limited v, (1965) 113 CLR 588, Issue #90 p57  
McConnell Dowell Constructors (Aust) Pty Ltd; Environment Protection Authority v, [2003] NSWLEC 70, Issue #92 p58  
McCulloch; Kelso v, Unreported, SCNSW Equity Division, J 3832 of 1994, Young J, 24 October, 1994, Issue #90 p53  
McKinney Foundation Ltd; Peak Construction (Liverpool) Ltd v, (1970) 1 BLR 111 (Court of Appeal; Salmon, Edmund Davies and Philimore LLJ), Issue #89 pp6, 7, 13  
Meagher v Stephenson (1993) 30 NSWLSR 736, Issue #93 p42  
Melway Publishing Pty Ltd v Robert Hicks Pty Ltd (2001) 205 CLR 1, Issue #89 p50  
Merrett Syndicate Ltd; Henderson v, [1994] 3 All ER 506, Issue #90 pp2728  
Minister for Public Works; Renard Constructions (ME) Pty Limited v, (1992) 26 NSWLR 234, Issue #89 p35; Issue #93 p9  
Minister for Resources; Australian Conservation Foundation v, (1989) 19 ALD 70, Issue #93 p30  
Misheva v Spicers Paper Ltd (1998) 44 AILR 3904, Issue #91 p46  
Mohamed v Alaga & Co, The Times 2 April 1998; [1998] 2 All ER 720, Issue #92 p38  
Moores v Bude-Stratton Town Council [2000] IRLR 676 EAT, Issue #88 p33  
Morgan v Kitchside Nominees Pty Ltd (2002) 117 IR 152, Issue #91 p46  
Mt Holden Estates Pty Ltd v Lanigan Baldwin Pty Ltd (2003) VCAT 937, Issue #93 p36  
Murphy v Brentwood District Council [1990] 2 AER 908, Issue #92 pp910  
Murray Goulburn Cooperative Co Limited v Cobram Laundry Service Pty Ltd [2001] VSCA 57, Issue #92 pp18, 2526  
Musico & Ors v Philip Davenport & Anor [2003] NSWSC 977 [judgment of McDougall J on 31 October 2003], Issue #93 pp41, 42

## N

National Australia Bank Ltd; CH Magill v, (2001) NSWCA 221, Issue #89 p43  
National Mutual Life Nominees Ltd v Marble Tile Co Ltd, Unreported, SCNSW, Rolf J, 28 July 1992, Issue #90 p28  
National Roads and Motorists' Association Ltd v Geeson (2001) 39 ACSR 401, Issue #93 pp25, 26  
NBD Bank v South Italy Tiling SA and Anor (1997) SADC 3596 (Kitchin J), Issue #90 p22  
Nettleford v Kim Smoker Pty Ltd (1996) 69 IR 370, Issue #88 p29  
Norwich Winterthur Insurance (Australia) Ltd; Constan Industries of Australia Pty Ltd v, (1986) 160 CLR 226, Issue #89 p41  
Nowlan; Brunswick Construction Ltd v, (1974) 21 BLR 27, Issue #93 pp11, 15  
NRMA Insurance Limited v F R Coyle Pty Limited & Ors [1994] 13 ACLR 231, Issue #90 p27  
NSW Sugar Milling Co-operative; AFMEPKIU v, (AIRC, Print P9636, Munro J, 25 March 1998), Issue #88 p30  
Nyran Pty Ltd; BP Australia Pty Ltd v, [2002] FCA 679, Issue #90 p47

## O

Oanh Nguyen and A-N-T Contract Packers Pty Ltd t/a A-N-T Personnel and Thies Services Pty trading as Thies Services, NSWIRC (Commissioner McKenna, 3 March 2003), Issue #91 p46  
Ocean Front Pty Ltd & Anor (Bayshore Park); RSP Architects Planners & Engineers v, (1996) SLR 113, Issue #92 pp1011  
Odco Pty Ltd; Building Workers Industrial Union & Ors v, (1991) 29 FCR 104, Issue #91 p38  
Olex Focas Pty Ltd v Skodaexport Co Ltd [1998] 3 VR 380(1999), Issue #93 p45  
Olsson v Dyson (1969) 120 CLR 365, Issue #89 p14  
Orica Australia Pty Ltd; Thomson v, [2002] FCA 939 (30 July 2002), Issue #88 p30  
Origin Energy Resources Limited v Benaris International NV & Anor [2002] TASSC 50 (unreported), Issue #89 pp5457  
Origin Energy Resources Limited v Benaris International NV & Anor [2002] TASSC 104 (unreported), Issue #89 pp5457

## CASES

### P

- P & M Denton Building Constructions Pty Ltd and Provincial Homes Pty Ltd; WorkCover (Inspector Patton) v, [2003] NSWIRComm 171, Issue #92 p51
- Palermo Nominees Pty Ltd v Broad Construction Services Pty Ltd [1999] 15 BCL 20, Issue #93 pp12, 15, 16
- Paramount Builders (Hamilton) Ltd; Bowen v, [1977] 1 NZLR 394, Issue #92 p10
- Patty v Commonwealth Bank [2002] FCA 111 (19 February 2002), Issue #88 p30
- Pavey v Mathews (1987) 162 CLR 221, Issue #92 p38
- PDC Constructions [ACT] Pty Limited; Frederick W Neilson [Canberra] Pty limited v, [1987] 71 ACTR 1, Issue #90 p27
- Peak Construction (Liverpool) Ltd v McKinney Foundation Ltd (1970) 1 BLR 111 (Court of Appeal; Salmon, Edmund Davies and Philimore LLJ), Issue #89 pp6, 7, 13
- Pearce v The Queen (1998) 194 CLR 610, Issue #92 pp5253
- Peninsula Balmain Pty Ltd (No.2); Abigroup Contractors Pty Ltd v, (2002) 18 BCL 15, Issue #88 pp5455
- Peninsula Balmain Pty Ltd v Abigroup Contractors Pty Ltd [2002] NSWCA 211 (3 July 2002) (Mason P, Stein and Hodgson JJA), Issue #89 pp5, 1114
- Perini Corporation v Commonwealth of Australia [1969] 2 NSW 530, Issue #89 p11; Issue #92 p31
- Perkins v Grace Worldwide (Aust) Pty Ltd (1997) 72 IR 186, Issue #88 p29
- Perre v Apand (1999) 198 CLR 180, Issue #89 p46
- Philip Davenport & Anor; Musico & Ors v, [2003] NSWSC 977 [judgment of McDougall J on 31 October 2003], Issue #93 pp41, 42
- Phillip Davenport & Ors; Brodyn Pty Limited t/as Time Cost and Quality v, [2003] NSWSC 1019 [judgment of Einstein J on 6 November 2003], Issue #93 pp41, 43
- Placer (Granny Smith) Pty Ltd v Thiess Contractors Pty Ltd [2003] HCA 10 (Gleeson CJ, McHugh, Kirby, Hayne & Callinan JJ), Issue #89 pp4849
- Plant Constructions Plc v Clive Adams Associates and JHM Construction Services Ltd [2000] BLR 137, Issue #93 pp12, 14, 15, 17
- Powerlift (Nissan) Pty Ltd; Forklift Engineering Australia Pty Ltd v, BC 200007795, Issue #93 p10
- Pratt Contractors Ltd; Transit New Zealand v, [2002] 2 NZLR 313, Issue #88 p59
- Prenn v Simmonds [1971] 1 WLR 1381, Issue #89 p40
- Pride Valley Foods Ltd v Hall and Partners [2000] EWHC Technology 106, Issue #93 pp13, 14, 17
- Prophecy Technologies Pty Ltd; Bowker v, (Unreported, IRC99/291, Marks J, 26 May 1999), Issue #88 p35
- Proprietors Units Plan No 95/98 v Jiniess Pty Ltd [2000] NTSC 89, Issue #90 p22
- Public Transport Corporation; Aldersea v, (2001) 183 ALR 545, Issue #88 pp34, 36
- Pullen v Gutteridge Haskins & Davy Pty Limited [1992] Australian Torts Reports, Cases 61 384, Issue #90 p26

### Q

- Queensland Government Railways, The; Manufacturers Mutual Insurance Limited v, (1968) 118 CLR 314, Issue #91 p12

### R

- R; Veleviski v, [2002] HCA 4, Issue #90 pp47, 49
- Re Douglas Homes Qld Pty Ltd (in liq) [1980] Qd R 528., Issue #90 p53
- Re Stockport (N.Q.) Pty Ltd [2003] FCA 31 (31 January 2003), Issue #90 p53
- Reardon Smith Line Limited v Yngvar HansenTangen [1976] 1 WLR 989, Issue #89 p40; Issue #92 p23
- Red Bull Australia Pty Ltd; Sydneywide Distributors Pty Ltd v, [2002] FCAFC 157, Issue #90 p46
- Renard Constructions (ME) Pty Limited v Minister for Public Works (1992) 26 NSWLR 234, Issue #89 p35
- Renard Constructions (ME) Pty Ltd v Minister for Public Works (1992) 26 NSWLR 234, Issue #93 p9
- Robak Engineering and Construction Pty Ltd and Foster Hall Pty Ltd; Boral Resources v, [1999] 2 VR 507, Issue #90 pp1923, 28
- Robert Hicks Pty Ltd; Melway Publishing Pty Ltd v, (2001) 205 CLR 1, Issue #89 p50
- Robert Raymond Kirkby; Leonard Charles Goulding and Anor v, [2002] NSWCA 393 (Heydon JA, Hodgson JA & Santow JA), Issue #89 pp4547

## CASES

Royal Botanic Gardens & Domain Trust v South Sydney City Council (2002) 186 ALR 289, Issue #92 pp14, 18, 2021, 24, 2728  
Royal Botanic Gardens & Domain Trust v South Sydney City Council [2002] HCA 5, Issue #89 pp4243  
RSP Architects Planners & Engineers (Raglan Squire & Partners) FR v Management Corporation Strata Title Plan No. 1075 [1999] 2 SLR 449, Issue #92 p11  
RSP Architects Planners & Engineers v Ocean Front Pty Ltd & Anor (Bayshore Park) (1996) SLR 113, Issue #92 pp1011  
RW Miller & Co Pty Limited v Krupp [Australia] Pty Limited [1992] 11 BCL 74, Issue #90 p27  
Ryan v Textile Clothing & Footwear Union of Australia [1996] 2 VR 343, Issue #89 p43

## S

Saint John Shipbuilding Ltd; Bow Valley Husky (Bermuda) Ltd v, (Supreme Court of Canada, judgment delivered December 1997), Issue #93 p16  
Samton Holdings Pty Ltd; ACCC v, [2002] FCA 62, Issue #89 p34  
Savoy Plaza Pty Ltd; FAI Traders Insurance Pty Ltd v, [1993] 2 VR 343, Issue #89 p43  
Sally v Southern Health and Social Sciences Board [1991] 4 All ER 563, Issue #88 p31  
Scarcella & Ors Matter Nos CA 40797/97; Alcatel Australia Limited v; CA 40798/97 (1998) NSWSC 483, Issue #89 p35  
Scarcella; Alcatel Australia Ltd v, (1998) 44 NSWLR 349, Issue #89 p41; Issue #93 p9  
Schenker & Co (Aust) Pty Ltd v Maplas Equipment and Services Pty Ltd. [1990] VR 834, 837, et seq., Issue #89 p40  
Secured Income Real Estate (Australia) Ltd v St Martins Investments Pty Ltd. (1979) 144 CLR 596, Issue #89 p41  
Service Station Association Ltd v Berg Bennett & Associates Pty Ltd (1993) 45 FCR 84; 117 ALR 393, Issue #93 p7  
Seventeenth Canute Pty Ltd v Bradley Air Conditioning Pty Ltd (in liq) [1987] 1 Qd R 11, Issue #90 p52  
Shire of Hastings; BP Refinery (Westernport) Pty Ltd v, (1977) 180 CLR 266, 282, Issue #89 p41  
Simmonds; Prenn v, [1971] 1 WLR 1381, Issue #89 p40  
Simply No-Knead (Franchising) Pty Ltd; ACCC v, (2000) 104 FCR 253, Issue #89 p35  
Skodaexport Co Ltd; Olex Focas Pty Ltd v, [1998] 3 VR 380(1999), Issue #93 p45  
Slater v WorkCover/Allianz Aust (Chiquita Brands Adelaide Pty Ltd)/CGU & Country Metropolitan Agency Contracting Services Pty Ltd [2002] SAWCT 27, Issue #91 p60  
SMK Cabinets v Hili Modern Electronics Pty Ltd [1984] V.R. 391, Issue #89 p7  
South Italy Tiling SA and Anor; NBD Bank v, (1997) SADC 3596 (Kitchin J), Issue #90 p22  
South Pembrokeshire District Council; Lubenham Fidelities and Investment Co Ltd v, (1986) 33 BLR 46 (CA), Issue #92 p31  
South Sydney City Council; Royal Botanic Gardens & Domain Trust v, (2002) 186 ALR 289, Issue #92 pp14, 18, 2021, 24, 2728  
South Sydney City Council; Royal Botanic Gardens & Domain Trust v, [2002] HCA 5, Issue #89 pp4243  
Southern Health and Social Sciences Board; Sally v, [1991] 4 All ER 563, Issue #88 p31  
Spassked Pty Ltd v CMR of Taxation (No. 2) [2002] FCA 489, Issue #90 p49  
Spicers Paper Ltd; Misheva v, (1998) 44 AILR 3904, Issue #91 p46  
Spira; Commonwealth Bank of Australia v, (2002) NSWSC 905, Issue #89 p41  
Sprowles; Makita (Australia) Pty Ltd v, (2001) 52 NSWLR 705, Issue #90 p46  
St Martins Investments Pty Ltd.; Secured Income Real Estate (Australia) Ltd v, (1979) 144 CLR 596, Issue #89 p41  
State Bank of NSW; King v, (Unreported, NSWIRC no. 1153 of 1996, 6 December 2000), Issue #88 p36  
State of New South Wales & 2 Ors v Fugen Holdings Pty Limited [2002] NSWSC 178 (22 March 2002), Issue #88 p56  
State of New South Wales & 2 Ors; Cubic Transportation System Inc v, [2002] NSWSC 656, Issue #88 pp5859  
State of New South Wales & 2 Ors; Cubic Transportation Systems Inc & Anor v, [2002] NSWSC 656 revised 27/02/2003, Issue #93 p10

## CASES

State of New South Wales & 2 Ors; Fugen Holdings Pty Limited v, [2002] NSWSC 178 (22 March 2002), Issue #88 p56  
State of New South Wales & 3 Ors; Banabelle Electrical Pty Limited v, [2002] NSWSC 178 (22 March 2002), Issue #88 p56  
State of New South Wales & Ors; Automatic Fire Protection Design Pty Limited v, [2002] NSWSC 178 (22 March 2002), Issue #88 p56  
State of New South Wales; Tame v, (2002) 76 ALJR 1348, Issue #89 p46  
State of NSW & Ors; Cubic Transportation Systems Inc v, [2001] NSW SC 1195, Issue #88 p58  
State of NSW; Clark and Doherty v, [2002] NSWIRComm 274 (18 October 2002), Issue #88 p36  
State Rail Authority of New South Wales; Codelfa Construction Pty Ltd v, (1982) 149 CLR 337, 352, Issue #89 pp40, 4243; Issue #92 pp1415, 1718, 2021, 2425, 28  
Stephenson; Meagher v, (1993) 30 NSWLSR 736, Issue #93 p42  
Stevenson; Donoghue v, [1932] All ER Rep 1, Issue #92 pp79  
Stokes Contractors Pty Ltd (in liq) and Anor; Inspector Kenneth Vassel v, [2002] NSWIRComm 331 (Peterson J), Issue #90 p59  
Subaru (Aust) Pty Ltd; Garry Rogers Motors (Aust) Pty Ltd v, (1999) ATPR 41703, Issue #93 p9  
Surfers Paradise Investments Pty Ltd (in liq) v Davoren Nominees Pty Ltd [2003] QCS 025), Issue #90 p53  
Sved; Woollahara Municipal Council v, (1996) 40 NSW LR 101, Issue #89 p46  
Swintons Pty Ltd; Age Old Builders Pty Ltd v, [2002] VCAT 1489 (6 December 2002) (Prof Damien Cremean), Issue #90 p58  
Swintons Pty Ltd; Astley v, 187 CLR 1, Issue #90 p28  
Sydneywide Distributors Pty Ltd v Red Bull Australia Pty Ltd [2002] FCAFC 157, Issue #90 p46

## T

Tai Hing Cotton Mill Limited v Lui Chong Hing Bank Limited [1996] AC 80, Issue #90 pp2627  
Tame v State of New South Wales (2002) 76 ALJR 1348, Issue #89 p46  
Textile Clothing & Footwear Union of Australia [1996] 2 VR 343, Issue #89 p43  
The Queen; Pearce v, (1998) 194 CLR 610, Issue #92 pp5253  
The State of South Australia; Craig v, (1995) 184 CLR 163, Issue #93 p41  
Theiss Pty Ltd v Construction, Forestry, Mining and Energy Union (PR926866), Issue #89 p53  
Thiess Contractors (NZ) Ltd v Howtrac Rentals Pty Ltd (No.2) (2002) VSCA 220, Issue #89 p42  
Thiess Contractors (NZ) Ltd; Howtrac Rentals Pty Ltd v, [2000] VSC 415, Issue #89 pp3643  
Thiess Contractors Pty Ltd; Placer (Granny Smith) Pty Ltd v, [2003] HCA 10 (Gleeson CJ, McHugh, Kirby, Hayne & Callinan JJ), Issue #89 pp4849  
Thomson v Broadley & Ors [2002] QSC 255 (20 June 2002), Issue #88 p30  
Thomson v Orica Australia Pty Ltd [2002] FCA 939 (30 July 2002), Issue #88 p30  
Tod Group Holdings; Fangrove Pty Ltd v, (1999) 2 Qd R 235, Issue #92 p10  
Torpey Vander Have Pty Ltd v Mass Constructions Pty Ltd [2002] NSWCA 263 (Spigelman CJ, Young CJ in EQ & Foster AJA), Issue #89 p59  
Toyota Motor Corporation Australia Ltd; Brackenridge v, (1996) 41 AILR 3-454, Issue #88 p29  
Transfield Construction Pty Ltd v Automotive Food, Metal, Engineering, Printing and Kindred (2002) FCA 1413 (20 November 2002), Issue #88 p57  
Transfield Pty Ltd and Anor; Hyder Consulting (Victoria) Pty Ltd v, [2002] VSC 315 (16 August 2002) Byrne J, Issue #89 p58  
Transfield; Aiton v, [1999] NSWSC 996, Issue #93 pp8, 9  
Transit New Zealand v Pratt Contractors Ltd [2002] 2 NZLR 313, Issue #88 p59  
Trawl Industries of Australia Pty Ltd v Effem Foods Pty Ltd (1992) 27 NSWLR 326, Issue #92 pp1516  
Triple A Investments Ltd v Adam Brothers Ltd (1985) 23 DLR (4th), Issue #93 p16  
Trollope Silverwood and Beck Pty Ltd; Collins Hill Group Pty Ltd v, [2002] VSCA 205, Issue #89 p43  
Turner Corporation Ltd (in prov liq) v Co-ordinated Industries Pty Ltd and others (1995) 11 BCL 202, Issue #89 pp8, 10, 13  
Turner Corporation Pty Ltd (Receiver and Manager Appointed) v Austotel Pty Ltd (1997) 13 BCL 378, Issue #89 pp7, 10, 13

## CASES

### U

Unisys Ltd; Johnson (AP) v, [2001] UKHL 13, [2001] 2 All ER 801, [2001] 2 WLR 1076 (22 March 2001), Issue #88 pp34, 36

University Court of Glasgow v Whitfield and John Laing (Construction) Ltd (1988) 42 BLR 66, Issue #93 p16

University Court of the University of St Andrews; King v, (2002) IRLR 252 Court of Session, Issue #88 p34

### V

Vabu Ltd; Hollis v, [2001] HCA 44, Issue #88 p33

Veitchi Ltd; Junior Books Ltd v, [1982] 3 AER 201, Issue #92 p9

Velevski v R [2002] HCA 4, Issue #90 pp47, 49

Victoria University of Manchester v Hugh Wilson (1984) 2 Const LR 1, Issue #93 pp11, 16

Voli v Ingelwood Shire Council [1963] 110 CLR 74, Issue #90 p26

### W

Wallis v Downard-Pickford [North Queensland] Pty Ltd [1994] 179 CLR 388, Issue #90 p24

Walter Construction Group Ltd v CPL (Surry Hills) Pty Ltd [2003] NSWSC 266, Issue #90 p6

Walter Construction Group; Gaymark Investments Property Ltd v, [1999] NTSC 143; (2000) 16 BCL 449, Issue #89 pp5, 78

Wardley Australia Ltd v Western Australia [1992] ATPR 41-189, Issue #90 p25

Watpac Australia Pty Ltd; Daysea Pty Ltd v, (2001) 17 BCL 434, Issue #91 p63

West Bromwich Building Society; Investors Compensation Scheme Limited v, [1989] 1 WLR 896, Issue #89 pp40, 42; Issue #92 pp23, 25, 28

Western Australia; Wardley Australia Ltd v, [1992] ATPR 41-189, Issue #90 p25

Whitfield and John Laing (Construction) Ltd; University Court of Glasgow v, (1988) 42 BLR 66, Issue #93 p16

Wickham Machine Tool Sales Ltd; L Schuler AG v, [1974] AC 235, 251, 2556, 264, 272, Issue #89 p40

Wimmera-Mallee Rural Water Authority and R & L Tank Fabrications Pty Ltd; FCH Consulting Pty Ltd v, [1999] 2 VR 507, Issue #90 pp1920

Wimmera-Mallee Rural Water Authority v FCH Consulting Pty Ltd [2000] VSC 102, Issue #90 p21

Winnipeg Condominium Corp No. 36 v Bird Construction Co (1995) 121 DLR 193, Issue #92 p10

Withers; Manufacturers Mutual Insurance Limited v, (1988) 5 ANZ Insurance Cases 60855, Issue #92 pp16, 22

WM Car Services (Petersborough) Pty Ltd; Woods v, [1982] ICR 693, Issue #88 p29

Woodland v Manly Municipal Council [2003] NSWSC 392, Issue #91 pp6162

Woods v WM Car Services (Petersborough) Pty Ltd [1982] ICR 693, Issue #88 p29

Woodside Energy Limited v Benaris International NV & Anor [2002] TASSC 50 (unreported), Issue #89 pp5457

Woolcock Street Investments Pty Ltd v CDG Pty Ltd (formerly Cardno and Davies Australia Pty Ltd) and John Cameron Johnson [2002] QCA 88, Issue #89 p47

Woollahara Municipal Council v Sved (1996) 40 NSW LR 101, Issue #89 p46

WorkCover (Inspector Patton) v P & M Denton Building Constructions Pty Ltd and Provincial Homes Pty Ltd [2003] NSWIRComm 171, Issue #92 p51

WorkCover Authority of NSW (Insp Maltby) & Anor v Abigroup Contractors Pty Limited and Luis Bustamante [2003] NSWIRComm 201, Issue #92 pp50, 5253

WorkCover/Allianz Aust (Chiquita Brands Adelaide Pty Ltd)/CGU & Country Metropolitan Agency Contracting Services Pty Ltd; Slater v, [2002] SAWCT 27, Issue #91 p60

Worrell and Another; Concut Pty Ltd v, (2000) 176 ALR 693, Issue #88 p31

WTH Pty Ltd t/a Avis Australia; Barak Pty Ltd v, [2002] NSWSC 649, Issue #92 p43

WTH Pty Ltd Trading as Avis Australia; Barak Pty Ltd v, [2002] NSWSC 649, Issue #90 p49

### Y

Yngvar HansenTangen; Reardon Smith Line Limited v, [1976] 1 WLR 989, Issue #89 p40; Issue #92 p23

### Z

Zee Homes Pty Ltd; Angela Kinnane v, [2003] SASC 187, Issue #92 p42

## ACTS

- Acts Interpretation Act 1901 (Cth), Issue #91 pp29, 31
- AntiDiscrimination Act 1977 (NSW), Issue #92 p47
- Architects Acts, Issue #90, pp3141
- Building Act (NT), Issue #90 p19
- Building Act 1991 (NZ), Issue #91 pp21, 23
- Building Act 1993 (Vic), Issue #90 pp1617, 22, 25
- Building and Construction Industry Improvement Act, Issue #90 p54
- Building and Construction Industry Improvement Bill 2003 (Cth), Issue #92 pp49, 59
- Building and Construction Industry Payments Bill 2003 (Qld), Issue #90 p42
- Building and Construction Industry Security of Payment Act 1999 (NSW), Issue #88 p12; Issue #90 pp69, 42; Issue #92 p59
- Building and Construction Industry Security of Payment Act 2002 (Vic), Issue #88 pp6, 12; Issue #90 p42
- Building and Construction Industry Security of Payment Amendment Act 2002 (NSW), Issue #88 pp12, 25; Issue #90 p6
- Building Bill 1993 (Vic), Issue #90 p16
- Building Legislation Amendment (Quality of Construction) Act 2002 (NSW), Issue #89 pp2933
- Carriage of Goods by Land (Carriers' Liability) Act 1967 (Qld), Issue #90 p24
- Civil Liability Act 1961, Issue #90 p15
- Clean Waters Act 1970 (NSW), Issue #92 p58
- Commercial Arbitration Act 1985 (WA), Issue #92 pp41, 42
- Commercial Arbitration Act 1986 (Tas), Issue #89 pp5455; Issue #92 p42
- Commercial Arbitration Act 1984 (NSW), Issue #90 p58
- Conduct of Employment Agencies and Employment Businesses Regulations 2001 (UK), Issue #91 p43
- Construction (Design and Management) Regulations 1994 (UK), Issue #91 p57
- Construction Contracts Act 2002 (NZ), Issue #88 p28
- Construction Industry Payments Bill (WA), Issue #90 p42
- Contractor's Debts Act 1997 (NSW), Issue #88 p28
- Conveyancing (Sale of Land) Regulation 2000 (NSW), Issue #89 p29
- Conveyancing Act 1919 (NSW), Issue #91 p61
- Corporate Code of Conduct Bill 2000 (Cth), Issue #93 pp20, 27
- Corporations Act 2001 (Cth), Issue #88 pp8, 13, 14; Issue #93 pp18, 22, 27, 28, 29
- Crimes (Workplace Deaths and Serious Injuries) Bill (Vic), Issue #89 pp2426
- Criminal Code Act 1995 (Cth), Issue #89 pp2425; Issue #93 p22
- Defective Premises Act 1972 (UK), Issue #92 p10
- Development Act 1993 (SA), Issue #90 pp18, 22
- Domestic Building Contracts Act 1995 (Vic), Issue #88 p13; Issue #90 pp25, 58; Issue #93 p37
- Electronic Transactions Act 1999 (Cth), Issue #91 pp2733
- Employment Agencies Act 1973 (UK), Issue #91 p43
- Employment Relations Act 2000 (NZ), Issue #88 p37
- Endangered Species Protection Act 1992 (Cth), Issue #93 p22



## ACTS

Environment Protection (Impact of Proposals) Act 1974 (Cth), Issue #93 p22

Environment Protection (Resource Efficiency) Act 2002 (Vic), Issue #93 pp22, 29

Environment Protection Act 1970 (Vic), Issue #93 p22

Environment Protection and Biodiversity Conservation Act 1999 (Cth), Issue #93 p22

Environmental Offences and Penalties Act 1989 (NSW), Issue #92 p58

Environmental Planning and Assessment Act 1979 (NSW), Issue #88 p14; Issue #89 p29; Issue #90 p18

Environmental Planning and Assessment Regulation 2000 (NSW), Issue #89 p29

Evidence Act 1995 (Cth), Issue #90 pp4647; Issue #91 pp30, 32; Issue #92 p43

Fair Trading Acts, Issue #90 p25

Home Building Act 1989 (NSW), Issue #89 p29; Issue #90 p57

Home Building Legislation Amendment Act 2001 (NSW), Issue #89 p31

Home Building Regulation 1997 (NSW), Issue #89 p29

Housing Developers (Control & Licensing) Act (Singapore) Cap 130 Revised Edition 1985, Issue #92 p6

Housing Grants, Construction and Regeneration Act 1996 (UK), Issue #90 pp42-45

Industrial and Employee Relations Act 1994 (SA), Issue #91 p45

Industrial Relations Act 1996 (NSW), Issue #91 p45; Issue #93 p55

Integrated Planning Act 1997 (QLD), Issue #93 p57

International Arbitration Act 1974 (Cth), Issue #89 pp5455; Issue #92 p40

Interpretation Act 1987 (NSW), Issue #91 p40

Land Titles (Strata) Act (Singapore) Cap 158 Revised Edition 1988, Issue #92 p11

Limitations Act (Singapore) Cap 163, Issue #92, p11

Management of Health and Safety at Work Regulations 1999 (UK), Issue #91 p43

National Model Building Acts, Issue #90 pp10, 1517, 2223, 28

Negligence Act 1979 (British Columbia), Issue #90 p14

Occupational Health And Safety Act 1984 (WA), Issue #89 p26

Occupational Health and Safety Act 1983 (NSW), Issue #90 p59; Issue #92 pp50, 52

Occupational Health and Safety Act 2000 (NSW), Issue #88 p52; Issue #90 p59; Issue #91 p36-49; Issue #92 p52

Occupational Health and Safety Regulation 2001 (NSW), Issue #90 p59; Issue #91 pp36, 45, 49

PayRoll Tax Legislation Amendment (Avoidance) Act 2002 (NSW), Issue #93 p54

Planning & Environment Act 1987 (Vic) Issue #92 p56

Queensland Building Services Authority Act 1991 (Qld), Issue #92 p59

Subcontractors' Charges Act 1974 (Qld), Issue #90 pp5153; Issue #92 p59

Subdivision Act 1988 (Vic), Issue #93 p36

Supreme Court Act 1935 (WA), Issue #92 p42

Supreme Court Rules (WA), Issue #92 p42

Supreme Court Rules 1970 (NSW), Issue #92 p43

Terrorism Insurance Act 2003 (Cth) Issue #92 p54

Trade Practices Act 1974 (Cth), Issue #88 p11; Issue #89 pp3435, 41, 50, 55; Issue #90 pp9, 2325, 28, 57; Issue #91 pp8, 11, 13, 15, 16, 58; Issue #93 pp45, 46, 48

## ACTS

Transfer of Land Act 1958 (Vic), Issue #88 p13

Worker's Liens Act 1893 (SA), Issue #88 p12

Workers Compensation Legislation Amendment Act 2003 (NSW), Issue #93 pp54, 55

Workmen's Liens Act 1893 (NT), Issue #88 p12

Workplace Relations Act 1996 (Cth), Issue #89 p53; Issue #88 p57; Issue #90 p54

World Heritage Properties Conservation Act 1983 (Cth), Issue #93 p22

Wrongs Act 1958 (Vic), Issue #90 p16

## CONTRACTS

### STANDARD INDUSTRY CONTRACTS REFERRED TO

ABIC MW-1 2001, Issue #90 p25

ACEA, Issue #91 p11

AS21241992 Issue #92 p31

AS2124-1992, Issue #88 pp1819, 5455; Issue #91 p23

AS2142-1992, Issue #90, p23

AS4000 Issue #92 p37

AS4000-1995, Issue #88 p19

AS4000-1997, Issue #90 p23

AS4122, Issue #91 p11

AS4300-1995, Issue #88 p19; Issue #90 p6; Issue #91 p23

AS4902, Issue #90 p25

EPCM, Issue #88 p24

JCC-A, Issue #89 p7

NPWC3-1981, Issue #89 pp89

PC-1 1998, Issue #90 p25

SC JCCA Issue #92 p17

