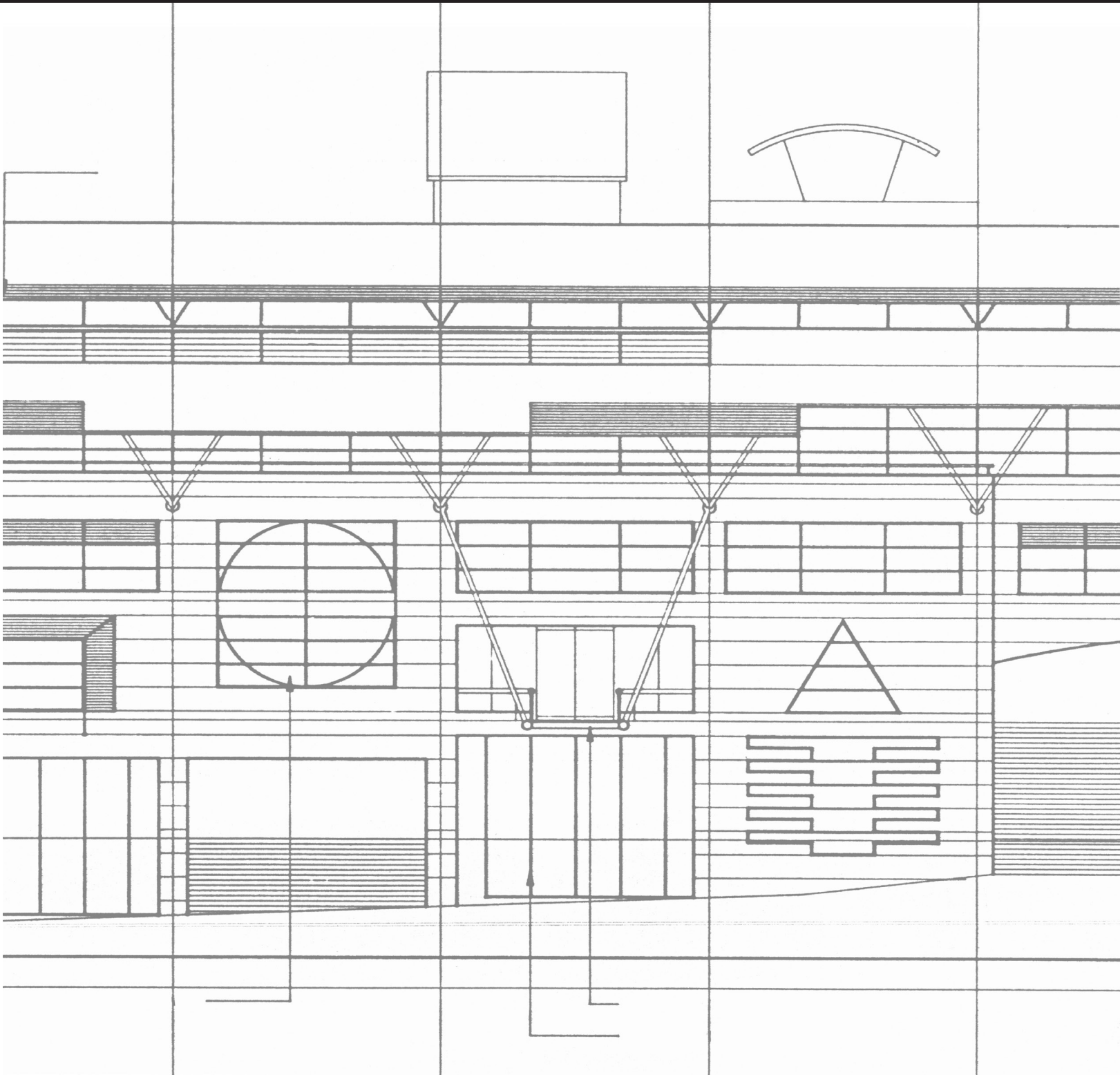


AUSTRALIAN CONSTRUCTION LAW NEWSLETTER

INDEX 2011



ACLN

AUSTRALIAN CONSTRUCTION LAW NEWSLETTER

ABN 55 138 594 706

ISSN 1032 0288

Published by: Swap Exchange Pty. Ltd.
PO Box R1140 Royal Exchange
SYDNEY NSW 1225 AUSTRALIA

Email: acln@swapexchange.com.au

EDITOR

John Twyford

ASSISTANT EDITOR

Myra Nikolich

SUBSCRIPTIONS

The subscription rate for the calendar year 2011 is A\$396.00 (including GST). The subscription fee covers 6 issues, annual index and all administration and postage. Back issues are available from the publishers.

CONTRIBUTIONS

Contributions to the ACLN from readers are encouraged. Please submit articles for consideration for the attention of the Assistant Editor.

PEER REVIEW

We now offer the facility of peer review. If you would like to register your name with us as a potential referee—willing to peer review other professionals' work—please send your details and area/s of expertise, marked for the attention of the Editor.

PRINTING

UTS Printing Services
University of Technology, Sydney
PO Box 123 BROADWAY NSW 2007

**CONTENTS INDEX
2011**

AUTHORS **4**

SUBJECTS **9**

CASES **12**

LEGISLATION **29**

STANDARDS AND CONTRACTS REFERRED TO **31**

AUTHORS

Abordo, Patricia

Fight for your right (to be a party)—Limits on claims for contribution—*Vero Insurance Limited v QBE Insurance (Australia) Limited* [2011] NSWSC 593, Issue #140 p58

Allsop, Justice James

Good faith and Australian contract law—A practical issue and a question of theory and principle, Issue #139 p6

Anicich, Richard

PPSA will affect construction contracts from early 2012—Are you ready?, Issue #141 p42

Atkin, Richard

Severing invalid amounts from payment claims and adjudications—Decisions under security of payment legislation, Issue #141 p26

Bell, Matthew

Statutory intervention into the common construction law of Australia—Progress or regress, Issue #137 p6

Bouchardie, Nicolas

In *Dallah*, the Paris Court of Appeal and the UK Supreme Court reach contrary decisions applying same law to same facts, Issue #141 p23

Brown, Dan

Force majeure—Is it worth including in your agreement?, Issue #139 p40

Brumpton, Paul

In *Dallah*, the Paris Court of Appeal and the UK Supreme Court reach contrary decisions applying same law to same facts, Issue #141 p23

Calver, Richard

Building and construction industry occupation health & safety—The work of the Federal Safety Commissioner, Issue #139 p32

Industrial relations issues for the building and construction industry in 2012, Issue #141 p28

Sham contracting, Issue #138 p24

The Fair Work Act's bargaining regime—Changes needed, Issue #136 p50

Carrigan, Dean

Fight for your right (to be a party)—Limits on claims for contribution—*Vero Insurance Limited v QBE Insurance (Australia) Limited* [2011] NSWSC 593, Issue #140 p58

Catanzariti, Joe

Independent contractor vs employee—Do you know the difference?, Issue #137 p56

Chaina, Joanne

Pre-litigation protocols soon to be in force, Issue #136 p58

Charrett, Donald

Standard form contracting—The role for FIDIC contracts domestically and internationally, Issue #138 p6

Statutory intervention into the common construction law of Australia—Progress or regress, Issue #137 p6

Chew, Andrew

Contractual damages—Remoteness of damage and assumption of liability, Issue #136 p38

Chin, Malcolm

Court decision a lesson in strict application of notice provisions, Issue #137 p33

AUTHORS

Confos, Emanuel

The 'ordinary place of business'—*Parsons Brinckerhoff Australia Pty Limited v Downer EDI Works Pty Limited* [2010] NSWSC 1295, Issue #139 p56

Cosgriff, Stuart

Tender documents require careful drafting—The implications of *Ipex v The State of Victoria*, Issue #136 p30

Darling, Paul

Who do you want? Who do you get? Appointing the right arbitrator, Issue #137 p24

Davenport, Philip

Adjudications and the curate's egg, Issue #141 p38

Global claims and apportionment, Issue #141 p40

Setting aside an adjudication determination in part, Issue #136 p27

Davidson, Ben

Security of payment (SOP) claims and liquidated damages—No right to set off?, Issue #138 p55

Davies, Wyn

It's not over 'till it's over—Contract interpretation and termination, Issue #141 p36

Dunn, Cormack

New South Wales introduces new Model safety laws, Issue #140 p53

Gerber, Paula

Dispute avoidance processes (DAPS) in Australia—Bringing the future into the present, Issue #141 p51

Glover, Peter

Industrial relations issues for the building and construction industry in 2012, Issue #141 p28

Golding, Tanja

Security of payment (SOP) claims and liquidated damages—No right to set off?, Issue #138 p55

Gould, Nicholas

Identifying and managing your legal expectations to avoid pitfalls in an increasingly demanding project role, Issue #140 p15

Project management—The liability and standards expected of a project manager, Issue #141 p15

Grace, Tom

Superman with two hats, Issue #137 p58

The termination of contacts for breach, Issue #136 p6

Hand, David

Alliances in the water sector, Issue #136 p34

Panel contracts—Which one?, Issue #140 p38

Harley, David

Force majeure—Is it worth including in your agreement?, Issue #139 p40

Hartmann, Alex

Inclement weather—We'll weather the weather, whatever the weather, whether we like it or not, Issue #140 p6

Heading, Tom

Sophisticated parties, legal advice given, effect of signed document changed by the court to reflect parties' true intention, Issue #137 p29

AUTHORS

Hopley, Philip

Fight for your right (to be a party)—Limits on claims for contribution—*Vero Insurance Limited v QBE Insurance (Australia) Limited* [2011] NSWSC 593, Issue #140 p58

Howie, Joanne

UK Supreme Court abolishes expert immunity, Issue #137 p30

Humphrey, Kieran

Hong Kong's new arbitration ordinance, Issue #139 p44

Jefferies, Anthony

Adjudication applications decided on a basis not contended for by the parties—A pitfall for adjudicators to avoid, Issue #139 p38

Jennings, Alison

Superman with two hats, Issue #137 p58

Jones, Ashley

All blown out of proportion? Contracting and proportionate liability in Queensland, Issue #141 p6

Jose, Chris

ACCC succeeds in price fixing case against 'cover pricing', Issue #140 p34

Kelly, Andrew

Recent developments in indemnities—*Samways v WorkCover Qld & Ors* [2010] QSC 127, Issue #138 p56

Service of payment claims on superintendents?, Issue #139 p29

Severing invalid amounts from payment claims and adjudications—Decisions under security of payment legislation, Issue #141 p26

Kenny, Clare

Service of payment claims on superintendents?, Issue #139 p29

Kerin, Chris

Building and Construction Industry Security of Payment Amendment Act 2010—Bringing forward the remedy, Issue #137 p39

Kouris, Steven

SOP rights cannot be arbitrated away—*Siemans Ltd v Origin Energy Uranquinty Power Pty Ltd* [2011] NSWSC 195, Issue #140 p56

Lees, Amanda

The changing international arbitration framework in Australia, Issue #136 p46

Lynden-Bell, Sarah

The need for fundamental reform of the SOP Act and the security of payment process, Issue #137 p40

Mackinnon, Alexander

ACCC succeeds in price fixing case against 'cover pricing', Issue #140 p34

Malik, Katherine

Tender documents require careful drafting—The implications of *Ipex v The State of Victoria*, Issue #136 p30

Matthews, Alison

A 'first' under new commercial arbitration framework, Issue #136 p28

McConnell, Simon

Hong Kong's new arbitration ordinance, Issue #139 p44

AUTHORS

Mead, Patrick

Contract works insurance—Water Ingress—Damage and physical damage, Issue #137 p36

Millar, Brian

A 'first' under new commercial arbitration framework, Issue #136 p28

No fault option to litigate in dispute resolution clause, Issue #140 p36

Muir, Matthew

Security of payment (SOP) claims and liquidated damages—No right to set off?, Issue #138 p55

Murray, Andrew

Drafting tips to achieve desired contractual risk allocation, Issue #138 p44

Ng, Sharon

The likely impact of *Chase Oyster Bar v Hamo Industries* upon security of payment legislation in the Australian building and construction industry, Issue #139 p47

Nikolich, Myra

Adoption of national work health and safety reforms, Issue #137 p54

Contractual obligations on an expert to give reasons—The nature of those reasons—*Firedam Civil Engineering Pty Ltd v Shoalhaven City Council* [2010] NSWCA 59, Issue #136 p59

Nygh, Nicola

A 'first' under new commercial arbitration framework, Issue #136 p28

O'Keefe AM QC, Barry

High Court determines the standard of reasons of an expert—*Shoalhaven City Council v Firedam Civil Engineering Pty Limited* [2011] HCA 38, Issue #141 p44

Ong, Brennan

Dispute avoidance processes (DAPS) in Australia—Bringing the future into the present, Issue #141 p51

Packham, Oscar

Adjudication applications decided on a basis not contended for by the parties—A pitfall for adjudicators to avoid, Issue #139 p38

Pintos-Lopez, Hernan

High Court determines the standard of reasons required from arbitral tribunals—*Westport Insurance Corporation v Gordion Runoff Limited* [2011] HCA 37, Issue #141 p46

Quinlan, Michael

UK Supreme Court abolishes expert immunity, Issue #137 p30

Richbell, David

Mediation is the only way to justice, Issue #140 p48

Roydhouse, Wendy

Construction Law in Australia by Ian Bailey and Matthew Bell, Issue #139 p58

Fitness for purpose—An overrated warranty?, Issue #138 p32

Senescall, Matthew

No fault option to litigate in dispute resolution clause, Issue #140 p36

Seraglini, Christophe

In *Dallah*, the Paris Court of Appeal and the UK Supreme Court reach contrary decisions applying same law to same facts, Issue #141 p23

AUTHORS

Shnookal, Toby

Standard form contracting—The role for FIDIC contracts domestically and internationally, Issue #138 p6

Singh, Avendra

Drafting tips to achieve desired contractual risk allocation, Issue #138 p44

Truong, Jacqueline

Inclement weather—We'll weather the weather, whatever the weather, whether we like it or not, Issue #140 p6

Twyford, John

Confidentiality clauses in contracts of employment, Issue #141 p20

Master Builders Human Resources Manual by Master Builders Australia, Issue #141 p50

Modern Award Manual by Richard Calver, John Nikolic and Suzanne Williams, Issue #139 p59

Uniacke, Stephen

False comfort from collateral warranty deeds, Issue #136 p33

Von Krause, Christophe

In *Dallah*, the Paris Court of Appeal and the UK Supreme Court reach contrary decisions applying same law to same facts, Issue #141 p23

Voss, Peter

The changing international arbitration framework in Australia, Issue #136 p46

Wheal, Robert

In *Dallah*, the Paris Court of Appeal and the UK Supreme Court reach contrary decisions applying same law to same facts, Issue #141 p23

Whitehead, Julie

Demystifying EPCM contracts—What's in an 'M'?, Issue #138 p43

Williams, Suzanne

Losing control?—The impact of the primary duty of care, Issue #140 p40

Wood, Geoff

Contractual damages—Remoteness of damage and assumption of liability, Issue #136 p38

SUBJECTS

ADJUDICATION

Setting aside an adjudication determination in part, Philip Davenport, Issue #136 p27

ALLIANCE CONTRACTS

Alliances in the water sector, David Hand, Issue #136 p34

ARBITRATION

A 'first' under new commercial arbitration framework, Brian Millar, Nicola Nygh and Alison Matthews, Issue #136 p28

Hong Kong's new arbitration ordinance, Simon McConnell and Kieran Humphrey, Issue #139 p44

No fault option to litigate in dispute resolution clause, Brian Millar and Matthew Senescall, Issue #140 p36

Who do you want? Who do you get? Appointing the right arbitrator, Paul Darling QC, Issue #137 p24

BOOK REVIEWS

Construction Law in Australia by Ian Bailey and Matthew Bell, Wendy Roydhouse, Issue #139 p58

Master Builders Human Resources Manual by Master Builders Australia, John Twyford, Issue #141 p50

Modern Award Manual by Richard Calver, John Nikolic and Suzanne Williams, John Twyford, Issue #139 p59

CASE NOTES

Contractual obligations on an expert to give reasons—The nature of those reasons—*Firedam Civil Engineering Pty Ltd v Shoalhaven City Council* [2010] NSWCA 59, Myra Nikolich, Issue #136 p59

Fight for your right (to be a party)—Limits on claims for contribution—*Vero Insurance Limited v QBE Insurance (Australia) Limited* [2011] NSWSC 593, Dean Carrigan, Philip Hopley and Patricia Abordo, Issue #140 p58

High Court determines the standard of reasons of an expert—*Shoalhaven City Council v Firedam Civil Engineering Pty Limited* [2011] HCA 38, Barry O'Keefe AM QC, Issue #141 p44

High Court determines the standard of reasons required from arbitral tribunals—*Westport Insurance Corporation v Gordion Runoff Limited* [2011] HCA 37, Hernan Pintos-Lopez, Issue #141 p46

SOP rights cannot be arbitrated away—*Siemens Ltd v Origin Energy Uranquinty Power Pty Ltd* [2011] NSWSC 195, Steven Kouris, Issue #140 p56

CONSTRUCTION LAW (APPLICATION)

Statutory intervention into the common construction law of Australia—Progress or regress, Donald Charrett and Matthew Bell, Issue #137 p6

CONTRACTS

Contractual damages—Remoteness of damage and assumption of liability, Andrew Chew and Geoff Wood, Issue #136 p38

Court decision a lesson in strict application of notice provisions, Malcolm Chin, Issue #137 p33

Demystifying EPCM contracts—What's in an 'M'?, Julie Whitehead, Issue #138 p43

Drafting tips to achieve desired contractual risk allocation, Avendra Singh and Andrew Murray, Issue #138 p44

False comfort from collateral warranty deeds, Stephen Uniacke, Issue #136 p33

Fitness for purpose—An overrated warranty?, Wendy Roydhouse, Issue #138 p32

Force majeure—Is it worth including in your agreement?, David Harley and Dan Brown, Issue #139 p40

Good faith and Australian contract law—A practical issue and a question of theory and principle, Justice James Allsop, Issue #139 p6

Inclement weather—We'll weather the weather, whatever the weather, whether we like it or not, Alex Hartmann and Jacqueline Truong, Issue #140 p6

SUBJECTS

It's not over 'till it's over—Contract interpretation and termination, Wyn Davies, Issue #141 p36

Panel contracts—Which one?, David Hand, Issue #140 p38

Recent developments in indemnities—*Samways v WorkCover Qld & Ors* [2010] QSC 127, Andrew Kelly, Issue #138 p56

Sophisticated parties, legal advice given, effect of signed document changed by the court to reflect parties' true intention, Tom Heading, Issue #137 p29

Standard form contracting—The role for FIDIC contracts domestically and internationally, Donald Charrett and Toby Shnookal, Issue #138 p6

The termination of contracts for breach, Tom Grace, Issue #136 p6

DISPUTE RESOLUTION

Dispute avoidance processes (DAPS) in Australia—Bringing the future into the present, Brennan Ong and Paula Gerber, Issue #141 p51

EXPERT WITNESSES

UK Supreme Court abolishes expert immunity, Michael Quinlan and Joanne Howie, Issue #137 p30

INDUSTRIAL RELATIONS

Independent contractor vs employee—Do you know the difference?, Joe Catanzariti, Issue #137 p56

Industrial relations issues for the building and construction industry in 2012, Richard Calver and Peter Glover, Issue #141 p28

Sham contracting, Richard Calver, Issue #138 p24

INSURANCE

Contract works insurance—Water Ingress—Damage and physical damage, Patrick Mead, Issue #137 p36

INTERNATIONAL ARBITRATION

In *Dallah*, the Paris Court of Appeal and the UK Supreme Court reach contrary decisions applying same law to same facts, Nicolas Bouchardie, Paul Brumpton, Christophe Von Krause, Christophe Seraglini and Robert Wheel, Issue #141 p23

The changing international arbitration framework in Australia, Peter Voss and Amanda Lees, Issue #136 p46

LITIGATION

All blown out of proportion? Contracting and proportionate liability in Queensland, Ashley Jones, Issue #141 p6

Pre-litigation protocols soon to be in force, Joanne Chaina, Issue #136 p58

MEDIATION

Mediation is the only way to justice, David Richbell, Issue #140 p48

NATURAL JUSTICE

Adjudication applications decided on a basis not contended for by the parties—A pitfall for adjudicators to avoid, Anthony Jefferies and Oscar Packham, Issue #139 p38

OCCUPATIONAL HEALTH AND SAFETY

Adoption of national work health and safety reforms, Myra Nikolich, Issue #137 p54

Building and construction industry occupation health & safety—The work of the Federal Safety Commissioner, Richard Calver, Issue #139 p32

Losing control?—The impact of the primary duty of care, Suzanne Williams, Issue #140 p40

New South Wales introduces new Model safety laws, Cormack Dunn, Issue #140 p53

SUBJECTS

PERSONAL PROPERTY

PPSA will affect construction contracts from early 2012—Are you ready?, Richard Anicich, Issue #141 p42

PROJECT MANAGEMENT

Identifying and managing your legal expectations to avoid pitfalls in an increasingly demanding project role, Nicholas Gould, Issue #140 p15

Project management—The liability and standards expected of a project manager, Nicholas Gould, Issue #141 p15

RESTRAINT OF TRADE

Confidentiality clauses in contracts of employment, John Twyford, Issue #141 p20

SECURITY OF PAYMENT

Adjudications and the curate's egg, Philip Davenport, Issue #141 p38

Building and Construction Industry Security of Payment Amendment Act 2010—Bringing forward the remedy, Chris Kerin, Issue #137 p39

Global claims and apportionment, Philip Davenport, Issue #141 p40

Security of payment (SOP) claims and liquidated damages—No right to set off?, Ben Davidson, Matthew Muir and Tanja Golding, Issue #138 p55

Service of payment claims on superintendents?, Andrew Kelly and Clare Kenny, Issue #139 p29

Severing invalid amounts from payment claims and adjudications—Decisions under security of payment legislation, Andrew Kelly and Richard Atkin, Issue #141 p26

The 'ordinary place of business'—*Parsons Brinckerhoff Australia Pty Limited v Downer EDI Works Pty Limited* [2010] NSWSC 1295, Emanuel Confos, Issue #139 p56

The likely impact of *Chase Oyster Bar v Hamo Industries* upon security of payment legislation in the Australian building and construction industry, Sharon Ng, Issue #139 p47

The need for fundamental reform of the SOP Act and the security of payment process, Sarah Lynden-Bell, Issue #137 p40

STANDARD CONTRACTS

Superman with two hats, Tom Grace and Alison Jennings, Issue #137 p58

TENDERS

Tender documents require careful drafting—The implications of *Ipex v The State of Victoria*, Stuart Cosgriff and Katherine Malik, Issue #136 p30

TRADE PRACTICES

ACCC succeeds in price fixing case against 'cover pricing', Chris Jose and Alexander Mackinnon, Issue #140 p34

WORKPLACE RELATIONS

The Fair Work Act's bargaining regime—Changes needed, Richard Calver, Issue #136 p50

CASES

A

- A M Satterthwaite & Co Ltd (The Eurymedon); New Zealand Shipping Co Ltd v*, [1975] AC 154, Issue #139 p14
- A&C Constructions; CJD Equipment v*, [2009] NSWSC 1362, Issue #138 p34, 35
- A/S Rendal v Arcos Limited* [1937] 3 AER 577, Issue #140 p30
- Aaron's Reefs v Twiss* [1986] AC 273, Issue #140 p27
- Abigroup Contractors Pty Ltd; Peninsula Balmain Pty Ltd v*, [2002] NSWCA 211, Issue #137 p58, Issue #138 p16
- ACCC v IPM Operation & Maintenance Loy Yang P/L* (2006) 157 FCR 162, Issue #141 p33
- ACR Roofing Pty Ltd; R v*, [2004] VSCA 215, Issue #140 p42, 44
- ADJ Contracting Pty Ltd re ADJ Contracting Pty Ltd Enterprise Agreement* [2011] FWA 2380 (unreported Senior Deputy President Acton, 28 April 2011), Issue #141 p31, 32, 33
- Agapitos v Agnew* (2002) EWCA Civ 247, Issue #140 p28
- Agnew; Agapitos v*, (2002) EWCA Civ 247, Issue #140 p28
- Agricultural and Rural Finance Pty Limited; Gardiner v*, [2007] NSWCA 235, Issue #138 p53
- AH Hunt; British Celanese Limited v, (Capacitors) Limited* [1969] All ER 1252, Issue #137 p37
- Aircon Duct Fabrication; Asian Pacific Building Corporation v*, [2010] VSC 300, Issue #136 p27
- AJ Mayr Engineering; Shell Refining (Australia) v*, [2006] NSWSC 94, Issue #141 p40
- AJ Richardson Properties Pty Ltd v Segboer* [2009] NSWSC 576, Issue #137 p45
- Akai Pty Limited v People's Insurance Co Limited* (1996) 188 CLR 418, Issue #138 p47
- Al Jadeed TV v United Broadcasting International Pty Limited* (2011) FCA 983, Issue #141 p36
- Alcatel Australia Ltd v Scarcella* (1998) 44 NSWLR 349, Issue #139 p6, 12
- Alinta Ltd; Attorney-General (Cth) v*, [2008] HVA 2; 233 CLR 542, Issue #139 p16
- Allianz Australia Insurance Ltd v Waterbrook at Yowie Bay Pty Ltd* [2009] NSWCA 224, Issue #138 p44, 51
- Allianz Australia Insurance Ltd; Waterbrook at Yowie Bay Pty Ltd v*, [2008] NSWSC 1451, Issue #138 p51
- Amann Aviation Pty Ltd; Commonwealth v*, (1991) 174 CLR 54, Issue #136 p18
- AMWU (No 2); Wesfarmers v*, [2004] 138 IR 362, Issue #136 p56
- AMWU; John Holland v*, [2010] FWA 526, Issue #136 p52
- Anaconda; Central Exchange v*, [2002] WASCA 94, Issue #139 p6, 19
- Andar Transport Pty Limited v Brambles Limited* (2004) 317 CLR 424, Issue #138 p52, 54
- Andeco Construction Group Pty Ltd; Metacorp Australia Pty Ltd v*, [2010] VSC 199, Issue #139 p30
- Ankar Pty Ltd v National Westminster Finance (Australia) Ltd* (1987) 162 CLR 549, Issue #136 p10, Issue #138 p53
- Anngar Timber Pty Ltd v PWP Constructions Pty Ltd* (1979) 3 BCLRS 50, Issue #138 p38
- Aquagenics Pty Ltd v Break O'Day Council* [2010] TASFC 3, Issue #136 p49, Issue #138 p44, 46, 47, 48, 49, Issue #141 p8
- Aquatec-Maxcon Pty Ltd v Barwon Regional Water Authority* [2006] VSC 117, Issue #137 p18
- Arcos Limited; A/S Rendal v*, [1937] 3 AER 577, Issue #140 p30
- Arcos Ltd; Hillas and Co Ltd v*, [1932] All ER Rep 494, Issue #139 p12
- Arup Associates; Copthorne Hotel (Newcastle) Limited v*, (1996) 12 Const LJ 402, Issue #140 p21
- ASAP Plasterers Pty Ltd & Ors; James Trowse Constructions Pty Ltd v*, [2011] QSC 145, Issue #141 p26, 27
- Asian Pacific Building Corporation v Aircon Duct Fabrication* [2010] VSC 300, Issue #136 p27

CASES

- ASM Shipping Ltd of India v TTMI Ltd of England (The Amer Energy)* [2009] 1 Lloyd's Rep 293, Issue #136 p42, 43
- Associated Newspapers Ltd v Bancks* (1951) 83 CLR 322, Issue #136 p12
- Associated Octel Co Ltd; R v*, [1994] 4 All ER 1051, Issue #140 p42
- Astley v Austrust Ltd* (1999) 197 CLR 1, Issue #141 p11
- Asurco Contracting Pty Ltd v Construction, Forestry Mining and Energy Union* [2010] FWA FB 6180; [2010] 197 IR 365, Issue #136 p54, 56, Issue #141 p31, 32, 33
- Attorney-General (Cth) v Alinta Ltd* [2008] HVA 2; 233 CLR 542, Issue #139 p16
- Austin Corp Pty Ltd; Watpac Constructions (NSW) Pty Ltd v*, [2010] NSWSC 168, Issue #139 p39, Issue #141 p38
- Austin Corporation; Watpac Construction v*, [2010] NSWSC 148, Issue #141 p38
- Austin Group; Watpac Constructions v*, [2010] NSWSC 347, Issue #136 p27
- Australian Broadcasting Corporation; Project Blue Sky Limited v*, (1998) 194 CLR 355, Issue #138 p45
- Australian Commodities Marketing Pty Ltd & Anor; Gilgandra Marketing Co-Operative Limited v*, [2010] NSWSC 1209, Issue #136 p28
- Australian Competition and Consumer Commission v TF Woollam & Son Pty Ltd* [2011] FCA 973, Issue #140 p34
- Australian Development Corporation v White Constructions* (1996) 12 BCL 317, Issue #139 p8
- Australian Granites Ltd v Eisenwerk Hensel Bayreuth Dipl-Ing Burkhardt GmbH* [2001] 1 Qd R 461, Issue #136 p47, Issue #137 p9
- Austrust Qld Pty Ltd v Independent Pub Group Pty Ltd* [2009] QSC 1, Issue #137 p48
- Austrust Ltd; Astley v*, (1999) 197 CLR 1, Issue #141 p11
- Avery; Scott v*, (1856) 5 HL Cas 811, Issue #136 p24
- Axa General Insurance v (1) Clara Gottlieb (2) Joseph Meyer Gottlieb* [2005] EWCA Civ 112, Issue #140 p28
- B**
- Bancks; Associated Newspapers Ltd v*, (1951) 83 CLR 322, Issue #136 p12
- Bank of Nova Scotia v Hellenic Mutual War Risks Associates (Bermuda) Limited (The Good Luck)* [1991] 2 WRL 1279, Issue #140 p29
- Barton v Stiff* [2006] VSC 307, Issue #138 p35, 40
- Barwon Regional Water Authority; Aquatec-Maxcon Pty Ltd v*, [2006] VSC 117, Issue #137 p18
- Baxendale; Hadley v*, (1854) 9 Exch 341, Issue #136 p18, 38, 39, 40, 41, 42, 43, 44, Issue #138 p44, 49, 50, 51, 52, Issue #139 p9
- Baynham Meikle & Partners; Greaves & Co (Contractors) Ltd v*, [1975] 3 All ER 99, Issue #138 p32
- Bechtel Ltd; Costain Ltd v*, [2005] EWHC 1018 (TCC), Issue #138 p16
- Berg Bennett & Associates Pty Ltd; Service Station Association Ltd v*, [1993] FCA 445; Issue #139 p12
- Bettini v Gye* (1876) 1 QBD 183, Issue #136 p7
- BHP Billiton Ltd; Oil Basins Ltd v*, [2007] VSCA 255, Issue #136 p59
- BHP Billiton Ltd; Oil Basins Ltd v*, [2011] HCA 37, Issue #141 p47
- BHP Coal Pty Ltd v O&K Orenstein & Koppel* [2008] QSC 141, Issue #138 p37
- Bittania Pty Ltd v Parkline Constructions Pty Ltd* [2006] NSWCA 238, Issue #137 p47, 48
- Black King Shipping Corporation v Massie (The Litsion Pride)* [1985] 1 Lloyd's Rep 437, Issue #140 p28
- BNP Paribas; Pacific Carriers Limited v*, [2004] HCA 35, Issue #138 p53

CASES

- Board of School Trustees; Savage v*, [1951] 3 TLR 39, Issue #140 p20
- Boehm; Carter v*, (1766) 3 Burr 1905; (1766) 97 ER 1162, Issue #139 p17, Issue #140 p27
- Boone v Eyre* (1777) 126 ER 160, Issue #136 p6
- Bouygues (UK) Limited v Dahl Jensen (UK) Limited* [2000] EWCA Civ 507; [2000] BLR 522, Issue #140 p32
- Bowes v Chaley* (1923) 32 CLR 159, Issue #136 p7
- Brambles Limited; Andar Transport Pty Limited v*, [2004] 317 CLR 424, Issue #138 p52, 54
- Break O' Day Council; Aquagenics Pty Ltd v*, [2010] TASFC 3, Issue #136 p49, Issue #138 p44, 46, 47, 48, 49, Issue #141 p8
- British Celanese Limited v AH Hunt (Capacitors) Limited* [1969] All ER 1252, Issue #137 p37
- Broad Construction Service Pty Limited; Palermo Nominees Pty Limited and Micro Bros Pty Limited v*, (1996) Civ 2439, Issue #140 p24, Issue #141 p18
- Brodribb Sawmilling Company Pty Ltd; Stevens v*, (1986) 160 CLR 16, Issue #140 p44
- Brodyn Pty Ltd t/as Time Cost and Quality v Davenport & Anor* (2004) 61 NSWLR 421, Issue #137 p7, 42, 43, 44, Issue #139 p47, 48, 49, 50, 52, 53
- Brunswick Construction Ltd v Nowlan* (1974) 21 BLR 27, Issue #138 p34
- Bryan Hobson Associates; Pozzolan Lytag Limited v*, [1999] 89 BLR 267, Issue #140 p24, 25, Issue #141 p18, 19
- Bucknall Austin Project Management Services; Chesham Properties Limited v*, [1996] BLR 2, Issue #140 p24, Issue #141 p17
- Builders Licensing Board; Shevill v*, (1982) 149 CLR 620, Issue #136 p12
- Burger King Corp v Hungry Jack's Pty Ltd* [2001] NSWCA 187, Issue #139 p6, 12
- Butt v M'Donald* (1896) 7 QLJ 68, Issue #139 p11, 12, 17
- C**
- C Czarnikow Ltd v Koufos (The Heron II)* [1969] 1 AC 350, Issue #136 p40, 41, 42, 44, Issue #139 p9
- CA Blackwell (Contractors) Ltd v Gerling Allegeneine Verischerungs AG* [2008] 1 All ER (Comm 885, Issue #137 p38
- Cable (1956) Ltd v Hutcherson Bros Pty Ltd* (1969) 123 CLR 143, Issue #138 p34
- Cadence Australia Pty Limited; The University of Sydney v*, [2009] NSWSC 635, Issue #137 p50, 51
- Camel Laird & Co Ltd v Manganese Bronze and Brass Co Ltd* [1934] AC 402, Issue #138 p34
- Canadian Equipment Sales & Service Co Ltd v Continental Insurance Co* [1975] 59 OLR (3d) 333, Issue #137 p37
- Canary Wharf & London Docklands Development Corporation; Hunter & Ors v*, [1996] 1 All ER 482, Issue #137 p36, 37
- Cantiare San Rocco SA v Clyde Shipbuilding and Engineering Co* [1924] AC 226, Issue #139 p7
- Cardinal Project Services v Hanave* [2010] NSWSC 1367, Issue #139 p51
- Cardno BSD Pty Ltd v Water Corporation* [2011] WASCA 161, Issue #140 p38
- Carford Catering Limited; Six Continents Retail Limited v*, [2003] EWCA Civ 1790, Issue #140 p25, Issue #141 p19
- Cargill International SA v Peabody Australia Mining Ltd* [2010] NSWSC 887, Issue #136 p47, Issue #137 p9
- Carr v JA Berriman Pty Ltd* [1953] HCA 31; 89 CLR 327, Issue #136 p12, Issue #139 p14
- Carter v Boehm* (1766) 3 Burr 1905; (1766) 97 ER 1162, Issue #139 p17, Issue #140 p27
- CBC Management Pty Ltd; Greenaways Australia Pty Ltd v*, [2004] NSWSC 1186, Issue #137 p45, 46

CASES

CDG Pty Ltd; Woolcock Street Investments Pty Ltd v, [2004] HCA 16; [2004] 216 CLR 515, Issue #136 p33, Issue #141 p8

Central Exchange v Anaconda [2002] WASCA 94, Issue #139 p6, 19

CFMEU v Mount Thorley Operations (1997) 76 IR 364, Issue #136 p56

CFMEU v Nubrick Pty Ltd [2009] 190 IR 175, Issue #138 p27

CGU Insurance plc; Pilkington United Kingdom Limited v, [2004] EWCA Civ 23, Issue #140 p26

Chaley; Bowes v, (1923) 32 CLR 159, Issue #136 p7

Chan v Cresdon Pty Limited (1989) 168 CLR 242, Issue #138 p53

Chapman v Walton (1833) 10 Bing 57, Issue #140 p16

Chase Oyster Bay v Hamo Industries [2010] NSWCA 190, Issue #139 p47, 48, 49, 50, 51, 52, 53, 58

Chee Peng Kwan & Anor v S Karthikeyan & Ors [2009] SGHC 141, Issue #136 p43

Chesham Properties Limited v Bucknall Austin Project Management Services [1996] BLR 2, Issue #140 p24, Issue #141 p17

Chevron Glazing (Victoria) Pty Ltd (unreported Magistrate's Court, O'Callaghan Vandersteen J, 21 February 2011), Issue #140 p45

CJD Equipment v A&C Constructions [2009] NSWSC 1362, Issue #138 p34, 35

Clara Gottlieb (1) Joseph Meyer Gottlieb (2); Axa General Insurance v, [2005] EWCA Civ 112, Issue #140 p28

Classic Maritime Inc v Lion Diversified Holdings Berhad, Limbungan Makmur Sdn Bhd [2009] EWHC 1142 (Comm), Issue #136 p42

Clive Adams Associates; Plant Constructions plc v, [2000] BLR 137, Issue #138 p34

Club Constructions (NSW) Pty Ltd; Trysams Pty Ltd v, [2008] NSWSC 399, Issue #139 p39

Clyde Shipbuilding and Engineering Co; Cantiare San Rocco SA v, [1924] AC 226, Issue #139 p7

Coal & Allied (Operations) Pty Limited; Waterways Authority of New South Wales v, [2007] NSWCA 276, Issue #138 p53

Coal Cliff Collieries v Sijehama Pty Ltd (1991) NSWLR 1, Issue #139 p6

Codelfa Construction Pty Ltd v State Rail Authority of NSW (1982) 149 CLR 337, Issue #136 p24

Cole; Kim v, [2002] QCA 176, Issue #141 p12, 13

Comandate Marine Corporation v Pan Australia Shipping Pty Ltd [2006] FCAFC 192, Issue #140 p37

Commercial and General Projects Pty Ltd; Markos v, [2010] SAIRC 17, Issue #140 p43, 46

Commercial Union Properties (UK) Ltd; Walter Lawrence & Son Ltd v, (1984) 4 Con LR 37, Issue #140 p13

Commissioner of Taxation (No 3); On Call Interpreters and Translators Agency Pty Ltd v, [2011] FCA 366, Issue #137 p56, Issue #138 p25, 27, 28

Commonwealth Homes & Investment Co Ltd; Elders Trustee & Executor Co Ltd v, (1941) 65 CLR 603, Issue #136 p16

Commonwealth Industrial Court Judges; Ex parte Cocks; R v, (1968) 121 CLR 313, Issue #136 p56

Commonwealth v Amann Aviation Pty Ltd (1991) 174 CLR 54, Issue #136 p18

Commonwealth v Griffiths [2007] 245 ALR 172, Issue #137 p32

Consolidated Quality Projects; The Owners Strata Plan 56587 v, [2009] NSWSC 1476, Issue #139 p30

Construction, Forestry Mining and Energy Union; Asurco Contracting Pty Ltd v, [2010] FWA 6180; [2010] 197 IR 365, Issue #136 p54, 56, Issue #141 p31, 32, 33

Container Transport International Limited v Oceanus Mutual Underwriting Association [1982] 2 Lloyd's Rep 178 (CA), Issue #140 p27

CASES

Continental Insurance Co; Canadian Equipment Sales & Service Co Ltd v, [1975] 59 OLR (3d) 333, Issue #137 p37

Cooperative Retail Services v Taylor Young Partnership [2000] BLR 461, Issue #140 p32

Copthorne Hotel (Newcastle) Limited v Arup Associates (1996) 12 Const LJ 402, Issue #140 p21

Costain Ltd v Bechtel Ltd [2005] EWHC 1018 (TCC), Issue #138 p16

Covell; Tymshare Inc v, 727 F2d 1145 (1984), Issue #139 p18

Craft Printing Pty Ltd; Dwyer v, [2009] NSWCA 405, Issue #137 p49

Cresdon Pty Limited; Chan v, (1989) 168 CLR 242, Issue #138 p53

D

Dahl Jensen (UK) Limited; Bouygues (UK) Limited v, [2000] EWCA Civ 507; [2000] BLR 522, Issue #140 p32

Dalico; Municipalite de Khoms El Mergeb v, (20 December 1993, JDI 1994 432), Issue #141 p24

Dallah Real Estate and Tourism Holding Company; Gouvernement du Pakistan— Ministere des Affaires Religieuses v, (Case No 09/28533), Issue #141 p23

Darlington Futures Limited v Delco Australia Pty Limited (1986) 161 CLR 500, Issue #138 p45, 51, 52, 53

Davenport & Anor; Brodyn Pty Ltd t/as Time Cost and Quality v, (2004) 61 NSWLR 421, Issue #137 p7, 42, 43, 44, Issue #139 p47, 48, 49, 50, 52, 53

Davenport; Musico v, [2003] NSWSC 977, Issue #137 p43, Issue #139 p38

David and Gai Spankie & Northern Investment Holdings Pty Ltd v James Trowse Constructions Pty Ltd & Ors (No 2) [2010] QSC 166, Issue #139 p39

Delco Australia Pty Limited; Darlington Futures Limited v, (1986) 161 CLR 500, Issue #138 p45, 51, 52, 53

Dellsun Pty Ltd; Reed Construction (Qld) Pty Ltd v, [2009] QSC 263, Issue #137 p46

Demir Pty Ltd v Graf Plumbing Pty Ltd [2004] NSWSC 553, Issue #137 p45

Devcon Australia Pty Ltd; Reilly v, [2008] WASCA 84, Issue #140 p42, 44

Dick; Mackay v, (1880–81) LR 6 App Cas 251, Issue #139 p11, 13

Diploma Construction v Marula [2009] WADC 1, Issue #136 p14

Diploma Constructions v Rhodgkin (1995) 11 BCL 242, Issue #139 p10

District Auditor of Monmouthshire; Tyrer v, (1973) 230 EG 973, Issue #140 p20

Dome Resources NL v Silver [2008] NSWCA 322, Issue #136 p44

Downer Construction (Australia) Pty Ltd v Energy Australia & Ors (2007) NSWLR 72, Issue #140 p13

Downer EDI Works Pty Limited; Parsons Brinckerhoff Australia Pty Limited v, [2010] NSWSC 1295, Issue #139 p56, 57

DTR Nominees Pty Ltd v Mona Homes Pty Ltd [1978] HCA 12, Issue #136 p12, 13, 18

Dualcorp Civil Pty Ltd; St Hilliers Contracting Pty Limited v, [2010] NSWSC 1468, Issue #139 p39

Dualcorp Pty Ltd v Remo Constructions Pty Ltd [2009] NSWCA 69, Issue #137 p47, 50, 51

Duncan v Kell and Rigby (ACT) Pty Ltd [2011] NSWIRComm 25 (unreported Kavanagh J, 24 March 2011), Issue #140 p43

Dwyer v Craft Printing Pty Ltd [2009] NSWCA 405, Issue #137 p49

E

Education 4 Ayrshire Ltd v South Ayrshire Council [2009] ScotCS CSOH_146, Issue #137 p33, 35

Eisenwerk Hensel Bayreuth Dipl-Ing Burkhardt GmbH; Australian Granites Ltd v, [2001] 1 Qd R 461, Issue #136 p47, Issue #137 p9

CASES

Elders Trustee & Executor Co Ltd v Commonwealth Homes & Investment Co Ltd (1941) 65 CLR 603, Issue #136 p16

Ellis-Don v The Parking Authority of Toronto (1978) 28 BLR 98, Issue #140 p13

Emag Constructions Pty Ltd v Highrise Concrete Contractors (Aust) Pty Ltd [2003] NSWCC 903, Issue #139 p30

Emergency Services Superannuation Board; Lipman Pty Ltd v, [2011] NSWCA 163, Issue #140 p36

EMI Electronics Ltd; Independent Broadcasting Authority v, (1978) 14 BLR 1 (HL), Issue #138 p35, 40

Energy Australia & Ors; Downer Construction (Australia) Pty Ltd v, (2007) NSWLR 72, Issue #140 p13

Environmental Systems Pty Ltd v Peerless Holdings Pty Ltd [2008] VSCA 26, Issue #138 p41, 44, 49, 50, 51

European Bank Ltd; Robb Evans of Robb Evans & Associates v, [2009] NSWCA 67, Issue #136 p44

Ex parte Australian Builders' Labourers' Federation; R v Spicer; [1957] HCA 81; 100 CLR 277, Issue #139 p16

Eyre; Boone v, (1777) 126 ER 160, Issue #136 p6

F

Fairbanks Soap Co Ltd v Sheppard [1953] 2 DLR 193, Issue #136 p12

Farm Assist Ltd v Secretary of State for the Environment, Food and Rural Affairs (No 2) [2009] EWHC 1102; 125 Con LR 154, Issue #140 p50

Felt & Textiles of Australia Ltd; Shepherd v, [1931] HCA 21; 45 CLR 359, Issue #139 p11, 13

Fiona Trust & Holding Corporation v Privalov [2007] UKHL 40, Issue #140 p37

Firedam Civil Engineering Pty Ltd v Shoalhaven City Council [2010] NSWCA 59, Issue #136 p49, 59

Firedam Civil Engineering Pty Limited; Shoalhaven City Council v, [2011] HCA 38, Issue #141 p44

First Abbott Corporation & Ors; Robt Jones (363 Adelaide Street) v, (1998) 14 BCL 282, Issue #138 p34

Flanagan v Mate [1876] 2 Vict LR 157, Issue #140 p17, 21

Flota Petrolera Eucatoriana (The Scaptrade); Scandinavian Trading Tanker v, [1983] 1 QB 529, Issue #139 p8

Flsmidth Minerals Pty Ltd; Thiess Pty Ltd v, [2010] QSC 6, Issue #137 p29

Fox; Leighton Contractors Pty Ltd v, Calliden Insurance Limited v Fox [2009] 240 CLR 1, Issue #140 p44

Francis Travel Marketing Pty Ltd v Virgin Atlantic Airways Ltd (1996) NSWLR 160, Issue #140 p37

Frazer; Pierce Bell Sales Pty Ltd v, [1973] HCA 13; 130 CLR 575, Issue #139 p14

Frey; Market Street Associates Ltd Partnership v, 941 F2d 588 (7th Cir 1991), Issue #139 p18

Frigmobile; Ranicar v, [1983] 2 ANZIC 60-525, Issue #137 p36

G

Galvin Construction Pty Ltd & Anor; Seabay Properties Pty Ltd v, [2011] VSC 183, Issue #138 p55

Gantley Pty Ltd v Phoenix International Group Pty Ltd [2010] VSC 106, Issue #141 p27

Gardiner v Agricultural and Rural Finance Pty Limited [2007] NSWCA 235, Issue #138 p53

Gasweld; Wright v, (1991) 22 NSWLR 317, Issue #141 p22

George Hill & Associates; Pratt v, (1987) 38 BLR 25, Issue #140 p18

Gerling Allegeneine Verischerungs AG; CA Blackwell (Contractors) Ltd v, [2008] 1 All ER (Comm 885, Issue #137 p38

Gilgandra Marketing Co-Operative Limited v Australian Commodities Marketing Pty Ltd & Anor [2010] NSWSC 1209, Issue #136 p28

GIO Australia Holdings Pty Limited; Transfield Constructions Pty Limited v, (1997) 9 ANZIC 61-336, Issue #137 p37

CASES

Godfrey Constructions Pty Ltd v Kanangra Park Pty Ltd [1972] HCA 36; 128 CLR 529, Issue #139 p14
Godfrey Spowers (Victoria) Pty Ltd v Lincolne Scott Australia Pty Ltd [2008] VSCA 208; [2008] 21 VR 84, Issue #141 p10
Golden Strait Corporation v Nippon Yusen Kubishika Kaisha (The Golden Victory) [2007] UKHL 12, Issue #139 p9
Gordion Runoff Limited v Westport Insurance Corporation [2010] NSWCA 57, Issue #136 p59
Gordion Runoff Limited; Westport Insurance Corporation v, [2011] HCA 37, Issue #141 p46
Gordon & Gotch Limited; K&S Lake City Freighters Pty Limited v, [1985] 157 CLR 309, Issue #138 p45, 52
Gouvernement du Pakistan—Ministere des Affaires Religieuses v Dallah Real Estate and Tourism Holding Company [Case No 09/28533], Issue #141 p23
Government Insurance Office of NSW; Khoury v, [1984] HCA 55; [1984] 165 CLR 622, Issue #136 p17
Graf Plumbing Pty Ltd; Demir Pty Ltd v, [2004] NSWSC 553, Issue #137 p45
Graham Evans & Co (Qld) Pty Ltd v Vanguard Insurance Company Limited; [1986] 4 ANZIC 60–689, Issue #137 p36
Graham Evans & Co (Qld) Pty Ltd v Vanguard Insurance Company Limited [1987] 4 ANZIC 60–772, Issue #137 p36
Graham; IRAAF Pty Limited & Ors v, [1982] ATPR 43, Issue #141 p21
Greaves & Co (Contractors) Ltd v Baynham Meikle & Partners [1975] 3 All ER 99, Issue #138 p32
Greenaways Australia Pty Ltd v CBC Management Pty Ltd [2004] NSWSC 1186, Issue #137 p45, 46
Griffiths; Commonwealth v, [2007] 245 ALR 172, Issue #137 p32
Grocon Constructors Pty Ltd v Plant Cocciardi Joint Venture (No 2) [2009] VSC 426, Issue #137 p43, 44
Grosvenor Constructions (NSW) Pty Ltd (in admin) v Musico [2004] NSWSC 344, Issue #137 p47
Gye; Bettini v, [1876] 1 QBD 183, Issue #136 p7

H

H&M Engineering and Construction; Laing O'Rourke Australia Construction v, [2011] NSWSC 818, Issue #141 p40, 41
Hadley v Baxendale [1854] 9 Exch 341, Issue #136 p18, 38, 39, 40, 41, 42, 43, 44, Issue #138 p44, 49, 50, 51, 52, Issue #139 p9
Halcrow Gilbert Associates; London Fire and Emergency Planning Authority v, [2007] EWHC 2546 (TCC), Issue #138 p39
Hall & Partners (Contract Management Limited); Pride Valley Foods Limited v, [2001] 76 Con LR 1, Issue #140 p23, Issue #141 p17
Hamilton v Mendes [1761] 2 Burr 1198, Issue #139 p7, 9
Hammond & Ors and Taylor Woodrow Construction (Holdings) Limited; Royal Brompton Hospital National Health Service Trust v, [2002] UKHL 14; [2002] 1 WLR 1397, Issue #140 p32
Hammond (No 7); Royal Brompton Hospital NHS Trust v, [2001] 76 Con LR 18, Issue #141 p18
Hammond; Royal Brompton Hospital NHS Trust v, [2003] 88 Con LR 1, Issue #140 p23, Issue #141 p17
Hamo Industries; Chase Oyster Bay v, [2010] NSWCA 190, Issue #139 p47, 48, 49, 50, 51, 52, 53, 58
Hampden Insurance NV; Horbury Building Systems v, [2004] EWCA Civ 418, Issue #140 p26
Hanave; Cardinal Project Services v, [2010] NSWSC 1367, Issue #139 p51
Hansen Yuncken Pty Ltd v Ian James Ericson t/as Fleas Concreting [2011] QSC 327, Issue #141 p38, 39
Hartland; Money Penny v, [1826] 2 C&P 378, Issue #140 p17
Harris; Hutchinson v, [1978] 10 BLR 19, Issue #140 p17

CASES

- Helicopter Sales (Aust) Pty Ltd v Rotor-Work Pty Ltd* (1974) 132 CLR 1, Issue #138 p33
- Hellenic Mutual War Risks Associates (Bermuda) Limited (The Good Luck); Bank of Nova Scotia v*, [1991] 2 WRL 1279, Issue #140 p29
- Hemmes Hermitage Pty Ltd; Lucas Stuart Pty Ltd v*, [2010] NSWCA 283, Issue #141 p36, 37
- Hepburn; Lewis Emanuel and Son Ltd & Anor v*, (1960) 1 Lloyd's Rep 304, Issue #137 p37
- Hickory Developments Pty Ltd v Schiavello (Vic) Pty Ltd & Anor* [2009] VSC 156, Issue #137 p43, 44, Issue #139 p52
- Highrise Concrete Contractors (Aust) Pty Ltd; Emag Constructions Pty Ltd v*, [2003] NSWCC 903, Issue #139 p30
- Hillas and Co Ltd v Arcos Ltd* [1932] All ER Rep 494, Issue #139 p12
- Holdmark v Melhemcorp* [2009] NSWSC 305, Issue #141 p38
- Holland v Wiltshire* [1954] HCA 42; (1954) 90 CLR 409, Issue #136 p25
- Hometeam Construction Pty Ltd v McCauley* [2005] NSWCA 303, Issue #136 p15
- Hong Kong Fir Shipping Co Ltd v Kawasaki Kisen Kaisha Ltd* [1962] 2 QB 26, Issue #136 p9, 10, 11
- Horbury Building Systems v Hampden Insurance NV* [2004] EWCA Civ 418, Issue #140 p26
- Hospital Products International Pty Ltd; United States Surgical Corp v*, (1982) 2 NSWLR 766, Issue #139 p12
- Howard; Railroad Company v*, 74 US 392, Issue #139 p10, 11
- Howarth Asia Pacific Pty Ltd; Sovereign Motor Inns Pty Ltd v*, [2003] NSWSC 1120, Issue #137 p32
- Hughes Bros Pty Ltd v Trustees of the Roman Catholic Church* (1993) 31 NSWLR 9, Issue #139 p6
- Hungry Jack's Pty Ltd; Burger King Corp v*, [2001] NSWCA 187, Issue #139 p6, 12
- Hunter & Ors v Canary Wharf & London Docklands Development Corporation* [1996] 1 All ER 482, Issue #137 p36, 37
- Hutcherson Bros Pty Ltd; Cable* (1956) Ltd v, (1969) 123 CLR 143, Issue #138 p34
- Hutchinson v Harris* (1978) 10 BLR 19, Issue #140 p17
- Hydra Tight; Mowlem v*, [2001] 17 Const LJ 358, Issue #137 p26
- I**
- IAG New Zealand Limited & Anor; Technology Holdings Limited v*, [2009] 15 ANZIC 61–786, Issue #137 p37
- Ian James Ericson t/as Fleas Concreting; Hansen Yuncken Pty Ltd v*, [2011] QSC 327, Issue #141 p38, 39
- Ilvari Pty Ltd t/as Craftsman Homes v Sijuk* [2011] NSWCA 12, Issue #140 p44
- Immigration Officer, Prague Airport; R (European Roma Rights Centre) v*, [2004] UKHL 55, Issue #139 p14
- Impregilo; Lesotho Highlands Development Authority v*, [2005] UKHL 45, Issue #137 p24
- In re Australian Liquor, Hospitality and Miscellaneous Workers' Union* (unreported Munro J, Watson DP, Redmond C, AIRCFB 30 January 1996), Issue #141 p33
- In re Border and Transborder Armed Actions (Nicaragua v Honduras)* [1988] ICJ Rep 69, Issue #139 p19
- Independent Broadcasting Authority v EMI Electronics Ltd* (1978) 14 BLR 1 (HL), Issue #138 p35, 40
- Independent Pub Group Pty Ltd; Austruct Qld Pty Ltd v* [2009] QSC 1, Issue #137 p48
- Indevelco; Novawest Contracting v*, [2006] VCC 798, Issue #140 p12
- Industrial Relations Commission; Kirk v; Kirk Group Holdings Pty Ltd v WorkCover Authority of New South Wales (Inspector Childs)* [2010] HCA 1; [2010] 239 CLR 531; Issue #139 p49, Issue #140 p42
- Inspector Seneviratne v Qantas Airways Ltd* [2006] NSWIRComm 69 (unreported Boland J, 27 March 2006), Issue #140 p45
- Interfoto Picture Library Ltd v Stiletto Visual Programmes Ltd* [1989] QB 433, Issue #139 p14

CASES

Ipex ITG Pty Ltd v State of Victoria [2010] VSC 480, Issue #136 p30
IPM Operation & Maintenance Loy Yang P/L; ACCC v, [2006] 157 FCR 162, Issue #141 p33
IRAAF Pty Limited & Ors v Graham (1982) ATPR 43, Issue #141 p21
IRC; Prudential Insurance Co v, [1904] 2 KB 658, Issue #140 p26
Iron Trades Mutual Insurance Co Limited; Steelclad Limited v, [1984] SLT 304, Issue #140 p28
Irwin; Liverpool City Council v, (1984) 13 HLR 38 (HL), Issue #140 p15

J

JA Berriman Pty Ltd; Carr v, [1953] HCA 31; 89 CLR 327, Issue #136 p12, Issue #139 p14
James Trowse Constructions Pty Ltd & Ors (No 2); David and Gai Spankie & Northern Investment Holdings Pty Ltd v, [2010] QSC 166, Issue #139 p39
James Trowse Constructions Pty Ltd v ASAP Plasterers Pty Ltd & Ors [2011] QSC 145, Issue #141 p26, 27
James v Medical Board of South Australia [2006] 95 SASR 445, Issue #137 p32
James Warburton (No 2); Seven Network (Operations) Limited & Ors v, [2011] NSWSC 386, Issue #141 p20
JJ Richards & Sons Pty Ltd v Transport Workers' Union of Australia [2010] FWA 9963, Issue #136 p53, 56, 57
John Doyle Construction v Laing Management (Scotland) [2004] ScotsCS 141, Issue #141 p40, 41
John Goss Projects Pty Ltd v Leighton Contractors Pty Ltd [2006] 66 NSWLR 707, Issue #139 p38, 39
John Holland Construction & Engineering v Kvaerner (1997) 13 BCL 262, Issue #141 p40
John Holland Pty Ltd v TAC Pacific Pty Ltd [2010] 1 Qd R 302, Issue #139 p39
John Holland Pty Ltd; O'Donnell Griffin Pty Ltd v, [2009] WASC 19, Issue #137 p44
John Holland v AMWU [2010] FWA 526, Issue #136 p52
Jones v Kaney [2011] UKSC 13, Issue #137 p30
Jones; Meehan v, [1982] HCA 52; 149 CLR 571, Issue #139 p13

K

K&S Lake City Freighters Pty Limited v Gordon & Gotch Limited (1985) 157 CLR 309, Issue #138 p45, 52
Kanangra Park Pty Ltd; Godfrey Constructions Pty Ltd v, [1972] HCA 36; 128 CLR 529, Issue #139 p14
Kane Constructions Pty Ltd (No 2); Sopov v, [2009] 257 ALR 182, Issue #136 p19, 20, 25
Kaney; Jones v, [2011] UKSC 13, Issue #137 p30
Katherine v The CCD Group [2008] NSWSC 131, Issue #141 p38
Kawasaki Kisen Kaisha Ltd; Hong Kong Fir Shipping Co Ltd v, [1962] 2 QB 26, Issue #136 p9, 10, 11
Keete v King (1938) EJ 65, Issue #140 p20
Kell and Rigby (ACT) Pty Ltd; Duncan v, [2011] NSWIRComm 25 (unreported Kavanagh J, 24 March 2011), Issue #140 p43
Khoury v Government Insurance Office of NSW [1984] HCA 55; [1984] 165 CLR 622, Issue #136 p17
Kim v Cole [2002] QCA 176, Issue #141 p12, 13
King; Keete v, [1938] EJ 65, Issue #140 p20
Kirk v Industrial Relations Commission; Kirk Group Holdings Pty Ltd v WorkCover Authority of New South Wales (Inspector Childs) [2010] HCA 1; [2010] 239 CLR 531; Issue #139 p49, Issue #140 p42
Kirwin; Laing O'Rourke (BMC) Pty Ltd v, [2011] WASC 117, Issue #140 p42
Kooee Communications Pty Limited v Primus Telecommunications Pty Limited [2008] NSWCA 5, Issue #138 p53

CASES

Koompahtoo Local Aboriginal Land Council v Sanpine Pty Limited [2007] HCA 61, Issue #136 p9, 10, 11
Koufos (The Heron II); C Czarnikow Ltd v, [1969] 1 AC 350, Issue #136 p40, 41, 42, 44, Issue #139 p9
Kvaerner; John Holland Construction & Engineering v, [1997] 13 BCL 262, Issue #141 p40
Kyren Pty Ltd; Wunda Projects Pty Ltd v, [2010] SADC 96, Issue #137 p58

L

Laing Management (Scotland); John Doyle Construction v, [2004] ScotsCS 141, Issue #141 p40, 41
Laing O'Rourke (BMC) Pty Ltd v Kirwin [2011] WASCA 117, Issue #140 p42
Laing O'Rourke Australia Construction v H&M Engineering and Construction [2011] NSWSC 818, Issue #141 p40, 41
Lanskey v Noxequin [2005] NSWSC 963, Issue #136 p27
Lee; Stadhard v, (1863) 122 ER 138, Issue #139 p13
Leighton Contractors Pty Ltd v Fox; Calliden Insurance Limited v Fox (2009) 240 CLR 1, Issue #140 p44
Leighton Contractors Pty Ltd; John Goss Projects Pty Ltd v, (2006) 66 NSWLR 707, Issue #139 p38, 39
Lesotho Highlands Development Authority v Impregilo [2005] UKHL 45, Issue #137 p24
Lewis Emanuel and Son Ltd & Anor v Hepburn (1960) 1 Lloyd's Rep 304, Issue #137 p37
Lincolne Scott Australia Pty Ltd; Godfrey Spowers (Victoria) Pty Ltd v, [2008] VSCA 208; [2008] 21 VR 84, Issue #141 p10
Lion Diversified Holdings Berhad, Limbungan Makmur Sdn Bhd; Classic Maritime Inc v, [2009] EWHC 1142 (Comm), Issue #136 p42
Lipman Pty Ltd v Emergency Services Superannuation Board [2011] NSWCA 163, Issue #140 p36
Liverpool City Council v Irwin (1984) 13 HLR 38 (HL), Issue #140 p15
London Fire and Emergency Planning Authority v Halcrow Gilbert Associates [2007] EWHC 2546 (TCC), Issue #138 p39
London School Board v Northcroft (1889) HBC 4th ed. ii 147, Issue #140 p19
Lucas Stuart Pty Ltd v Hemmes Hermitage Pty Ltd [2010] NSWCA 283, Issue #141 p36, 37
Luikens; Multiplex Constructions v, [2003] NSWSC 1140, Issue #136 p27, Issue #137 p42
Luna Park (NSW) Ltd; Tramway Advertising Pty Ltd v, (1938) 38 SR NSW 632, Issue #136 p10

M

M'Donald; Butt v, (1896) 7 QLJ 68, Issue #139 p11, 12, 17
Mackay v Dick (1880-81) LR 6 App Cas 251, Issue #139 p11, 13
Macquarie International Health Clinic v Sydney South West Area Health Service [2010] NSWCA 268, Issue #139 p6, 12, 14
Maitland; Stirling v, (1864) 122 ER 1043, Issue #139 p11
Mandurah Enterprises Pty Ltd v Western Australian Planning Commission [2008] WASCA 211, Issue #136 p17
Manganese Bronze and Brass Co Ltd; Camel Laird & Co Ltd v, [1934] AC 402, Issue #138 p34
Manifest Shipping Co Ltd v Uni-Polaris Co Ltd (2001) UKHL 1, Issue #140 p28
Market Street Associates Ltd Partnership v Frey 941 F2d 588 (7th Cir 1991), Issue #139 p18
Markos v Commercial and General Projects Pty Ltd [2010] SAIRC 17, Issue #140 p43, 46
Marula; Diploma Construction v, [2009] WADC 1, Issue #136 p14
Massie (The Litsion Pride); Black King Shipping Corporation v, [1985] 1 Lloyd's Rep 437, Issue #140 p28
Mate; Flanagan v, [1876] 2 Vict LR 157, Issue #140 p17, 21

CASES

- McCann v Switzerland Insurance* (2000) 203 CLR 579, Issue #138 p45, 52, 53
- McCauley; Hometeam Construction Pty Ltd v*, [2005] NSWCA 303, Issue #136 p15
- McConnell Dowell Constructors; Saint Paul's Fire and Marine Insurance Co (UK) v*, [1993] 2 Lloyd's Rep 503, Issue #140 p27
- McDonald Keen Group (in liq); Queensland Bulk Water Supply Authority v*, [2009] QSC 165, Issue #137 p47
- McManus Childs Ltd; Young & Marten Ltd v*, [1968] 2 All ER 1169, Issue #138 p33
- Medical Board of South Australia; James v*, [2006] 95 SASR 445, Issue #137 p32
- Meehan v Jones* [1982] HCA 52; 149 CLR 571, Issue #139 p13
- Meinhard v Salmon* 249 NY 458, Issue #139 p8
- Melbourne Bin Hire Pty Ltd (as Trustee for the Ibrahim Family Trust t/as Melbourne's Cheapest Bin Hire)* (unreported Magistrate's Court, O'Callaghan J, 21 February 2011), Issue #140 p45
- Melhemcorp; Holdmark v*, [2009] NSWSC 305, Issue #141 p38
- Mendes; Hamilton v*, (1761) 2 Burr 1198, Issue #139 p7, 9
- Mercator Shipping Inc (The Achilleas); Transfield Shipping Inc v*, [2008] UKHL 48, Issue #136 p38, 42, 43, 44, Issue #139 p9
- Metacorp Australia Pty Ltd v Andeco Construction Group Pty Ltd* [2010] VSC 199, Issue #139 p30
- Metals & Minerals Insurance Pte Ltd; Zurich Australian Insurance Ltd v*, [2009] HCA 50, Issue #140 p59
- Mev-Aus Pty Ltd (t/as) Novatec Construction Systems; Perform (NSW) Pty Ltd v*, [2009] NSWSC 416, Issue #137 p50, 51
- Minister for Public Works; Renard Constructions (ME) Pty Ltd v*, [1992] 26 NSWLR 234, Issue #136 p20, Issue #139 p6, 16
- Mitchell v Reynolds* (1711) 24 ER 347, Issue #141 p21
- Mona Homes Pty Ltd; DTR Nominees Pty Ltd v*, [1978] HCA 12, Issue #136 p12, 13, 18
- Money Penny v Hartland* (1826) 2 C&P 378, Issue #140 p17
- Moore; Ex parte Federated Miscellaneous Workers' Union of Australia; R v*, [1978] 140 CLR 470, Issue #136 p56
- Morris; Partridge v*, [1995] CILL 1095, Issue #140 p18
- Mount Thorley Operations; CFMEU v*, [1997] 76 IR 364, Issue #136 p56
- Mowlem v Hydra Tight* (2001) 17 Const LJ 358, Issue #137 p26
- Multiplex Constructions v Luikens* [2003] NSWSC 1140, Issue #136 p27, Issue #137 p42
- Municipalite de Khoms El Mergeb v Dalico* [20 December 1993, JDI 1994 432], Issue #141 p24
- Musico v Davenport* [2003] NSWSC 977, Issue #137 p43, Issue #139 p38
- Musico; Grosvenor Constructions (NSW) Pty Ltd (in admin) v*, [2004] NSWSC 344, Issue #137 p47

N

- National Westminster Finance (Australia) Ltd; Ankar Pty Ltd v*, [1987] 162 CLR 549, Issue #136 p10, Issue #138 p53
- New South Wales Lotteries Corporation (No 2); Reinhold v*, [2008] NSWSC 187, Issue #141 p7
- New Zealand Shipping Co Ltd v A M Satterthwaite & Co Ltd (The Eurymedon)* [1975] AC 154, Issue #139 p14
- Newman Industries Ltd; Victoria Laundry (Windsor) Ltd v*, [1949] 2 KB 528, Issue #136 p41
- Nicholson v Pymble No 1 Pty Ltd & Ors (No 2)* [2010] NSWIRComm 151 (unreported Marks J, 12 November 2010), Issue #140 p43
- Nippon Yusen Kubishika Kaisha (The Golden Victory); Golden Strait Corporation v*, [2007] UKHL 12, Issue #139 p9

CASES

Normid Housing Association Limited v Ralph & Ors [1989] 1 Lloyd's rep 265, Issue #140 p29

Northcroft; London School Board v, (1889) HBC 4th ed. ii 147, Issue #140 p19

Novawest Contracting v Indevelco [2006] VCC 798, Issue #140 p12

Nowlan; Brunswick Construction Ltd v, (1974) 21 BLR 27, Issue #138 p34

Noxequin; Lanskey v, [2005] NSWSC 963, Issue #136 p27

Nubrick Pty Ltd; CFMEU v, (2009) 190 IR 175, Issue #138 p27

O

O&K Orenstein & Koppel; BHP Coal Pty Ltd v, [2008] QSC 141, Issue #138 p37

O'Donnell Griffin Pty Ltd v John Holland Pty Ltd [2009] WASC 19, Issue #137 p44

Oceanus Mutual Underwriting Association; Container Transport International Limited v, [1982] 2 Lloyd's Rep 178 (CA), Issue #140 p27

Oil Basins Ltd v BHP Billiton Ltd [2007] VSCA 255, Issue #136 p59

Oil Basins Ltd v BHP Billiton Ltd [2011] HCA 37, Issue #141 p47

On Call Interpreters and Translators Agency Pty Ltd v Commissioner of Taxation (No 3) [2011] FCA 366, Issue #137 p56, Issue #138 p25, 27, 28

Origin Energy Uranquinty Power Pty Ltd; Siemens Ltd v, [2011] NSWSC 195, Issue #140 p56

P

Pacific Carriers Limited v BNP Paribas [2004] HCA 35, Issue #138 p53

Palermo Nominees Pty Limited and Micro Bros Pty Limited v Broad Construction Service Pty Limited (1996) Civ 2439, Issue #140 p24, Issue #141 p18

Pan Atlantic Insurance Limited v Pinetop Limited [1994] 3 WLR 677, Issue #140 p27

Pan Australia Shipping Pty Ltd; Comandate Marine Corporation v, [2006] FCAFC 192, Issue #140 p37

Parkline Constructions Pty Ltd; Bittania Pty Ltd v, [2006] NSWCA 238, Issue #137 p47, 48

Parsons Brinckerhoff Australia Pty Limited v Downer EDI Works Pty Limited [2010] NSWSC 1295, Issue #139 p56, 57

Partridge v Morris [1995] CILL 1095, Issue #140 p18

Pathak v Tourism Transport Ltd [2002] 3 NZLR 68, Issue #136 p29

Peabody Australia Mining Ltd; Cargill International SA v, [2010] NSWSC 887, Issue #136 p47, Issue #137 p9

Peekhrst Pty Ltd v Wallace & Anor [2007] QSC 159, Issue #137 p46

Peerless Holdings Pty Ltd; Environmental Systems Pty Ltd v, [2008] VSCA 26, Issue #138 p41, 44, 49, 50, 51

Penfold Projects Pty Ltd v Securcorp Limited [2011] QDC 77, Issue #139 p29, 31

Peninsula Balmain Pty Ltd v Abigroup Contractors Pty Ltd [2002] NSWCA 211, Issue #137 p58, Issue #138 p16

People's Insurance Co Limited; Akai Pty Limited v, (1996) 188 CLR 418, Issue #138 p47

Perform (NSW) Pty Ltd v Mev-Aus Pty Ltd (t/as) Novatec Construction Systems [2009] NSWSC 416, Issue #137 p50, 51

Phoenix International Group Pty Ltd; Gantley Pty Ltd v, [2010] VSC 106, Issue #141 p27

Photo Production Ltd v Securicor Transport Ltd [1980] AC 827, Issue #136 p25, 26

Pierce Bell Sales Pty Ltd v Frazer [1973] HCA 13; 130 CLR 575, Issue #139 p14

Pilkington United Kingdom Limited v CGU Insurance plc [2004] EWCA Civ 23, Issue #140 p26

Pinetop Limited; Pan Atlantic Insurance Limited v, [1994] 3 WLR 677, Issue #140 p27

CASES

Pipes International (Qld) Pty Ltd; Timms Contracting Pty Ltd v, [2010] QSC 88, Issue #138 p35
Plant Cocciardi Joint Venture (No 2); Grocon Constructors Pty Ltd v, [2009] VSC 426, Issue #137 p43, 44
Plant Constructions plc v Clive Adams Associates [2000] BLR 137, Issue #138 p34
Plaza West Pty Ltd v Simon's Earthworks (NSW) Pty Ltd [2008] NSWCA 279, Issue #139 p39
Poole; Wimpey Construction UK Limited v, [1984] 2 Lloyd's Rep 499, Issue #140 p30
Poussard v Spiers and Pond (1876) QBD 410, Issue #136 p7
Pozzolanic Lytag Limited v Bryan Hobson Associates [1999] 89 BLR 267, Issue #140 p24, 25, Issue #141 p18, 19
Pratt v George Hill & Associates (1987) 38 BLR 25, Issue #140 p18
Pride Valley Foods Limited v Hall & Partners (Contract Management Limited) [2001] 76 Con LR 1, Issue #140 p23, Issue #141 p17
Prime Infrastructure (DBCT) Management Pty Ltd v Vero Insurance Ltd [2005] QCA 369, Issue #137 p36
Primus Telecommunications Pty Limited; Kooee Communications Pty Limited v, [2008] NSWCA 5, Issue #138 p53
Privalov; Fiona Trust & Holding Corporation v, [2007] UKHL 40, Issue #140 p37
Project Blue Sky Limited v Australian Broadcasting Corporation (1998) 194 CLR 355, Issue #138 p45
Promet Engineering v Sturge [1997] 2 Lloyd's Rep 146, Issue #137 p36
Prudential Insurance Co v IRC [1904] 2 KB 658, Issue #140 p26
PWP Constructions Pty Ltd; Anngar Timber Pty Ltd v, (1979) 3 BCLRS 50, Issue #138 p38
Pymble No 1 Pty Ltd & Ors (No 2); Nicholson v, [2010] NSWIRComm 151 (unreported Marks J, 12 November 2010), Issue #140 p43

Q

Qantas Airways Ltd; Inspector Seneviratne v, [2006] NSWIRComm 69 (unreported Boland J, 27 March 2006), Issue #140 p45
QBE Insurance (Australia) Limited; Vero Insurance Limited v, [2011] NSWSC 593, Issue #140 p58
Queensland Bulk Water Supply Authority v McDonald Keen Group (in liq) [2009] QSC 165, Issue #137 p47

R

R (European Roma Rights Centre) v Immigration Officer, Prague Airport [2004] UKHL 55, Issue #139 p14
R v ACR Roofing Pty Ltd [2004] VSCA 215, Issue #140 p42, 44
R v Associated Octel Co Ltd [1994] 4 All ER 1051, Issue #140 p42
R v Commonwealth Industrial Court Judges; Ex parte Cocks (1968) 121 CLR 313, Issue #136 p56
R v Moore; Ex parte Federated Miscellaneous Workers' Union of Australia (1978) 140 CLR 470, Issue #136 p56
R v, Spicer; Ex parte Australian Builders' Labourers' Federation [1957] HCA 81; 100 CLR 277, Issue #139 p16
Rail Corporation New South Wales; United Group Rail Services Limited v, [2009] NSWCA 177, Issue #139 p6, 14
Railroad Company v Howard 74 US 392, Issue #139 p10, 11
Ralph & Ors; Normid Housing Association Limited v, [1989] 1 Lloyd's rep 265, Issue #140 p29
Ranicar v Frigmobile [1983] 2 ANZIC 60-525, Issue #137 p36
Reed Construction (Qld) Pty Ltd v Dellsun Pty Ltd [2009] QSC 263, Issue #137 p46
Reg Glass Pty Ltd v Rivers Locking Systems Pty Ltd (1968) 120 CLR 516, Issue #138 p35
Reilly v Devcon Australia Pty Ltd [2008] WASCA 84, Issue #140 p42, 44

CASES

Reinhold v New South Wales Lotteries Corporation (No 2) [2008] NSWSC 187, Issue #141 p7
Remo Constructions Pty Ltd; Dualcorp Pty Ltd v, [2009] NSWCA 69, Issue #137 p47, 50, 51
Renard Constructions (ME) Pty Ltd v Minister for Public Works (1992) 26 NSWLR 234, Issue #136 p20, Issue #139 p6, 16
Reynolds; Mitchell v, (1711) 24 ER 347, Issue #141 p21
Rhodgkin; Diploma Constructions v, (1995) 11 BCL 242, Issue #139 p10
Rivers Locking Systems Pty Ltd; Reg Glass Pty Ltd v, (1968) 120 CLR 516, Issue #138 p35
Robb Evans of Robb Evans & Associates v European Bank Ltd [2009] NSWCA 67, Issue #136 p44
Robt Jones (363 Adelaide Street) v First Abbott Corporation & Ors (1998) 14 BCL 282, Issue #138 p34
Rotor-Work Pty Ltd; Helicopter Sales (Aust) Pty Ltd v, (1974) 132 CLR 1, Issue #138 p33
Royal Botanic Gardens and Domain Trust v South Sydney City Council [2002] HCA 5; (2002) 186 ALR 289, Issue #139 p6
Royal Brompton Hospital National Health Service Trust v Hammond & Ors and Taylor Woodrow Construction (Holdings) Limited [2002] UKHL 14; [2002] 1 WLR 1397, Issue #140 p32
Royal Brompton Hospital NHS Trust v Hammond (2003) 88 Con LR 1, Issue #140 p23, Issue #141 p17
Royal Brompton Hospital NHS Trust v Hammond (No 7) [2001] 76 Con LR 18, Issue #141 p18
Russell v The Trustees of The Roman Catholic Church for the Archdiocese of Sydney [2008] NSWCA 217, Issue #136 p44

S

S Karthikeyan & Ors; Chee Peng Kwan & Anor v, [2009] SGHC 141, Issue #136 p43
Saint Paul's Fire and Marine Insurance Co (UK) v McConnell Dowell Constructors [1993] 2 Lloyd's Rep 503, Issue #140 p27
Salmon; Meinhard v, 249 NY 458, Issue #139 p8
Samways v WorkCover Queensland & Ors [2010] QSC 127, Issue #138 p56, 57, 58
Sanpine Pty Limited; Koompahtoo Local Aboriginal Land Council v, [2007] HCA 61, Issue #136 p9, 10, 11
Savage v Board of School Trustees [1951] 3 TLR 39, Issue #140 p20
Scandinavian Trading Tanker v Flota Petrolera Eucatoriana (The Scaptrade) [1983] 1 QB 529, Issue #139 p8
Scarcella; Alcatel Australia Ltd v, (1998) 44 NSWLR 349, Issue #139 p6, 12
Schiavello (Vic) Pty Ltd & Anor; Hickory Developments Pty Ltd v, [2009] VSC 156, Issue #137 p43, 44, Issue #139 p52
SCM (United Kingdom) Limited v WJ Whittall & Sons Limited [1971] 1 QB 337, Issue #137 p37
Scott v Avery [1856] 5 HL Cas 811, Issue #136 p24
Seabay Properties Pty Ltd v Galvin Construction Pty Ltd & Anor [2011] VSC 183, Issue #138 p55
Secretary of State for the Environment, Food and Rural Affairs (No 2); Farm Assist Ltd v, [2009] EWHC 1102; 125 Con LR 154, Issue #140 p50
Securcorp Limited; Penfold Projects Pty Ltd v, [2011] QDC 77, Issue #139 p29, 31
Secured Income Real Estate (Australia) Ltd v St Martins Investments Pty Ltd [1979] HCA 51; 144 CLR 596, Issue #139 p11, 13, 17
Securicor Transport Ltd; Photo Production Ltd v, [1980] AC 827, Issue #136 p25, 26
Segboer; AJ Richardson Properties Pty Ltd v, [2009] NSWSC 576, Issue #137 p45
Service Station Association Ltd v Berg Bennett & Associates Pty Ltd [1993] FCA 445; Issue #139 p12
Seven Network (Operations) Limited & Ors v James Warburton (No 2) [2011] NSWSC 386, Issue #141 p20

CASES

Shell Refining (Australia) v AJ Mayr Engineering [2006] NSWSC 94, Issue #141 p40
Shepherd v Felt & Textiles of Australia Ltd [1931] HCA 21; 45 CLR 359, Issue #139 p11, 13
Sheppard; Fairbanks Soap Co Ltd v, [1953] 2 DLR 193, Issue #136 p12
Shevill v Builders Licensing Board (1982) 149 CLR 620, Issue #136 p12
Shoalhaven City Council v Firedam Civil Engineering Pty Limited [2011] HCA 38, Issue #141 p44
Shoalhaven City Council; Firedam Civil Engineering Pty Ltd v, [2010] NSWCA 59, Issue #136 p49, 59
Siemens Ltd v Origin Energy Uranquinty Power Pty Ltd [2011] NSWSC 195, Issue #140 p56
Sijehama Pty Ltd; Coal Cliff Collieries v, [1991] NSWLR 1, Issue #139 p6
Sijuk; Ilvary Pty Ltd t/as Craftsman Homes v, [2011] NSWCA 12, Issue #140 p44
Silver; Dome Resources NL v, [2008] NSWCA 322, Issue #136 p44
Simon's Earthworks (NSW) Pty Ltd; Plaza West Pty Ltd v, [2008] NSWCA 279, Issue #139 p39
Six Continents Retail Limited v Carford Catering Limited [2003] EWCA Civ 1790, Issue #140 p25, Issue #141 p19
Sopov v Kane Constructions Pty Ltd (No 2) [2009] 257 ALR 182, Issue #136 p19, 20, 25
South Ayrshire Council; Education 4 Ayrshire Ltd v, [2009] ScotCS CSOH_146, Issue #137 p33, 35
South Sydney City Council; Royal Botanic Gardens and Domain Trust v, [2002] HCA 5; [2002] 186 ALR 289, Issue #139 p6
Sovereign Motor Inns Pty Ltd v Howarth Asia Pacific Pty Ltd [2003] NSWSC 1120, Issue #137 p32
Spiers and Pond; Poussard v, (1876) QBD 410, Issue #136 p7
St Hilliers Contracting Pty Limited v Dualcorp Civil Pty Ltd [2010] NSWSC 1468, Issue #139 p39
St Martins Investments Pty Ltd; Secured Income Real Estate (Australia) Ltd v, [1979] HCA 51; 144 CLR 596, Issue #139 p11, 13, 17
Stadhard v Lee [1863] 122 ER 138, Issue #139 p13
State of Victoria; Ipex ITG Pty Ltd v, [2010] VSC 480, Issue #136 p30
State Rail Authority of NSW; Codelfa Construction Pty Ltd v, [1982] 149 CLR 337, Issue #136 p24
Steelclad Limited v Iron Trades Mutual Insurance Co Limited [1984] SLT 304, Issue #140 p28
Stephen Wallace Rodger t/as CTM Engineering (unreported County Court, Judge Rizkalla, 21 September 2007), Issue #140 p46
Stevens v Brodribb Sawmilling Company Pty Ltd (1986) 160 CLR 16, Issue #140 p44
Stiff; Barton v, [2006] VSC 307, Issue #138 p35, 40
Stiletto Visual Programmes Ltd; Interfoto Picture Library Ltd v, [1989] QB 433, Issue #139 p14
Stirling v Maitland (1864) 122 ER 1043, Issue #139 p11
Stone Toms & Partners (a firm); Townsend v, (1984) 28 BLR 26, Issue #140 p19
Sturge; Promet Engineering v, [1997] 2 Lloyd's Rep 146, Issue #137 p36
Switzerland Insurance; McCann v, [2000] 203 CLR 579, Issue #138 p45, 52, 53
Sydney South West Area Health Service; Macquarie International Health Clinic v, [2010] NSWCA 268, Issue #139 p6, 12, 14

T

TAC Pacific Pty Ltd; John Holland Pty Ltd v, [2010] 1 Qd R 302, Issue #139 p39
Taylor Young Partnership; Cooperative Retail Services v, [2000] BLR 461, Issue #140 p32
Technology Holdings Limited v IAG New Zealand Limited & Anor [2009] 15 ANZIC 61–786, Issue #137 p37

CASES

Tesoro MB Pty Ltd v Total Building Group Pty Ltd [2009] FCA 802, Issue #137 p46
TF Woollam & Son Pty Ltd; Australian Competition and Consumer Commission v, [2011] FCA 973, Issue #140 p34
The CCD Group; Katherine v, [2008] NSWSC 131, Issue #141 p38
The Maratha Envoy [1978] 1 AC 1, Issue #139 p7
The Orduja [1995] 2 Lloyd's Rep 395, Issue #137 p37
The Owners Strata Plan 56587 v Consolidated Quality Projects [2009] NSWSC 1476, Issue #139 p30
The Parking Authority of Toronto; Ellis-Don v, (1978) 28 BLR 98, Issue #140 p13
The Trustees of The Roman Catholic Church for the Archdiocese of Sydney; Russell v, [2008] NSWCA 217, Issue #136 p44
The University of Sydney v Cadence Australia Pty Limited [2009] NSWSC 635, Issue #137 p50, 51
Thiess Pty Ltd v Flsmidh Minerals Pty Ltd [2010] QSC 6, Issue #137 p29
Timms Contracting Pty Ltd v Pipes International (Qld) Pty Ltd [2010] QSC 88, Issue #138 p35
Total Building Group Pty Ltd; Tesoro MB Pty Ltd v, [2009] FCA 802, Issue #137 p46
Tourism Transport Ltd; Pathak v, [2002] 3 NZLR 68, Issue #136 p29
Townsend v Stone Toms & Partners (a firm) (1984) 28 BLR 26, Issue #140 p19
Tramway Advertising Pty Ltd v Luna Park (NSW) Ltd (1938) 38 SR NSW 632, Issue #136 p10
Transfield Constructions Pty Limited v GIO Australia Holdings Pty Limited (1997) 9 ANZIC 61-336, Issue #137 p37
Transfield Shipping Inc v Mercator Shipping Inc (The Achilles) [2008] UKHL 48, Issue #136 p38, 42, 43, 44, Issue #139 p9
Transport Workers' Union of Australia; JJ Richards & Sons Pty Ltd v, [2010] FWAFB 9963, Issue #136 p53, 56, 57
Trustees of the Roman Catholic Church; Hughes Bros Pty Ltd v, (1993) 31 NSWLR 9, Issue #139 p6
Trysams Pty Ltd v Club Constructions (NSW) Pty Ltd [2008] NSWSC 399, Issue #139 p39
TTMI Ltd of England (The Amer Energy); ASM Shipping Ltd of India v, [2009] 1 Lloyd's Rep 293, Issue #136 p42, 43
Twiss; Aaron's Reefs v, [1986] AC 273, Issue #140 p27
Tymshare Inc v Covell 727 F2d 1145 (1984), Issue #139 p18
Tyrer v District Auditor of Monmouthshire (1973) 230 EG 973, Issue #140 p20

U

Uni-Polaris Co Ltd; Manifest Shipping Co Ltd v, (2001) UKHL 1, Issue #140 p28
United Broadcasting International Pty Limited; Al Jadeed TV v, [2011] FCA 983, Issue #141 p36
United Group Rail Services Limited v Rail Corporation New South Wales [2009] NSWCA 177, Issue #139 p6, 14
United States Surgical Corp v Hospital Products International Pty Ltd (1982) 2 NSWLR 766, Issue #139 p12

V

Vale Inco Nouvelle Caledonie SA; Wagners Nouvelle Caledonie Sarl v, [2010] QCA 219, Issue #136 p47, Issue #137 p9
Vallejo v Wheeler (1774) 1 Cowp 143, Issue #139 p7
Vanguard Insurance Company Limited; Graham Evans & Co (Qld) Pty Ltd v, (1986) 4 ANZIC 60-689, Issue #137 p36

CASES

Vanguard Insurance Company Limited; Graham Evans & Co (Qld) Pty Ltd v, [1987] 4 ANZIC 60–772, Issue #137 p36

Vero Insurance Limited v QBE Insurance (Australia) Limited [2011] NSWSC 593, Issue #140 p58

Vero Insurance Ltd; Prime Infrastructure (DBCT) Management Pty Ltd v, [2005] QCA 369, Issue #137 p36

Victoria Laundry (Windsor) Ltd v Newman Industries Ltd [1949] 2 KB 528, Issue #136 p41

Virgin Atlantic Airways Ltd; Francis Travel Marketing Pty Ltd v, [1996] NSWLR 160, Issue #140 p37

W

Wagners Nouvelle Caledonie Sarl v Vale Inco Nouvelle Caledonie SA [2010] QCA 219, Issue #136 p47, Issue #137 p9

Wallace & Anor; Peekhrst Pty Ltd v, [2007] QSC 159, Issue #137 p46

Walter Lawrence & Son Ltd v Commercial Union Properties (UK) Ltd (1984) 4 Con LR 37, Issue #140 p13

Walton; Chapman v, [1833] 10 Bing 57, Issue #140 p16

Water Corporation; Cardno BSD Pty Ltd v, [2011] WASCA 161, Issue #140 p38

Waterbrook at Yowie Bay Pty Ltd v Allianz Australia Insurance Ltd [2008] NSWSC 1451, Issue #138 p51

Waterbrook at Yowie Bay Pty Ltd; Allianz Australia Insurance Ltd v, [2009] NSWCA 224, Issue #138 p44, 51

Waterways Authority of New South Wales v Coal & Allied (Operations) Pty Limited [2007] NSWCA 276, Issue #138 p53

Watpac Construction v Austin Corporation [2010] NSWSC 148, Issue #141 p38

Watpac Constructions (NSW) Pty Ltd v Austin Corp Pty Ltd [2010] NSWSC 168, Issue #139 p39, Issue #141 p38

Watpac Constructions v Austin Group [2010] NSWSC 347, Issue #136 p27

Wesfarmers v AMWU (No 2) (2004) 138 IR 362, Issue #136 p56

Western Australian Planning Commission; Mandurah Enterprises Pty Ltd v, [2008] WASCA 211, Issue #136 p17

Westport Insurance Corporation v Gordion Runoff Limited [2011] HCA 37, Issue #141 p46

Westport Insurance Corporation; Gordion Runoff Limited v, [2010] NSWCA 57, Issue #136 p59

Wheeler; Vallejo v, (1774) 1 Cowp 143, Issue #139 p7

White Constructions; Australian Development Corporation v, (1996) 12 BCL 317, Issue #139 p8

Wiltshire; Holland v, [1954] HCA 42; [1954] 90 CLR 409, Issue #136 p25

Wimpey Construction UK Limited v Poole [1984] 2 Lloyd's Rep 499, Issue #140 p30

WJ Whittall & Sons Limited; SCM (United Kingdom) Limited v, [1971] 1 QB 337, Issue #137 p37

Woolcock Street Investments Pty Ltd v CDG Pty Ltd [2004] HCA 16; [2004] 216 CLR 515, Issue #136 p33, Issue #141 p8

WorkCover Queensland & Ors; Samways v, [2010] QSC 127, Issue #138 p56, 57, 58

Wright v Gasweld (1991) 22 NSWLR 317, Issue #141 p22

Wunda Projects Pty Ltd v Kyren Pty Ltd [2010] SADC 96, Issue #137 p58

Y

Young & Marten Ltd v McManus Childs Ltd [1968] 2 All ER 1169, Issue #138 p33

Z

Zurich Australian Insurance Ltd v Metals & Minerals Insurance Pte Ltd [2009] HCA 50, Issue #140 p59

LEGISLATION

Administration of Justice Act 1969 (UK), Issue #137 p30

Australia Act 1986 (Cth), Issue #137 p6

Australian Securities and Investments Commission Act 2001 (Cth), Issue #137 p16

Bankruptcy Act 1966 (Cth), Issue #136 p21

Building Act 1993 (Vic), Issue #137 p17, 18

Building Act 2004 (NSW), Issue #137 p17

Building and Construction Industry Improvement Act 2005 (Cth), Issue #136 p52, Issue #139 p34, Issue #141 p29

Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2011 (Cth), Issue #141 p29, 34

Building and Construction Industry Payments Act 2004 (Qld), Issue #139 p29, 30, 31, Issue #141 p26, 27, 39

Building and Construction Industry Security of Payment Act 1999 (NSW), Issue #136 p27, Issue #137 p16, 39, 40, 49, Issue #139 p47, 56, Issue #140 p13, 56, Issue #141 p40

Building and Construction Industry Security of Payment Act 2002 (Vic), Issue #136 p27, Issue #137 p7, Issue #138 p12, 55, Issue #139 p50

Building and Construction Industry Security of Payment Amendment Act 2010 (NSW), Issue #137 p39, Issue #139 p52

Building and Construction Industry Security of Payments Bill 2003 (Cth), Issue #137 p14

Building Work Contractors Act 1995 (SA), Issue #136 p17

Civil Liability (Contribution) Act 1978 (UK), Issue #140 p31, 32

Civil Liability Act 2002 (NSW), Issue #136 p49, Issue #138 p45, 46

Civil Liability Act 2002 (Tas), Issue #136 p49, Issue #138 p46, Issue #141 p9

Civil Liability Act 2002 (WA), Issue #138 p46

Civil Liability Act 2003 (Qld), Issue #138 p46, Issue #141 p6, 7

Civil Procedure Act 2005 (NSW), Issue #136 p58, Issue #140 p56

Commercial Arbitration Act 1984 (NSW), Issue #136 p59, Issue #141 p46

Commercial Arbitration Act 2010 (NSW), Issue #136 p28, 49, Issue #140 p56, Issue #141 p48

Commercial Arbitration and Industrial Referral Agreements Act 1986 (SA), Issue #136 p24, 25

Competition and Consumer Act 2010 (Cth), Issue #136 p56, Issue #137 p13, 19, Issue #138 p37, 38, Issue #140 p35, Issue #141 p33

Contractors Debts Act 1997 (NSW), Issue #137 p16, 39

Contracts Review Act 1980 (NSW), Issue #139 p14

Corporations Act 2001 (Cth), Issue #136 p21, Issue #137 p16, 44, 52, Issue #140 p54

Domestic Building Contracts Act 1995 (Vic), Issue #138 p40

Domestic Building Contracts Act 2000 (Qld), Issue #140 p11

Fair Trading Act 1989 (Qld), Issue #141 p6

Fair Work Act 2009 (Cth), Issue #136 p50, 52, Issue #138 p24, Issue #141 p28

Fair Work Bill 2008 (Cth), Issue #136 p54

Financial Services and Markets Act 2000 (UK), Issue #140 p29

Home Building Act 1989 (NSW), Issue #138 p32, 36, 37

Housing Grants, Construction and Regeneration Act 1996 (UK), Issue #137 p14, Issue #140 p50

LEGISLATION

Independent Contractors' Act 2006 (Cth), Issue #138 p26
Insurance Act 1902 (NSW), Issue #141 p46, 47, 48
Insurance Contracts Act 1984 (Cth), Issue #138 p47, Issue #140 p59
International Arbitration Act 1974 (Cth), Issue #136 p28, 29, Issue #137 p9
Judiciary Act 1903 (Cth), Issue #137 p8
Law Reform Act 1995 (Qld), Issue #141 p7
Marine Insurance Act 1906 (UK), Issue #140 p29
Occupational Health and Safety Act 2000 (NSW), Issue #137 p54
Occupational Health and Safety Act 2004 (Vic), Issue #140 p45
Occupational Health and Safety Amendment Act 2011 (NSW), Issue #140 p53
Occupational Health and Safety Amendment Bill 2011 (NSW), Issue #137 p54
Occupational Health, Safety and Welfare Act 1986 (SA), Issue #140 p45
Personal Property Securities Act 2009 (Cth), Issue #139 p58, Issue #141 p42
Sale of Goods Act 1893 (UK), Issue #136 p7
Sale of Goods Act 1895 (SA), Issue #136 p7
Sale of Goods Act 1958 (Vic), Issue #138 p41
Supply of Goods and Services Act 1982 (UK), Issue #140 p15
Supreme Court Act 1970 (NSW), Issue #139 p48
Third Parties (Rights against Insurers) Act 1930 (UK), Issue #140 p29
Trade Marks Act 1995 (Cth), Issue #138 p29
Trade Practices Act 1974 (Cth), Issue #137 p6, 10, 13, 16, 19, 47, 48, Issue #138 p35, 37, 38, Issue #139 p14, Issue #140 p35, Issue #141 p33
Unfair Contract Terms Act 1977 (UK), Issue #137 p14
Work Health and Safety Act 2011 (Cth), Issue #140 p40
Work Health and Safety Act 2011 (NSW), Issue #140 p53
Workplace Health and Safety Bill 2011 (NSW), Issue #137 p54. Issue #139 p33, 35
Workplace Injury, Management and Workers Compensation Act 1998 (NSW), Issue #138 p29
Workplace Relations Act 1996 (Cth), Issue #136 p52, Issue #138 p28
Wrongs Act 1954 (Tas), Issue #141 p9
Wrongs Act 1958 (Vic), Issue #137 p17

STANDARDS AND CONTRACTS REFERRED TO

ABIC MW-1 2001, Issue #138 p6
ABIC MW-1 2003, Issue #136 p21, Issue #138 p6, 9, 14
AS 2124-1978, Issue #138 p6
AS 2124-1986, Issue #139 p10
AS 2124-1992, Issue #135 p19, Issue #137 p58, 59, Issue #138 p7, 9, 10, 12, 14, Issue #139 p10
AS 2545-1993, Issue #138 p6
AS 4000-1997, Issue #136 p24, Issue #138 p3, 9, 10, 14, Issue #139 p11
AS 4122-2010, Issue #138 p39
AS 4300-1995, Issue #138 p6, 12, 32, 40
AS 4301-1995, Issue #138 p6
AS 4303-1995, Issue #138 p6
AS 4902-2000, Issue #138 p32
AS 4902-2000, Issue #138 p6
AS 4903-2000, Issue #138 p6
BW-1 2002, Issue #138 p6
CA-25 1952, Issue #138 p6
EW-1 2003, Issue #138 p6
FIDIC 1987, Issue #138 p20
FIDIC 1999, Issue #138 p20
GC21 2009, Issue #139 p7
HIA-2004, Issue #136 p21
HKBC 2005, Issue #139 p11
JCT-1998, Issue #139 p29
JCT-2005, Issue #138 p39, Issue #139 p10, 29
MW-1-2008, Issue #138 p6
NEC-3 AC 2005, Issue #138 p9
NEC-3 ECC 2005, Issue #138 p9
NEC-3 ECS 2005, Issue #138 p9
NEC-3 ECSC 2005, Issue #138 p9
NEC-3 FC 2005, Issue #138 p9
NEC-3 PSC 2005, Issue #138 p9
NEC-3 SS 2005, Issue #138 p9
NEC-3 TSC 2005, Issue #138 p9
NEC-3 TSSC 2005, Issue #138 p9
NPWC 1981, Issue #138 p6
PC-1 1998, Issue #138 p6, 9, 12, 14
PTC-2009, Issue #138 p30
SBW-1 2008, Issue #138 p6



AUSTRALIAN CONSTRUCTION LAW NEWSLETTER
SWAP EXCHANGE PTY. LTD.
PO BOX R1140 ROYAL EXCHANGE
SYDNEY NSW 1225 AUSTRALIA