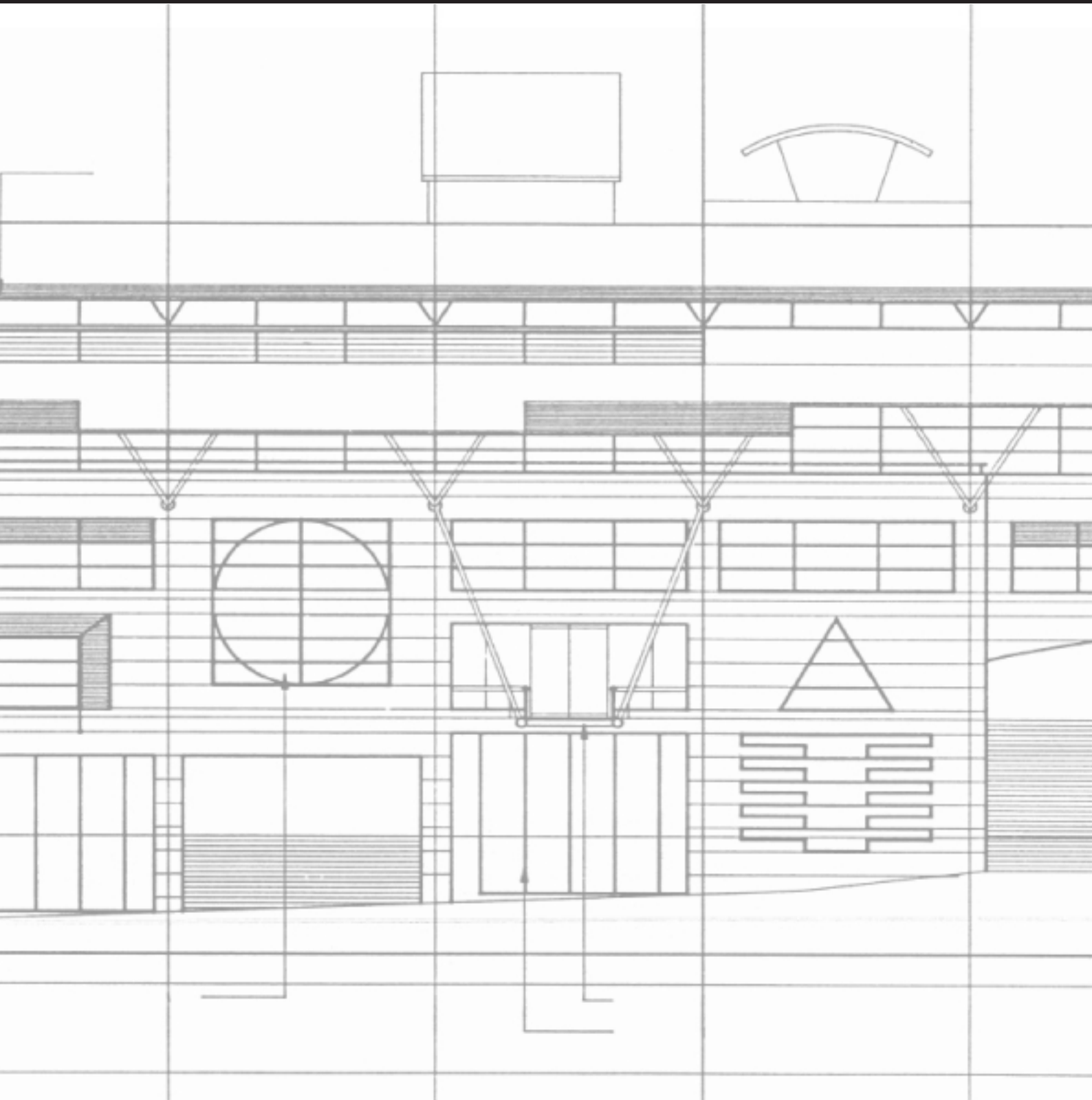


AUSTRALIAN CONSTRUCTION LAW NEWSLETTER

INDEX 2013



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: publisher@acln.com.au

Website: www.acln.com.au

EDITOR

John Twyford

PUBLISHER / ASSISTANT EDITOR

Myra Nikolich

SUBSCRIPTIONS

Please see our contact details above or go to our website.

CONTRIBUTIONS

Contributions to the ACLN from readers are encouraged. Please submit articles for consideration to the publishers.

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
2013**

AUTHORS **4**

SUBJECTS **10**

CASES **14**

LEGISLATION **28**

STANDARDS AND CONTRACTS REFERRED TO **30**

AUTHORS

Abbott, James

Enforcing contractual rights in the United Arab Emirates, Issue #150 p44

Abbott, Nathan

Victorian domestic building reforms—Increased insurance payouts, on site dispute resolution and new disciplinary regime, Issue #151 p24

Asghari, Javad

Enforcement of determinations—Dispute or no dispute—That is the question, Issue #153 p 50

Bailey, Shaun

Collins inquiry into construction insolvency—Part one—Red tape or solving an economic challenge?, Issue #148 p19

Collins inquiry into construction insolvency—Part two—Safeguarding subcontractor payments, Issue #148 p21

Bardel, Kirstin

Concurrent delay, loss and expense and global claims, Issue #148 p53

Maximum price target cost contract—What type of 'costs' were recoverable under a 'catastrophe clause'?, Issue #149 p24

Barlow, Damian

Modcol v National Buildplan Group—Corporations Act trumps security of payment legislation, Issue #151 p40

Barrance, Claire

Ombudsman finds overspending and corruption in Victorian Building Commission, Issue #148 p50

Bergin, The Hon Patricia

The right balance between trial and mediation—Visions, experiences and proposals—A look beyond the EU, Issue #148 p6

Brookes, Mark

A facelift for the Insurance Contracts Act but section 54 avoids the knife, Issue #151 p29

Bruner, Philip L

Rapid resolution ADR, Issue #148 p24

Calder, Megan

Are standard form dispute resolution clauses enforceable?, Issue #153 p19

Calver, Richard

The Fair Work Commission's anti-bullying jurisdiction, Issue #151 p46

Carroll, Michael

PPSA—Construction contracts—Step-in rights in construction contracts can give rise to security interests, Issue #151 p36

Charrett, Donald

The duty of care in design—Can engineers rely on codes of practice?, Issue #152 p6

Chew, Andrew

Collins inquiry into construction insolvency—Part one—Red tape or solving an economic challenge?, Issue #148 p19

Collins inquiry into construction insolvency—Part two—Safeguarding subcontractor payments, Issue #148 p21

The building revolution—Building Information Modelling (BIM) on the way to 6D, Issue #151 p58

AUTHORS

Chin, Malcolm

'Back-to-back' contract arrangements, Issue #149 p32

Impact of competition law on the construction industry, Issue #152 p56

Crabb, Scott

Hasn't that claim been excluded?, Issue #151 p38

Crennan, Nick

Superintendent may issue progress certificate under AS 4000–1997 even if builder issues no progress claim that month, Issue #153 p32

Darbyshire, Thomas

Paved with good retentions—Enforcement, accessions and retention of title clauses under the Personal Property Securities Act 2009 (Cth), Issue #148 p54

Davenport, Philip

The curate's egg revisited, Issue #152 p50

Devenish, Kate

Ombudsman finds overspending and corruption in Victorian Building Commission, Issue #148 p50

Dias, Rohan

Security of payment legislation may not apply to contracts for works involving mining plant, Issue #152 p54

Doig, Ian

Issues concerning completion, Issue #151 p45

Elliott, Michael

A facelift for the Insurance Contracts Act but section 54 avoids the knife, Issue #151 p29

Evans, Annabel

Good faith—Is there a new implied duty in English contract law?, Issue #153 p 44

Fenwick Elliott, Robert

Fraud unravels some more—The increasing importance of fraud in security of payment cases, Issue #153 p34

Three early security of payment cases in South Australia, Issue #152 p28

Flay, Spencer

Enforcement of determinations—Dispute or no dispute—That is the question, Issue #153 p 50

Fletcher, Nick

When your 'independent expert' is not independent—Supreme Court of Victoria, Issue #148 p46

Friedeberg, Betina

Hit 'send' and hope—Problems with contractual notices by email, Issue #152 p24

Galatas, Jennifer

Arbitration in Australia—Supreme Court supports domestic arbitration irrespective of the prospect of split proceedings, Issue #152 p45

Gallagher, Robert

Are insurers giving lawyers a bad name?, Issue #153 p 48

Misleading and deceptive conduct—Be wary of the silences—limited protection for commercial parties under the ACL, Issue #151 p53

Gelic, Goran

Uncertain times ahead—The Queensland Building Services Authority no longer!, Issue #152 p52

AUTHORS

Gonczi, James

What if you disagree with a referee?, Issue #150 p46

Grace, Tom

Calling on the guarantee, Issue #151 p22

Consequential loss in contract—Has the law changed?, Issue #153 p20

Contractual roundabout, Issue #148 p48

Good faith in contract performance—Has the law changed?, Issue #152 p16

Green, Julia

Supreme Court of NSW quashes adjudication determination in *Bauen Constructions v Sky General Services*, Issue #149 p47

Hamilton, Jock

Good faith in contract performance—Has the law changed?, Issue #152 p16

Hansen, Geoff

Arbitration in Australia—Supreme Court supports domestic arbitration irrespective of the prospect of split proceedings, Issue #152 p45

Harrison, Wayne

Are standard form dispute resolution clauses enforceable?, Issue #153 p19

Hayford, Owen

Hit 'send' and hope—Problems with contractual notices by email, Issue #152 p24

Hedge, Scott

Modcol v National Buildplan Group—Corporations Act trumps security of payment legislation, Issue #151 p40

Hollingdale, Michael

Serving a response—Just press send?, Issue #151 p54

Jones, Doug

Symposium of legal experts considers responsibility for delay in the global construction industry, Issue #153 p16

Lampard, Emma

'May' or 'Must'?, *Plenary Research Pty Ltd v Biosciences Research Centre Pty Ltd* [2013] VSCA 217, Issue #153 p 53

Laube, Faith

Construction company fails to overturn adjudication determination in Supreme Court of New South Wales, Issue #153 p 42

Laycock, Scott

Security of payment legislation may not apply to contracts for works involving mining plant, Issue #152 p54

Linke, Bruce

Concurrent delay, Issue #150 p29

Lloyd-Williams, Mark

The burden of proof and competing theories on causation, Issue #149 p56

Lo Surdo, Anthony

Recent developments in NSW—Offers of compromise and Calderbank offers, *Whitney v Dream Developments* [2013] NSWCA 188, Issue #153 p 56

AUTHORS

Lovett, Graham

Enforcing contractual rights in the United Arab Emirates, Issue #150 p44

Martin, The Hon Justice Kenneth

Contractual construction—Surrounding circumstances and the ambiguity gateway, Issue #151 p6

Maryanov, Elisabeth

The importance of getting your adjudication application and response right Issue #151 p26

When is a rental agreement a 'construction contract'?, Issue #151 p42

McCarthy, James

Enforcing contractual rights in the United Arab Emirates, Issue #150 p44

McCarthy, Travis

Future direction of public private partnerships, Issue #149 p36

McNair, Damian

Concurrent delay, Issue #150 p29

Megens, Peter

When your 'independent expert' is not independent—Supreme Court of Victoria, Issue #148 p46

Middleton, Andrew

Post-termination payment claims—New issues, Issue #151 p34

Millar, Brian

What if you disagree with a referee?, Issue #150 p46

Moore, Kimberly

Do you have a standing trade credit agreement to supply construction services or materials?, Issue #152 p 48

Moore, Lee

What if you disagree with a referee?, Issue #150 p46

Murray, Emma

PPSA—Construction contracts—Step-in rights in construction contracts can give rise to security interests, Issue #151 p36

Nandacumaran, Jey

Commercial arbitration—A proportionate liability-free zone?, Issue #149 p50

Neal, James

Supreme Court of NSW quashes adjudication determination in Bauen Constructions v Sky General Services, Issue #149 p47

Niemann, Ren

Post-termination payment claims—New issues, Issue #151 p34

Uncertain times ahead—The Queensland Building Services Authority no longer!, Issue #152 p52

Nisbet, Belinda

Victorian domestic building reforms—Increased insurance payouts, on site dispute resolution and new disciplinary regime, Issue #151 p24

Noble, Miranda

Impact of competition law on the construction industry, Issue #152 p56

AUTHORS

Opperman, David

The burden of proof and competing theories on causation, Issue #149 p56

Payne, Kirsty

Good faith—Is there a new implied duty in English contract law?, Issue #153 p 44

Pepper, The Hon Justice Rachel

Expert evidence in the Land and Environment Court, Issue #149 p6

Perdriau, Joanne

Superintendent may issue progress certificate under AS 4000–1997 even if builder issues no progress claim that month, Issue #153 p32

Pether, Peter

New South Wales Court of Appeal finds defects duty, Issue #152 p59

Pillai, Subramanian

Challenging an adjudication determination—Extent of court's supervisory role, Issue #150 p40

Podagiel, Kristen

PPSA—Construction contracts—Step-in rights in construction contracts can give rise to security interests, Issue #151 p36

Potts, Andrew

The duty of care in design—Can engineers rely on codes of practice?, Issue #152 p6

Preston, Luke

Developer caught out—Oral assurance to architect deemed a 'construction contract', Issue #148 p56

Riley, Meredith

The building revolution—Building Information Modelling (BIM) on the way to 6D, Issue #151 p58

Rivkin, David W

The impact of international arbitration on the rule of law—Transcript of the 2012 International Arbitration Lecture, Issue #150 p6

Ross, Gregory

Liquidated damages provisions and proportionality—What about a formula?, Issue #149 p26

Ross, Robert

Paved with good retentions—Enforcement, accessions and retention of title clauses under the Personal Property Securities Act 2009 (Cth), Issue #148 p54

Savage, Jason

A facelift for the Insurance Contracts Act but section 54 avoids the knife, Issue #151 p29

Sise, Peter

Make me an offer ... A reasonable offer!—Two recent decisions illustrate how the costs benefit of an offer to settle a dispute may be lost if the offer is judged unreasonable, Issue #151 p20

Smith, Jaclyn

Buyer beware? The current Australian position on the liability that a contractor owes to a subsequent owner of a building, Issue #150 p50

Proportionate liability in the building and construction industry following Hunt & Hunt v Mitchell Morgan, Issue #152 p30

Variations and the allocation of risk under construction contracts, Issue #153 p6

AUTHORS

Southwell, Sarah

Commercial arbitration—A proportionate liability-free zone?, Issue #149 p50

Spiers, Brad

Court insists on compliance with contractual pre-condition for the release of security, Issue #150 p38

Stephenson, Andrew

Commercial arbitration—A proportionate liability-free zone?, Issue #149 p50

Strahorn, Brad

The enforceability of dispute board decisions, Issue #150 p34

Swain, Penny

E-tendering—How to avoid an e-disaster, Issue #153 p38

Time bars and counting days, Issue #151 p57

Swiecicki, Peter

Taking the mystery out of PPP, Issue #149 p52

Taylor, Alisa

Do you have a standing trade credit agreement to supply construction services or materials?, Issue #152 p 48

Turner, Jennifer

New South Wales Court of Appeal finds defects duty, Issue #152 p59

Twyford, John

Contract Review—Complex Projects Contract 2013, Issue #150 p59

Global Challenges, Shared Solutions, Edited by Dr Donald Charrett, Issue #149 p58

Lawyers Then and Now—An Australian Legal Miscellany, By Keith Mason AC QC, Issue #149 p59

Ulbrick, David

Enforcement of determinations—Dispute or no dispute—That is the question, Issue #153 p 50

Usher, Justine

Good faith—Is there a new implied duty in English contract law?, Issue #153 p 44

Wallwork, Adam

New South Wales Court of Appeal finds defects duty, Issue #152 p59

Warner, Sefton

The cancelled bank guarantee that could still be cashed—*Segboer & Anor v AJ Richardson Properties Pty Limited & Anor* [2012] NSWCA 253, Issue #150 p48

Weatherall, Michael

ECI—What is it, why use it and where is it going?, Issue #148 p44

Wellings, Nigel

Enforcing contractual rights in the United Arab Emirates, Issue #150 p44

Wilks, Stuart

Security of payment and construction law de-mystified at Masterclass—22 February 2013—Australia, Issue #148 p59

Yip, Steven

Conditions precedent—A lesson learned, Issue #149 p34

SUBJECTS

ADJUDICATION

Supreme Court of NSW quashes adjudication determination in *Bauen Constructions v Sky General Services, James Neal and Julia Green*, Issue #149 p47

What if you disagree with a referee?, Brian Millar, Lee Moore and James Gonczi, Issue #150 p46

ALTERNATIVE DISPUTE RESOLUTION

Rapid resolution ADR, Philip L Bruner, Issue #148 p24

ARBITRATION

Arbitration in Australia—Supreme Court supports domestic arbitration irrespective of the prospect of split proceedings, Geoff Hansen and Jennifer Galatas, Issue #152 p45

Commercial arbitration—A proportionate liability-free zone?, Andrew Stephenson, Jey Nandacumaran and Sarah Southwell, Issue #149 p50

BANK GUARANTEES

The cancelled bank guarantee that could still be cashed—*Segboer & Anor v AJ Richardson Properties Pty Limited & Anor* [2012] NSWCA 253, Sefton Warner, Issue #150 p48

BOOK REVIEW

Global Challenges, Shared Solutions, Edited by Dr Donald Charrett, John Twyford, Issue #149 p58

Lawyers Then and Now—An Australian Legal Miscellany, By Keith Mason AC QC, John Twyford, Issue #149 p59

BUILDING INFORMATION MODELLING

The building revolution—Building Information Modelling (BIM) on the way to 6D, Andrew Chew and Meredith Riley, Issue #151 p58

BUILDING REGULATION

Ombudsman finds overspending and corruption in Victorian Building Commission, Kate Devenish and Claire Barrance, Issue #148 p50

Uncertain times ahead—The Queensland Building Services Authority no longer!, Ren Niemann and Goran Gelic, Issue #152 p52

Victorian domestic building reforms—Increased insurance payouts, on site dispute resolution and new disciplinary regime, Nathan Abbott and Belinda Nisbet, Issue #151 p24

CASE NOTE

'May' or 'Must'?, *Plenary Research Pty Ltd v Biosciences Research Centre Pty Ltd* [2013] VSCA 217, Emma Lampard, Issue #153 p53

New South Wales Court of Appeal finds defects duty, Peter Pether, Adam Wallwork and Jennifer Turner, Issue #152 p59

Recent developments in NSW—Offers of compromise and Calderbank offers, *Whitney v Dream Developments* [2013] NSWCA 188, Anthony Lo Surdo, Issue #153 p56

COMPETITION LAW

Impact of competition law on the construction industry, Malcolm Chin and Miranda Noble, Issue #152 p56

CONSUMER LAW

Misleading and deceptive conduct—Be wary of the silences—limited protection for commercial parties under the ACL, Robert Gallagher, Issue #151 p53

CONTRACT REVIEW

Complex Projects Contract 2013, John Twyford, Issue #150 p59

SUBJECTS

CONTRACTS

- E-tendering—How to avoid an e-disaster, Penny Swain, Issue #153 p38
- Good faith—Is there a new implied duty in English contract law?, Justine Usher, Annabel Evans and Kirsty Payne, Issue #153 p44
- 'Back-to-back' contract arrangements, Malcolm Chin, Issue #149 p32
- Calling on the guarantee, Tom Grace, Issue #151 p22
- Concurrent delay, Damian Mcnair and Bruce Linke, Issue #150 p29
- Conditions precedent—A lesson learned, Steven Yip, Issue #149 p34
- Consequential loss in contract—Has the law changed?, Tom Grace, Issue #153 p20
- Contractual construction—Surrounding circumstances and the ambiguity gateway, The Hon Justice Kenneth Martin, Issue #151 p6
- Developer caught out—Oral assurance to architect deemed a 'construction contract', Luke Preston, Issue #148 p56
- ECI—What is it, why use it and where is it going?, Michael Weatherall, Issue #148 p44
- Good faith in contract performance—Has the law changed?, Tom Grace and Jock Hamilton, Issue #152 p16
- Hasn't that claim been excluded?, Scott Crabb, Issue #151 p38
- Issues concerning completion, Ian Doig, Issue #151 p45
- Maximum price target cost contract—What type of 'costs' were recoverable under a 'catastrophe clause'?, Kirstin Bardel, Issue #149 p24
- Post-termination payment claims—New issues, Ren Niemann and Andrew Middleton, Issue #151 p34
- Proportionate liability in the building and construction industry following Hunt & Hunt v Mitchell Morgan, Jaclyn Smith, Issue #152 p30
- Superintendent may issue progress certificate under AS 4000-1997 even if builder issues no progress claim that month, Nick Crennan and Joanne Perdriau, Issue #153 p32
- Symposium of legal experts considers responsibility for delay in the global construction industry, Doug Jones, Issue #153 p16
- Time bars and counting days, Penny Swain, Issue #151 p57
- Variations and the allocation of risk under construction contracts, Jaclyn Smith, Issue #153 p6

DAMAGES

- The burden of proof and competing theories on causation, Mark Lloyd-Williams and David Opperman, Issue #149 p56

DISPUTE RESOLUTION

- Are standard form dispute resolution clauses enforceable?, Megan Calder and Wayne Harrison, Issue #153 p19

DISPUTE RESOLUTION BOARDS

- The enforceability of dispute board decisions, Brad Strahorn, Issue #150 p34

ELECTRONIC TRANSACTIONS

- Hit 'send' and hope—Problems with contractual notices by email, Owen Hayford and Betina Friedeberg, Issue #152 p24
- Serving a response—Just press send?, Michael Hollingdale, Issue #151 p54

EXPERT EVIDENCE

- Expert evidence in the Land and Environment Court, The Hon Justice Rachel Pepper, Issue #149 p6

SUBJECTS

EXPERT WITNESSES

When your 'independent expert' is not independent—Supreme Court of Victoria Peter Megens and Nick Fletcher, Issue #148 p46

GLOBAL CLAIMS

Concurrent delay, loss and expense and global claims, Kirstin Bardel, Issue #148 p53

INDUSTRIAL RELATIONS

The Fair Work Commission's anti-bullying jurisdiction, Richard Calver, Issue #151 p46

INSOLVENCY IN THE CONSTRUCTION INDUSTRY

Collins inquiry into construction insolvency—Part one—Red tape or solving an economic challenge?, Shaun Bailey and Andrew Chew, Issue #148 p19

Collins inquiry into construction insolvency—Part two—Safeguarding subcontractor payments, Shaun Bailey and Andrew Chew, Issue #148 p21

INSURANCE

A facelift for the Insurance Contracts Act but section 54 avoids the knife, Mark Brookes, Jason Savage and Michael Elliott, Issue #151 p29

INTERNATIONAL ARBITRATION

The impact of international arbitration on the rule of law—Transcript of the 2012 International Arbitration Lecture, David W Rivkin, Issue #150 p6

INTERNATIONAL CONTRACTUAL OBLIGATIONS

Enforcing contractual rights in the United Arab Emirates, Graham Lovett, James Abbott, Nigel Wellings and James McCarthy, Issue #150 p44

LIQUIDATED DAMAGES

Liquidated damages provisions and proportionality—What about a formula?, Gregory Ross, Issue #149 p26

LITIGATION

Make me an offer ... A reasonable offer!—Two recent decisions illustrate how the costs benefit of an offer to settle a dispute may be lost if the offer is judged unreasonable, Peter Sise, Issue #151 p20

MEDIATION

The right balance between trial and mediation—Visions, experiences and proposals—A look beyond the EU, The Hon Patricia Bergin, Issue #148 p6

NEGLIGENCE

Buyer beware? The current Australian position on the liability that a contractor owes to a subsequent owner of a building, Jaclyn Smith, Issue #150 p50

The duty of care in design—Can engineers rely on codes of practice?, Donald Charrett and Andrew Potts, Issue #152 p6

PERSONAL PROPERTY SECURITIES

Paved with good retentions—Enforcement, accessions and retention of title clauses under the Personal Property Securities Act 2009 (Cth), Thomas Darbyshire and Robert Ross, Issue #148 p54

PERSONAL PROPERTY SECURITY

PPSA—Construction contracts—Step-in rights in construction contracts can give rise to security interests, Kristen Podagiel, Emma Murray and Michael Carroll, Issue #151 p36

SUBJECTS

PRESS RELEASE

Security of payment and construction law de-mystified at Masterclass—22 February 2013—Australia, Stuart Wilks, Issue #148 p59

PROFESSIONAL NEGLIGENCE

Are insurers giving lawyers a bad name?, Robert Gallagher, Issue #153 p48

PUBLIC PRIVATE PARTNERSHIPS

Future direction of public private partnerships, Travis Mccarthy, Issue #149 p36

Taking the mystery out of PPP, Peter Swiecicki, Issue #149 p52

SECURITY OF PAYMENT

Challenging an adjudication determination—Extent of court's supervisory role, Subramanian Pillai, Issue #150 p40

Construction company fails to overturn adjudication determination in Supreme Court of New South Wales, Faith Laube, Issue #153 p42

Court insists on compliance with contractual pre-condition for the release of security, Brad Spiers, Issue #150 p38

Do you have a standing trade credit agreement to supply construction services or materials?, Alisa Taylor and Kimberly Moore, Issue #152 p48

Enforcement of determinations—Dispute or no dispute—That is the question, Spencer Flay, David Ulbrick and Javad Asghari, Issue #153 p50

Fraud unravels some more—The increasing importance of fraud in security of payment cases, Robert Fenwick Elliott, Issue #153 p34

Modcol v National Buildplan Group—Corporations Act Trumps security of payment legislation, Scott Hedge and Damian Barlow, Issue #151 p40

Security of payment legislation may not apply to contracts for works involving mining plant, Scott Laycock and Rohan Dias, Issue #152 p54

The curate's egg revisited, Philip Davenport, Issue #152 p50

The importance of getting your adjudication application and response right, Elisabeth Maryanov, Issue #151 p26

Three early security of payment cases in South Australia, Robert Fenwick Elliott, Issue #152 p28

When is a rental agreement a 'construction contract'?, Elisabeth Maryanov, Issue #151 p42

UNJUST ENRICHMENT

Contractual roundabout, Tom Grace, Issue #148 p48

CASES

470 St Kilda Road v Reed Constructions Australia [2012] VSC 235, Issue #153 p37

500 Burwood Highway Pty Ltd v Australian Unity Ltd [2012] VSC 596, Issue #148 p46

A

A & M Green Investments Pty Ltd; Progressive Pod Properties Pty Ltd v, [2012] NSWCA 225, Issue #148 p48

Abbey National Mortgages v Key Surveyors Nationwide Ltd [1996] 3 All ER 184, Issue #149 p9

Adamson; River Wear Commissioners v, (1877) 2 App Cas 743, Issue #151 p10

Adelaide Interior Linings Pty Ltd v Romaldi Constructions Pty Ltd [2013] SASC 110, Issue #152 p28

Adelaide Interior Linings; Romaldi Constructions v, [2013] SADC 39, Issue #152 p28

Agricultural and Rural Finance Pty Ltd v Gardiner (2008) 238 CLR 570, Issue #151 p11

Agricultural and Rural Finance Pty Ltd; Gardiner v, [2007] NSWCA 235, Issue #151 p11

Agripower Australia Ltd v J & D Rigging Pty Ltd [2013] QSC 164, Issue #152 p54, 55

Airservices Australia (No 3); Hughes Aircraft Systems International v, (1997) 76 FCR 151, Issue #153 p41

Airservices Australia; Hughes Aircraft Systems International v, [1997] FCA 558, Issue #152 p18

Aiton Australia Pty Ltd v Transfield Pty Ltd [1999] NSWSC 996, Issue #152 p18

AJ Richardson Properties Pty Limited & Anor; Segboer & Anor v, [2012] NSWCA 253, Issue #150 p48

Al-Atabi v Zaidi [2009] NSWCA 433, Issue #153 p9

Alcatel Australia Ltd v Scarcella & Ors [1998] NSWSC 187, Issue #152 p18, 20

Alphapharm Pty Ltd; Toll (FGCT) Pty Ltd v, (2004) 219 CLR 165, Issue #151 p7, 8, 12; Issue #153 p24

Alstom Ltd v Yokogawa Australia Pty Ltd & Anor (No 7) [2012] SASC 49, Issue #152 p16, 19, 21, 22; Issue #153 p22, 26, 30, 31

Amann Aviation Pty Ltd; Commonwealth v, (1992) 174 CLR 64, Issue #153 p29

AMEC Group Limited v Secretary of State for Defence [2013] EWHC 110 (TCC), Issue #149 p24

AMEV-UDC Finance Ltd v Austin [1986] HCA 63, Issue #149 p26, 27, 29

Analysis & Technology Australia Pty Ltd; Britten-Norman Pty Ltd v, [2013] NSWCA 344, Issue #153 p51

Anderson Street Banksmeadow v Helcon Contracting Australia [2013] NSWSC 657, Issue #152 p50, 51

Anderson; Wilson v, (2002) 213 CLR 401, Issue #151 p6

Andrea Anderson et al v International Olympic Committee Cas 2008/A/1545, Issue #150 p18

Andrews & Ors v ANZ Banking Group Limited [2013] HCA 20, Issue #149 p31

Andrews v ANZ Bank [2011] FCA 1376, Issue #149 p28

Andrews v Australia and New Zealand Banking Group Limited [2012] HCA 30, Issue #153 p18

Ange v First East Auction Holdings Pty Ltd [2011] VSCA 335, Issue #149 p28

Ansett Australia Holdings Ltd; International Air Transport Association v, (2008) 234 CLR 151, Issue #151 p8

Antoine Biloune v Ghana UNCITRAL Award on Jurisdiction and Liability (27 October 1989), Issue #150 p15

ANZ Bank; Andrews v, [2011] FCA 1376, Issue #149 p28

ANZ Banking Group Limited; Andrews & Ors v, [2013] HCA 20, Issue #149 p31

Apand Pty Ltd; Perre v, (1999) 198 CLR 180, Issue #150 p53; Issue #152 p59

API Management Pty Ltd; Red Hill Iron Ltd v, [2012] WASC 323, Issue #151 p15, 17

Aquagenics Pty Ltd v Break O'Day Council [2010] TASFC 3, Issue #149 p51

Armstrong Construction v Council of the Shire of Cook (unreported, Supreme Court of Queensland 25 February 1994), Issue #150 p29

CASES

Arogen; Leighton v, [2012] NSWSC 1323, Issue #151 p26
Associated Provincial Picture Houses Limited v Wednesbury Corporation [1948] 1 KB 223, Issue #150 p42, 43
Austin; AMEV–UDC Finance Ltd v, [1986] HCA 63, Issue #149 p26, 27, 29
Austotel; Turner Corp v, (1994) 13 BCL 378, Issue #153 p18
Austral Construction Pty Ltd; Cape Range Electrical Contractors Pty Ltd v, [2012] WASC 304, Issue #151 p56
Australia and New Zealand Banking Group Limited; Andrews v, [2012] HCA 30, Issue #153 p18
Australian Airlines Ltd; Byrne v, (1995) 185 CLR 411, Issue #152 p17
Australian Business Insurance Advisors Pty Ltd; Craig Hargreaves Investments Pty Ltd v, [2001] SASCFC 159, Issue #153 p24, 37
Australian Hospital Care Pty Ltd; FAI General Insurance Company Ltd v, (2001) 204 CLR 641, Issue #151 p33
Australian Leisure and Hospitality Group v Dr Judith Stubbs [2012] NSWSC 215, Issue #149 p14
Australian National Parks and Wildlife Service; PMT Partners Pty Ltd; (in liq) v, (1995) 184 CLR 301, Issue #153 p55
Australian Unity Ltd; 500 Burwood Highway Pty Ltd v, [2012] VSC 596, Issue #148 p46

B

BAE Systems Australia Ltd v Cubic Defence New Zealand Ltd [2011] FCA 1434, Issue #153 p6, 11
Bank of New Zealand v Simpson [1900] AC 182, Issue #151 p10
Barak Pty Ltd v WTH Pty Ltd (t/as Avis Australia) [2002] NSWSC 649, Issue #149 p8
Bauen Constructions Pty Limited v Sky General Services Limited & Anor [2012] NSWSC 1123, Issue #149 p47; Issue #152 p25
Baxendale; (Hadley v, (1854) 9 Exch 341, Issue #153 p20, 21, 24, 26, 27, 28
Beasley; Lazarus Estates Ltd v, [1956] 1 QB 702, Issue #153 p34
Becker (No 2); Trustee for the Salvation Army (NSW) Property Trust v, [2007] NSWCA 194, Issue #153 p58
Bernard Sunley; William Hill v, (1983) 22 BLR 1, Issue #153 p37
BGC Contracting (No 2); BM Alliance Coal Operations v, [2013] QSC 67, Issue #152 p50
BGC Residential Pty Ltd v Fairwater Pty Ltd [2012] WASCA 268, Issue #151 p19
BHP Coal Pty Ltd & Ors v O & K Orenstein & Koppel AG [2008] QSC 141, Issue #152 p13
BHP Information Technology Pty Ltd; GEC Marconi Systems Pty Ltd v, (2003) 128 FCR 1, Issue #152 p20
Biosciences Research Centre Pty Ltd; Plenary Research Pty Ltd v, [2013] VSCA 217, Issue #153 p53
Bitannia v Parkline [2006] NSWCA 238, Issue #153 p37
Blacklabel Services Pty Ltd; Maxstra NSW Pty Ltd v, [2013] NSWSC 406, Issue #153 p42
Blanalko Pty Ltd (No 3); Lysaght Building Solutions Pty Ltd v, [2013] VSC 435, Issue #152 p46
Blank; Robophone Facilities Ltd v, (1966) 1 WLR 1428, Issue #149 p29
BM Alliance Coal Operations v BGC Contracting (No 2) [2013] QSC 67, Issue #152 p50
BMW Australia Finance Ltd; Miller & Associates Insurance Broking Pty Ltd v, [2010] HCA 31, Issue #151 p53
BNP Paribas; Pacific Carriers Ltd v, (2004) 218 CLR 451, Issue #151 p7, 8, 12; Issue #153 p30
Bowtell v Goldsborough, Mort & Co (1906) 3 CLR 444, Issue #151 p16
BP Australia Pty Ltd; Ringrow Pty Ltd v, [2005] HCA 71, Issue #149 p26, 27, 28, 29, 30
BP Refinery (Westernport) Pty Ltd v Shire of Hastings (1977) 180 CLR 266, Issue #151 p8, 9; Issue #152 p16
Break O'Day Council; Aquagenics Pty Ltd v, [2010] TASFC 3, Issue #149 p51

CASES

Bristol Corporation; Great Western Railway and Midland Railway v, (1918) 87 LJ Ch 414, Issue #151 p10, 11, 16
British Sugar PLC v NEI Power Projects Ltd (1997) 87 BLR 42, Issue #153 p22
British Telecommunications; Caledonia North Sea Ltd v, [2002] UKHL 4, Issue #153 p23
Britten–Norman Pty Ltd v Analysis & Technology Australia Pty Ltd [2013] NSWCA 344, Issue #153 p51
Broadbeach Properties Pty Ltd; Deputy Commissioner of Taxation v, (2008) 237 CLR 473, Issue #153 p51, 52
Brodyn Pty Ltd v Davenport & Anor [2004] NSWCA 394, Issue #152 p51; Issue #153 p35
Brookfield Australia Investments Ltd; The Owners Strata Plan No 51288 v, [2013] NSWCA 317, Issue #152 p59
Brookfield Multiplex; Owners Corporation Strata Plan 61288 v, [2001] NSWSC 1219, Issue #150 p54
Brookfield Multiplex; Owners Corporation Strata Plan 72535 v, [2002] NSWSC 712, Issue #150 p54
Brown v Owners Corporation SP021532U and Bensia Thirteen Pty Ltd [2013] VSC 127, Issue #151 p21
Bryan v Maloney (1995) 182 CLR 609, Issue #150 p Issue #150 p50, 51, 52, 53, 54, 56; Issue #152 p59
Built Environs Pty Ltd v Tali Engineering Pty Ltd 7 Ors [2013] SASC 84, Issue #152 p28
Burger King Corporation v Hungry Jack's Pty Ltd [2001] NSWCA 187, Issue #152 p18, 20, 21
Byrne v Australian Airlines Ltd (1995) 185 CLR 411, Issue #152 p17

C

Cable Ltd v Hutcherson Bros Pty Ltd (1969) 123 CLR 143, Issue #153 p12
Caledonia North Sea Ltd v British Telecommunications [2002] UKHL 4, Issue #153 p23
Calderbank v Calderbank [1975] 3 WLR 586, Issue #153 p56, 57, 58
Callaghan; Stanton v, [2002] QB 75, Issue #149 p17
Caltex Petroleum Pty Ltd; McRoss Developments v, [2004] NSWSC 183, Issue #149 p28
Canada; Merrill & Ring v, ICSID (Additional Facility) Award (31 March 2010), Issue #150 p15
Canada; Mobil Investments Canada Inc & Murphy Oil Corp v, ICSID Case No ARB(AF)/07/4, Issue #150 p21
Cape Lambert Resources Ltd v MCC Australia Sanjin Mining Pty Ltd [2013] WASCA 66, Issue #151 p16
Cape Range Electrical Contractors Pty Ltd v Austral Construction Pty Ltd [2012] WASC 304, Issue #151 p56
Cardinal Project Services v Hanave [2011] NSWCA 399, Issue #152 p50
Carr v JA Berriman Pty Ltd (1953) 89 CLR 327, Issue #152 p17; Issue #153 p7, 10
Case concerning certain German interests in Polish Upper Silesia (Merits) (1926) PCIJ Series A No 7, Issue #150 p14
Case concerning the factory at Chorzow (Claim for Indemnity–Merits) (1928) PCIJ Series A, Issue #150 p16
Cawoods Concrete Products Ltd; Croudace Constructions Ltd v, [1978] 2 Lloyd's Rep 55, Issue #153 p22
CDG Pty Ltd; Woolcock Street Investments Pty Ltd v, [2002] QCA 88, Issue #150 p51, 53
Chadmax Plastics Pty Ltd v Hansen and Yuncken (SA) Pty Ltd (1984) 1 BCL 52, Issue #153 p8
Chartis Insurance UK Ltd; European Group Ltd v, [2012] EWHC 1245; (QB), Issue #149 p57
Chase Oyster Bay v Hamo Industries [2010] NSWCA 190, Issue #150 p41
Chattan Developments Ltd v Reigill Civil Engineering Contractors Ltd (2007) EWHC 305, Issue #151 p45
Chip Hup Hup Kee Construction Pte Ltd v Ssangyong Engineering & Construction Co Ltd [2010] 1 SLR 658, Issue #150 p41, 42
Chua Say Eng (formerly trading as Weng Fatt Construction Engineering) v Lee Wee Lick Terence (alias Li Weili Terence) [2011] SGHC 109, Issue #150 p42, 43
City Inn Ltd v Shepherd Construction Ltd [2010] ScotCSCSIH 68, Issue #148 p53

CASES

- City of Sydney v Streetscape Projects (Australia) Pty Limited & Anor* [2011] NSWSC 1214, Issue #149 p29
- Class Electrical Services v Go Electrical* [2013] NSWSC 363, Issue #152 p48, 49
- Clough Engineering v ONGC* [2008] FCAFC 136, Issue #151 p22, 23
- CME Czech Republic BV v Czech Republic UNCITRAL Partial Award* (13 September 2001), Issue #150 p15
- Codelfa Construction Pty Ltd v State Rail Authority (NSW)* (1982) 149 CLR 352, Issue #151 p6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18
- Collins Marrickville; Henjo Investments & Ors v*, (1988) 79 ALR 83, Issue #151 p53
- Commonwealth v Amann Aviation Pty Ltd* (1992) 174 CLR 64, Issue #153 p29
- Commonwealth v Griffiths* (2007) 70 NSWLR 268, Issue #149 p18
- Commonwealth; Thiess Watkins White Construction Ltd v*, (unreported, Supreme Court of New South Wales 23 April 1992), Issue #150 p29
- Compass Group UK and Ireland Ltd (t/as Medirest); Mid Essex Hospital Services NHS Trust v*, [2013] EWCA Civ 200, Issue #153 p46, 47
- Condec Pty Ltd; Strategic Property Reservoir Pty Ltd v*, [2013] VSC 29, Issue #151 p21
- Coopers Brewery Ltd; Lion Nathan Australia Pty Ltd v*, (2005) 223 ALR 560, Issue #151 p12
- Corrosion Control Technology Pty Ltd & Ors; Walton Construction (Qld) Pty Ltd v*, [2011] QSC 67, Issue #151 p35
- Council of the City of Sydney v Goldspar Australia Pty Ltd* [2006] FCA 472, Issue #152 p19
- Council of the Shire of Cook; Armstrong Construction v*, (unreported, Supreme Court of Queensland 25 February 1994), Issue #150 p29
- County Court Judge of Tyrone; R (Burns) v*, [1961] NI 167, Issue #153 p37
- Craig Hargreaves Investments Pty Ltd v Australian Business Insurance Advisors Pty Ltd* [2001] SASCFC 159, Issue #153 p24, 37
- Cranston; McCourt v*, [2012] WASCA 60, Issue #151 p16, 18
- Croudace Constructions Ltd v Cawoods Concrete Products Ltd* [1978] 2 Lloyd's Rep 55, Issue #153 p22
- CRW Joint Operation (CRW); PT Perusahaan Gas Negara (Persero) TBK (PGN) v*, [2010] SGHC 202; (trial), Issue #150 p36
- Cubic Defence New Zealand Ltd; BAE Systems Australia Ltd v*, [2011] FCA 1434, Issue #153 p6, 11
- Curtin University of Technology v Woods Bagot Pty Ltd* [2012] WASC 449, Issue #149 p50
- Czech Republic; CME Czech Republic BV v*, UNCITRAL Partial Award (13 September 2001), Issue #150 p15
- D**
- D'Orta-Ekenaike v Victoria Legal Aid* (2005) 223 CLR 1, Issue #149 p18, 19
- Darlington Futures Ltd v Delco Australia Pty Ltd* (1986) 161 CLR 500, Issue #153 p24, 27
- Dasreef Pty Ltd v Hawchar* (2011) 243 CLR 588, Issue #149 p7
- Davenport & Anor; Brodyn Pty Ltd v*, [2004] NSWCA 394, Issue #152 p51; Issue #153 p35
- David Way; Millar's Machinery v*, (1935) 40 Com Cas 204, Issue #153 p22
- de Gabriele; Woods v*, [2007] VSC 177, Issue #152 p37
- Delco Australia Pty Ltd; Darlington Futures Ltd v*, (1986) 161 CLR 500, Issue #153 p24, 27
- Deputy Commissioner of Taxation v Broadbeach Properties Pty Ltd* (2008) 237 CLR 473, Issue #153 p51, 52
- Devon County Council; JB Leadbitter & Co Limited v*, [2009] All ER; (D) 31, Issue #153 p38, 41
- Dial D Pty Ltd as Trustee for the Smith Street Unit Trust v Kingston Building (Australia) Pty Ltd* [2013] NSWCA 277, Issue #153 p32

CASES

Diploma Construction (WA) Pty Ltd v KPA Architects Pty Ltd [2013] WASC 407, Issue #153 p50, 51
Director-General of the NSW Department of Planning; INL Group Ltd v, [2011] NSWLEC 256, Issue #149 p16
Downer EDI Mining Pty Ltd v Wambo Coal Pty Ltd [2013] QSC 290, Issue #153 p19
Dr Judith Stubbs; Australian Leisure and Hospitality Group v, [2012] NSWSC 215, Issue #149 p14
Dream Developments; Whitney v, [2013] NSWCA 188, Issue #153 p58
DTR Nominees Pty Ltd v Mona Homes Pty Ltd (1978) 138 CLR 423, Issue #151 p9
Dunlop Pneumatic Tyre Co Ltd v New Garage and Motor Co Ltd [1915] AC 79, Issue #149 p26, 27, 28, 29

E

E and MH Stramare; March v, (1991) 171 CLR 605, Issue #150 p30
Edelbrand Pty Ltd v HM Australia Holdings Pty Ltd [2012] NSWCA 31, Issue #152 p55
Eire Contractors Pty Limited; Reed Constructions Pty Limited v, [2009] NSWSC 678, Issue #152 p25
Electricity Generation Corporation t/as Verve Energy v Woodside Energy Ltd [2013] WASC 36, Issue #151 p38
Ellis; Triple M Mechanical Services Pty Ltd v, (unreported 2 May 2013 BC201302298), Issue #152 p27
Environmental Systems Pty Ltd v Peerless Holdings Pty Ltd [2008] VSCA 26, Issue #153 p25, 27
Equuscorp Pty Ltd v Glengallan Investments Pty Ltd (2004) 218 CLR 471, Issue #151 p7
Ermogenous v Greek Orthodox Community of SA Inc (2002) 209 CLR 95, Issue #151 p7
Errill Properties Ltd; Temloc Ltd v, (1987) 39 BLR 30, Issue #151 p45
Esso Australia Resources Ltd; Strong Wise Ltd v, (2010) 185 FCR 149, Issue #149 p13
European Bank Ltd; Robb Evans of Rob Evans & Associates v, [2010] HCA 6, Issue #153 p30
European Group Ltd v Chartis Insurance UK Ltd [2012] EWHC 1245 (QB), Issue #149 p57
Evans Deakin Pty Ltd v Sebel Furniture Ltd [2003] FCA 171, Issue #149 p19

F

FAI General Insurance Company Ltd v Australian Hospital Care Pty Ltd (2001) 204 CLR 641, Issue #151 p33
Fairwater Pty Ltd; BGC Residential Pty Ltd v, [2012] WASC 268, Issue #151 p19
Fangrove Pty Ltd v Tod Group Holdings Pty Ltd [1999] 2 Qd R 236, Issue #150 p52
Far Horizons Pty Ltd v McDonald's Australia Ltd [2000] VSC 310, Issue #152 p18
FCIS; Wealthcare Financial Planning v, (2009) 69 ASCR 418, Issue #149 p51
Firestone Tyre and Rubber Co Ltd; General Tire and Rubber Co v, [1975] 2 All ER 173, Issue #149 p30
First East Auction Holdings Pty Ltd; Ange v, [2011] VSCA 335, Issue #149 p28
Fitzpatrick Investments Pty Ltd; St Hilliers Construction Pty Ltd (in admin) v, [2012] NSWSC 804, Issue #150 p38
Franklins Pty Ltd v Metcash Trading Ltd (2009) 76 NSWLR 603, Issue #151 p11, 12, 18

G

Gardiner v Agricultural and Rural Finance Pty Ltd [2007] NSWCA 235, Issue #151 p11
Gardiner; Agricultural and Rural Finance Pty Ltd v, (2008) 238 CLR 570, Issue #151 p11
Garry Rogers Motors (Australia) Pty Ltd v Subaru (Australia) Pty Ltd [1999] FCA 903, Issue #152 p18
GEC Marconi Systems Pty Ltd v BHP Information Technology Pty Ltd (2003) 128 FCR 1, Issue #152 p20
General Tire and Rubber Co v Firestone Tyre and Rubber Co Ltd [1975] 2 All ER 173, Issue #149 p30
Georgiou Building Pty Ltd; Perrinepod Pty Ltd v, (2011) 43 WAR 319, Issue #153 p50, 52
Ghana UNCITRAL Award on Jurisdiction and Liability; Antoine Biloune v, (27 October 1989), Issue #150 p15

CASES

Giles Patrick Cyril Mackay & Anor; Walter Lilly & Company Ltd v, [1957] 1 WLR 582, Issue #148 p53
Gilham v R [2012] NSWCCA 131, Issue #149 p7, 14
Glengallan Investments Pty Ltd; Equuscorp Pty Ltd v, (2004) 218 CLR 471, Issue #151 p7
Global Construction Management Pty Ltd & Anor; McGrath Corporation v, [2011] QSC 178, Issue #153 p49
Go Electrical; Class Electrical Services v, [2013] NSWSC 363, Issue #152 p48, 49
Goldsborough, Mort & Co; Bowtell v, (1906) 3 CLR 444, Issue #151 p16
Goldspar Australia Pty Ltd; Council of the City of Sydney v, [2006] FCA 472, Issue #152 p19
Gordion Runoff Ltd; Wilkie v, (2005) 221 CLR 522, Issue #151 p8
Government Employees Superannuation Board v Martin (1997–1998) 19 WAR 224, Issue #151 p18
Great Western Railway and Midland Railway v Bristol Corporation (1918) 87 LJ Ch 414, Issue #151 p10, 11, 16
Greek Orthodox Community of SA Inc; Ermogenous v, (2002) 209 CLR 95, Issue #151 p7
Griffiths; Commonwealth v, (2007) 70 NSWLR 268, Issue #149 p18
Gunston v Lawley (2008) 20 VR 33, Issue #150 p50, 53; Issue #152 p40

H

Habid; Schwartz v, [2013] NSWCA 89, Issue #151 p18
Hadley v Baxendale (1854) 9 Exch 341, Issue #153 p20, 21, 24, 26, 27, 28
Hafele Australia Pty Ltd; Maggbury Pty Ltd v, (2001) 210 CLR 181, Issue #151 p11
Hamo Industries; Chase Oyster Bay v, [2010] NSWCA 190, Issue #150 p41
Hanave; Cardinal Project Services v, [2011] NSWCA 399, Issue #152 p50
Hancock Prospecting Pty Ltd v Wright Prospecting Pty Ltd [2012] WASCA 216, Issue #151 p15, 16, 17
Hansen and Yuncken (SA) Pty Ltd; Chadmax Plastics Pty Ltd v, (1984) 1 BCL 52, Issue #153 p8
Hansen Yuncken Pty Ltd v Ian James Ericson t/as Fleas Concreting [2010] QSC 156, Issue #153 p35, 36
Hansen–Tangen; Reardon Smith Line Ltd v, [1976] 1 WLR 989, Issue #151 p8
Hansen–Tangen; Reardon Smith Line Ltd v, [1996] 3 All ER 570, Issue #151 p10
Harman; Robinson v, [1848] EngR 135, Issue #153 p20
Hawchar; Dasreef Pty Ltd v, (2011) 243 CLR 588, Issue #149 p7
Helcon Contracting Australia; Anderson Street Banksmeadow v, [2013] NSWSC 657, Issue #152 p50, 51
Henjo Investments & Ors v Collins Marrickville (1988) 79 ALR 83, Issue #151 p53
Henry Boot Construction (UK) Ltd v Malmaison Hotel (Manchester) Ltd [1999] 70 ConLR 32 QBD (TCC), Issue #148 p53
Heron II (Koufos v Czarnikov) [1969] 1 AC 350, Issue #153 p28
HG v The Queen (1999) 197 CLR 414, Issue #149 p7
Highway Constructions Pty Ltd; RNR Contracting Pty Ltd v, [2013] WASC 423, Issue #153 p50, 52
Hill v van Erp (1997) 188 CLR 159, Issue #150 p53
HM Australia Holdings Pty Ltd; Edelbrand Pty Ltd v, [2012] NSWCA 31, Issue #152 p55
HM Hire Pty Ltd v National Plant & Equipment Pty Ltd & Anor [2013] QCA 6, Issue #151 p42; Issue #152 p54, 55
Hughes Aircraft Systems International v Airservices Australia (No 3) (1997) 76 FCR 151, Issue #153 p41
Hughes Aircraft Systems International v Airservices Australia [1997] FCA 558, Issue #152 p18
Hungerfords v Walker [1989] HCA 8, Issue #153 p28

CASES

Hungry Jack's Pty Ltd; Burger King Corporation v, [2001] NSWCA 187, Issue #152 p18, 20, 21
Hunt & Hunt v Mitchell Morgan Nominees Pty Ltd [2013] HCA 10, Issue #152 p30, 31, 36, 37, 39, 40, 41
Hutcherson Bros Pty Ltd; Cable Ltd v, (1969) 123 CLR 143, Issue #153 p12

I

Ian James Ericson t/as Fleas Concreting; Hansen Yuncken Pty Ltd v, [2010] QSC 156, Issue #153 p35, 36
Illawarra Hotel Company Pty Ltd v Walton Construction Pty Ltd [2013] NSWCA 6, Issue #150 p46
In the matter of Cancer Care Institute of Australia Ltd (admin appointed) [2013] NSWSC 37, Issue #148 p55
INL Group Ltd v Director-General of the NSW Department of Planning [2011] NSWLEC 256, Issue #149 p16
Integral Home Loans Pty Ltd v Interstar Wholesale Finance Pty Ltd (No 2) [2007] NSWSC 592, Issue #149 p28
Integral Home Loans Pty Ltd; Interstar Wholesale Finance Pty Ltd v, [2008] NSWCA 310, Issue #149 p28
International Air Transport Association v Ansett Australia Holdings Ltd (2008) 234 CLR 151, Issue #151 p8
International Olympic Committee; Andrea Anderson et al v, Cas 2008/A/1545, Issue #150 p18
Interstar Wholesale Finance Pty Ltd (No 2); Integral Home Loans Pty Ltd v, [2007] NSWSC 592, Issue #149 p28
Interstar Wholesale Finance Pty Ltd v Integral Home Loans Pty Ltd [2008] NSWCA 310, Issue #149 p28
Investors Compensation Scheme v West Bromwich Building Society [1998] 1 All ER 98, Issue #151 p14
IPEX ITG Pty Ltd (in liq) v State of Victoria [2010] VSC 480, Issue #153 p41
Irwin; Liverpool City Council v, [1977] AC 239, Issue #151 p8; Issue #152 p16
Italcor Pte Ltd; Sungdo Engineering & Construction (S) Pte Ltd v, [2010] 3 SLR 459, Issue #150 p42, 43
ITC; Yam Seng v, [2013] EWHC 111 (QB), Issue #153 p45, 47
IWD No 2 Limited v Level Orange Pty Ltd [2012] NSWSC 1439, Issue #148 p56, 58

J

J & D Rigging Pty Ltd; Agripower Australia Ltd v, [2013] QSC 164, Issue #152 p54, 55
JA Berriman Pty Ltd; Carr v, (1953) 89 CLR 327, Issue #152 p17; Issue #153 p7, 10
Jackson; Lithgow City Council v, (2011) 244 CLR 352, Issue #149 p7
Janssen; Kennett v, (Supreme Court of South Australia 30th July 2013), Issue #152 p29
JB Leadbitter & Co Limited v Devon County Council [2009] All ER (D) 31, Issue #153 p38, 41
Jiniess Pty Ltd; Proprietors Units Plan No 95/38 v, [2000] NTSC 89, Issue #150 p53
Jireh International Pty Ltd; Western Export Services Inc v, [2011] HCA 45, Issue #151 p12, 13, 14, 18
Johnson; Taylor v, (1983) 151 CLR 422, Issue #151 p7
Jones v Kaney [2011] 2 All ER 671, Issue #149 p17, 18
Jordan; Whitehouse v, (1981) 1 WLR 246, Issue #149 p13

K

Kable; State of New South Wales v, [2013] HCA 26, Issue #152 p51
Kabwand Pty Ltd v NAB (1989) ASC 55–718, Issue #151 p53
Kaney; Jones v, [2011] 2 All ER 671, Issue #149 p17, 18
Kennett v Janssen (Supreme Court of South Australia 30th July 2013), Issue #152 p29
Key Surveyors Nationwide Ltd; Abbey National Mortgages v, [1996] 3 All ER 184, Issue #149 p9
Kingston Building (Australia) Pty Ltd; Dial D Pty Ltd as Trustee for the Smith Street Unit Trust v, [2013] NSWCA 277, Issue #153 p32
KPA Architects Pty Ltd; Diploma Construction; (WA) Pty Ltd v, [2013] WASC 407, Issue #153 p50, 51

CASES

L

- L Schuler AG v Wickman Machine Tool Sales Ltd* [1974] AC 235, Issue #151 p8, 9
- Landmark Operations Ltd; Shrimp v*, (2007) 163 FCR 510, Issue #152 p31, 34
- Lawley; Gunston v*, (2008) 20 VR 33, Issue #150 p50, 53; Issue #152 p40
- Lazarus Estates Ltd v Beasley* [1956] 1 QB 702, Issue #153 p34
- Lee Wee Lick Terence (alias Li Weili Terence); Chua Say Eng (formerly trading as Weng Fatt Construction Engineering) v*, [2011] SGHC 109, Issue #150 p42, 43
- Leighton Contractors Pty Ltd; South Australian Superannuation Fund Investment Trust v*, (1996) 66 SASR 509, Issue #149 p51
- Leighton Contractors Pty Ltd; State of Tasmania v*, [2005] TASSC 133, Issue #149 p28
- Leighton v Arogen* [2012] NSWSC 1323, Issue #151 p26
- Level Orange Pty Ltd; IWD No 2 Limited v*, [2012] NSWSC 1439, Issue #148 p56, 58
- Liebe v Molloy* (1906) 4 CLR 347, Issue #153 p8, 9
- Linklaters Business Services v Sir Robert McAlpine Ltd & Ors* [2010] EWHC 2931 (TCC) 108, Issue #150 p55
- Lion Nathan Australia Pty Ltd v Coopers Brewery Ltd* (2005) 223 ALR 560, Issue #151 p12
- Lithgow City Council v Jackson* (2011) 244 CLR 352, Issue #149 p7
- Liverpool City Council v Irwin* [1977] AC 239, Issue #151 p8; Issue #152 p16
- Longbottom; Macdonald v*, (1859) 120 ER 1177, Issue #151 p10
- Luikens & Anor; Multiplex Constructions Pty Ltd v*, [2003] NSWSC 1140, Issue #153 p34
- Luscombe & Ors; Matrix Projects (Qld) Pty Ltd v*, [2013] QSC 4, Issue #152 p49
- Lysaght Building Solutions Pty Ltd v Blanalko Pty Ltd (No 3)* [2013] VSC 435, Issue #152 p46

M

- Macdonald v Longbottom* (1859) 120 ER 1177, Issue #151 p10
- Magbury Pty Ltd v Hafele Australia Pty Ltd* (2001) 210 CLR 181, Issue #151 p11
- Malmaison Hotel (Manchester) Ltd; Henry Boot Construction (UK) Ltd v*, [1999] 70 ConLR 32 QBD; (TCC), Issue #148 p53
- Maloney; Bryan v*, (1995) 182 CLR 609, Issue #150 p Issue #150 p50, 51, 52, 53, 54, 56; Issue #152 p59
- Manufacturers Mutual Insurance v Withers* (1988) BC 8801918, Issue #151 p15
- March v E and MH Stramare* (1991) 171 CLR 605, Issue #150 p30
- Martin; Government Employees Superannuation Board v*, (1997–1998) 19 WAR 224, Issue #151 p18
- Matrix Projects (Qld) Pty Ltd v Luscombe & Ors* [2013] QSC 4, Issue #152 p49
- Maxstra NSW Pty Ltd v Blacklabel Services Pty Ltd* [2013] NSWSC 406, Issue #153 p42
- MBF Investments Pty Ltd v Nolan* [2011] VSCA 114, Issue #151 p12
- MCC Australia Sanjin Mining Pty Ltd; Cape Lambert Resources Ltd v*, [2013] WASCA 66, Issue #151 p16
- MCC Mining (Western Australia) Pty Ltd; Redline Contracting Pty Ltd v*, [2011] FCA 1337, Issue #151 p22
- McCourt v Cranston* [2012] WASCA 60, Issue #151 p16, 18
- McDonald's Australia Ltd; Far Horizons Pty Ltd v*, [2000] VSC 310, Issue #152 p18
- McGrath Corporation v Global Construction Management Pty Ltd & Anor* [2011] QSC 178, Issue #153 p49
- McInnes and Hodgkinson; Old v*, [2011] NSWCA 410, Issue #153 p57
- McNab NQ Pty Ltd v Walkrete Pty Ltd & Ors* [2013] QSC 128, Issue #151 p35

CASES

- McRoss Developments v Caltex Petroleum Pty Ltd* [2004] NSWSC 183, Issue #149 p28
- Mercator Shipping; Transfield Shipping Inc v*, [2008] 4 All ER 159, Issue #153 p30
- Merrill & Ring v Canada* ICSID (Additional Facility) Award (31 March 2010), Issue #150 p15
- Metcash Trading Ltd; Franklins Pty Ltd v*, (2009) 76 NSWLR 603, Issue #151 p11, 12, 18
- Meters Ltd v Metropolitan Gas Meters Ltd* (1911) 28 RPC 157, Issue #149 p30
- Metropolitan Gas Meters Ltd; Meters Ltd v*, (1911) 28 RPC 157, Issue #149 p30
- Mid Essex Hospital Services NHS Trust v Compass Group UK and Ireland Ltd (t/as Medirest)* [2013] EWCA Civ 200, Issue #153 p46, 47
- Millar's Machinery v David Way* (1935) 40 Com Cas 204, Issue #153 p22
- Miller & Associates Insurance Broking Pty Ltd v BMW Australia Finance Ltd* [2010] HCA 31, Issue #151 p53
- Milton Keynes Borough Council v Nulty* [2011] EWHC 2847 (TCC), Issue #149 p56
- Milton Keynes Borough Council; Nulty v*, [2013] EWCA Civ 15, Issue #149 p56, 57
- Mineralogy Pty Ltd v Sino Iron Pty Ltd* [2013] WASC 194, Issue #151 p8, 16
- Minister for Immigration and Citizenship; SZFDE v*, [2007] HCA 35, Issue #153 p34, 37
- Minister for Public Works; Renard Constructions; (ME) Pty Ltd v*, (1992) NSWLR 234, Issue #152 p17, 18, 19, 20
- Mitchell Morgan Nominees Pty Ltd; Hunt & Hunt v*, [2013] HCA 10, Issue #152 p30, 31, 36, 37, 39, 40, 41
- Mobil Investments Canada Inc & Murphy Oil Corp v Canada* ICSID Case No ARB(AF)/07/4, Issue #150 p21
- Modcol v National Buildplan Group* [2013] NSWSC 380, Issue #151 p40
- Molloy; Liebe v*, (1906) 4 CLR 347, Issue #153 p8, 9
- Mona Homes Pty Ltd; DTR Nominees Pty Ltd v*, (1978) 138 CLR 423, Issue #151 p9
- Montagnese; Zumpano v*, [1997] 2 VR 525, Issue #150 p53
- Multiplex Constructions Pty Ltd v Luikens & Anor* [2003] NSWSC 1140, Issue #153 p34
- N**
- NAB; Kabwand Pty Ltd v*, (1989) ASC 55–718, Issue #151 p53
- Narui Gold Coasts Pty Ltd; Tim Barr Pty Ltd v*, [2009] NSWSC 49, Issue #149 p8
- National Buildplan Group; Modcol v*, [2013] NSWSC 380, Issue #151 p40
- National Plant & Equipment Pty Ltd & Anor; HM Hire Pty Ltd v*, [2013] QCA 6, Issue #151 p42; Issue #152 p54, 55
- Nebax Constructions; Rail Corporation of New South Wales v*, [2012] NSWSC 6, Issue #152 p49
- NEI Power Projects Ltd; British Sugar PLC v*, (1997) 87 BLR 42, Issue #153 p22
- New Garage and Motor Co Ltd; Dunlop Pneumatic Tyre Co Ltd v*, [1915] AC 79, Issue #149 p26, 27, 28, 29
- New Islington and Hackney Housing Association Limited v Pollard Thomas and Edwards Limited* [2001] BLR 74, Issue #150 p55
- Newell Curtain Wall & Engineering Co Ltd v Sunyards Engineering Ltd* (HCCT 55/2010, 6 December 2012), Issue #149 p34
- Newman Industries; Victoria Laundry (Windsor) Ltd v*, [1949] 2 KB 528, Issue #153 p28
- Nilsen; Trans Australian Constructions Pty Ltd v, (SA) Pty Ltd and Ford*; [2008] NTSC 42, Issue #153 p35
- NM Rural Enterprises v Rimanui Farms Ltd* [2010] NSWSC 945, Issue #149 p8
- Nolan; MBF Investments Pty Ltd v*, [2011] VSCA 114, Issue #151 p12
- Nulty v Milton Keynes Borough Council* [2013] EWCA Civ 15, Issue #149 p56, 57
- Nulty; Milton Keynes Borough Council v*, [2011] EWHC 2847 (TCC), Issue #149 p56

CASES

O

O & K Orenstein & Koppel AG; BHP Coal Pty Ltd & Ors v, [2008] QSC 141, Issue #152 p13
Occidental Exploration & Production Company v Republic of Ecuador LCIA Case No UN3467, Issue #150 p15
Old v McInnes and Hodgkinson [2011] NSWCA 410, Issue #153 p57
ONGC; Clough Engineering v, [2008] FCAFC 136, Issue #151 p22, 23
Owners Corporation SP021532U and Bensia Thirteen Pty Ltd; Brown v, [2013] VSC 127, Issue #151 p21
Owners Corporation Strata Plan 61288 v Brookfield Multiplex [2001] NSWSC 1219, Issue #150 p54
Owners Corporation Strata Plan 72535 v Brookfield Multiplex [2002] NSWSC 712, Issue #150 p54

P

Pacific Carriers Ltd v BNP Paribas (2004) 218 CLR 451, Issue #151 p7, 8, 12; Issue #153 p30
Parkline; Bitannia v, [2006] NSWCA 238, Issue #153 p37
Peerless Holdings Pty Ltd; Environmental Systems Pty Ltd v, [2008] VSCA 26, Issue #153 p25, 27
Pepe v Platypus Asset Management Pty Ltd [2013] VSCA 38, Issue #151 p17
Perre v Apand Pty Ltd (1999) 198 CLR 180, Issue #150 p53; Issue #152 p59
Perrinepod Pty Ltd v Georgiou Building Pty Ltd (2011) 43 WAR 319, Issue #153 p50, 52
Perth Airport Pty Ltd v Ridgpoint Corp Pty Ltd [2013] WASC 33, Issue #151 p18
Platypus Asset Management Pty Ltd; Pepe v, [2013] VSCA 38, Issue #151 p17
Plenary Research Pty Ltd v Biosciences Research Centre Pty Ltd [2013] VSCA 217, Issue #153 p53
PMT Partners Pty Ltd (in liq) v Australian National Parks and Wildlife Service (1995) 184 CLR 301, Issue #153 p55
Pollard Thomas and Edwards Limited; New Islington and Hackney Housing Association Limited v, [2001] BLR 74, Issue #150 p55
Port Securities Pty Ltd v Wollongong City Council (2006) 145 LGERA 285, Issue #149 p9
Prenn v Simmonds [1971] 1 WLR 1381, Issue #151 p8, 9, 10, 11
Progressive Pod Properties Pty Ltd v A & M Green Investments Pty Ltd [2012] NSWCA 225, Issue #148 p48
Proprietors Units Plan No 95/38 v Jiniess Pty Ltd [2000] NTSC 89, Issue #150 p53
PT Perusahaan Gas Negara (Persero) TBK (PGN) v CRW Joint Operation (CRW) [2010] SGHC 202 (trial), Issue #150 p36

Q

Quinerts Pty Ltd; St George Bank v, [2009] VSCA 245, Issue #152 p36, 37, 38

R

R (Burns) v County Court Judge of Tyrone [1961] NI 167, Issue #153 p37
R v Skinner (1772) 98 ER 529, Issue #149 p17
R; Gilham v, [2012] NSWCCA 131, Issue #149 p7, 14
R; Wood v, [2012] NSWCCA 21, Issue #149 p6, 7, 8, 13, 15
Rail Corporation of New South Wales v Nebax Constructions [2012] NSWSC 6, Issue #152 p49
Rail Corporation of New South Wales; United Group Rail Services Ltd v, (2009) 74 NSWLR 618, Issue #152 p20
RCR Energy Pty Ltd; WTE Co-Generation v, [2013] VSC 314, Issue #153 p19
Re David Scott Ellis; Ex parte Triple M Mechanical Services Pty Ltd (No 2) [2013] WASC 161, Issue #151 p54
Re Graham Anstee-Brook; Ex parte Karara Mining Ltd (No 2) [2013] WASC 59, Issue #151 p55
Reardon Smith Line Ltd v Hansen-Tangen [1976] 1 WLR 989, Issue #151 p8

CASES

- Reardon Smith Line Ltd v Hansen–Tangen* [1996] 3 All ER 570, Issue #151 p10
- Red Hill Iron Ltd v API Management Pty Ltd* [2012] WASC 323, Issue #151 p15, 17
- Redline Contracting Pty Ltd v MCC Mining (Western Australia) Pty Ltd* [2011] FCA 1337, Issue #151 p22
- Reed Constructions Australia; 470 St Kilda Road v*, [2012] VSC 235, Issue #153 p37
- Reed Constructions Pty Limited v Eire Contractors Pty Limited* [2009] NSWSC 678, Issue #152 p25
- Reigill Civil Engineering Contractors Ltd; Chattan Developments Ltd v*, (2007) EWHC 305, Issue #151 p45
- Renard Constructions (ME) Pty Ltd v Minister for Public Works* (1992) NSWLR 234, Issue #152 p17, 18, 19, 20
- Republic of Argentina; Suez Sociedad General de Aguas de Barcelona SA and Vivendi Universal SA v*, ICSID Case No ARB/03/19, Issue #150 p21
- Republic of Ecuador v United States of America* PCA Case No 2012–5, Issue #150 p17
- Republic of Ecuador; Occidental Exploration & Production Company v*, LCIA Case No UN3467, Issue #150 p15
- Resources Conservations Co International; Wormald Engineering Pty Ltd v*, (1988) 8 BCL 158, Issue #153 p9
- Rhesa Shipping (The Popi M)* [1985] 1 WLR 948, Issue #149 p56
- Richardson Westgarth & Co Ltd; Saint Line Ltd v*, [1940] 2 KB 99, Issue #153 p22
- Ridgepoint Corp Pty Ltd; Perth Airport Pty Ltd v*, [2013] WASC 33, Issue #151 p18
- Rimanui Farms Ltd; NM Rural Enterprises v*, [2010] NSWSC 945, Issue #149 p8
- Ringrow Pty Ltd v BP Australia Pty Ltd* [2005] HCA 71, Issue #149 p26, 27, 28, 29, 30
- River Wear Commissioners v Adamson* (1877) 2 App Cas 743, Issue #151 p10
- RNR Contracting Pty Ltd v Highway Constructions Pty Ltd* [2013] WASC 423, Issue #153 p50, 52
- Roads and Traffic Authority of New South Wales; Vilro Pty Ltd v*, [2010] NSWLEC 141, Issue #149 p14
- Robb Evans of Rob Evans & Associates v European Bank Ltd* [2010] HCA 6, Issue #153 p30
- Robinson v Harman* [1848] EngR 135, Issue #153 p20
- Robophone Facilities Ltd v Blank* (1966) 1 WLR 1428, Issue #149 p29
- Romaldi Constructions Pty Ltd; Adelaide Interior Linings Pty Ltd v*, [2013] SASC 110, Issue #152 p28
- Romaldi Constructions v Adelaide Interior Linings* [2013] SADC 39, Issue #152 p28
- Royal Botanic Gardens and Domain Trust v South Sydney City Council* (2002) 240 CLR 45, Issue #151 p11, 13, 14, 15; Issue #152 p21
- Royal Botanic Gardens; South Sydney Council v*, [1999] NSWCA 478, Issue #151 p11
- S**
- Saint Line Ltd v Richardson Westgarth & Co Ltd* [1940] 2 KB 99, Issue #153 p22
- Salce; Walton Construction; (Qld) Pty Ltd v*, [2008] QSC 235, Issue #148 p57
- Scarcella & Ors; Alcatel Australia Ltd v*, [1998] NSWSC 187, Issue #152 p18, 20
- Schwartz v Habid* [2013] NSWCA 89, Issue #151 p18
- Sebel Furniture Ltd; Evans Deakin Pty Ltd v*, [2003] FCA 171, Issue #149 p19
- Secretary of State for Defence; AMEC Group Limited v*, [2013] EWHC 110; (TCC), Issue #149 p24
- Secured Income Real Estate (Aust) Ltd v St Martins Investments Pty Ltd* (1979) 144 CLR 596, Issue #151 p9, 11
- SEF Construction Pte Ltd v Skoy Connected Pte Ltd* [2010] 1 SLR 733, Issue #150 p41, 42
- Segboer & Anor v AJ Richardson Properties Pty Limited & Anor* [2012] NSWCA 253, Issue #150 p48
- Selig & Selig; The Official Trustee in Bankruptcy v*, [2013] FCCA 1610, Issue #153 p48
- Shepherd Construction Ltd; City Inn Ltd v*, [2010] ScotCSCSIH 68, Issue #148 p53

CASES

Shire of Hastings; BP Refinery (Westernport) Pty Ltd v, (1977) 180 CLR 266, Issue #151 p8, 9; Issue #152 p16

Shrimp v Landmark Operations Ltd (2007) 163 FCR 510, Issue #152 p31, 34

Simmonds; Prens v, [1971] 1 WLR 1381, Issue #151 p8, 9, 10, 11

Simpson; Bank of New Zealand v, [1900] AC 182, Issue #151 p10

Sino Iron Pty Ltd; Mineralogy Pty Ltd v, [2013] WASC 194, Issue #151 p8, 16

Sir Robert McAlpine Ltd & Ors; Linklaters Business Services v, [2010] EWHC 2931; (TCC) 108, Issue #150 p55

Skinner; R v, (1772) 98 ER 529, Issue #149 p17

Skoy Connected Pte Ltd; SEF Construction Pte Ltd v, [2010] 1 SLR 733, Issue #150 p41, 42

Sky General Services Limited & Anor; Bauen Constructions Pty Limited v, [2012] NSWSC 1123, Issue #149 p47; Issue #152 p25

South Australian Superannuation Fund Investment Trust v Leighton Contractors Pty Ltd (1996) 66 SASR 509, Issue #149 p51

South Sydney City Council; Royal Botanic Gardens and Domain Trust v, (2002) 240 CLR 45, Issue #151 p11, 13, 14, 15; Issue #152 p21

South Sydney Council v Royal Botanic Gardens [1999] NSWCA 478, Issue #151 p11

Southern Ocean Pty Ltd; Sugar Australia v, [2013] VSC 535, Issue #153 p34, 35, 36, 37

Ssangyong Engineering & Construction Co Ltd; Chip Hup Hup Kee Construction Pte Ltd v, [2010] 1 SLR 658, Issue #150 p41, 42

St George Bank v Quinerts Pty Ltd [2009] VSCA 245, Issue #152 p36, 37

St Hilliers Construction Pty Ltd (in admin) v Fitzpatrick Investments Pty Ltd [2012] NSWSC 804, Issue #150 p38

St Martins Investments Pty Ltd; Secured Income Real Estate (Aust) Ltd v, (1979) 144 CLR 596, Issue #151 p9, 11

Stanton v Callaghan [2002] QB 75, Issue #149 p17

Star of the Sea [2012] NSWSC 712, Issue #152 p59

State of New South Wales v Kable [2013] HCA 26, Issue #152 p51

State of Tasmania v Leighton Contractors Pty Ltd [2005] TASSC 133, Issue #149 p28

State of Victoria; IPEX ITG Pty Ltd (in liq) v, [2010] VSC 480, Issue #153 p41

State Rail Authority (NSW); Codelfa Construction Pty Ltd v, (1982) 149 CLR 352, Issue #151 p6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18

Strategic Property Reservoir Pty Ltd v Condec Pty Ltd [2013] VSC 29, Issue #151 p21

Streetscape Projects (Australia) Pty Limited & Anor; City of Sydney v, [2011] NSWSC 1214, Issue #149 p29

Strong Wise Ltd v Esso Australia Resources Ltd (2010) 185 FCR 149, Issue #149 p13

Subaru (Australia) Pty Ltd; Garry Rogers Motors (Australia) Pty Ltd v, [1999] FCA 903, Issue #152 p18

Suez Sociedad General de Aguas de Barcelona SA and Vivendi Universal SA v Republic of Argentina ICSID Case No ARB/03/19, Issue #150 p21

Sugar Australia v Southern Ocean Pty Ltd [2013] VSC 535, Issue #153 p34, 35, 36, 37

Sungdo Engineering & Construction (S) Pte Ltd v Italcor Pte Ltd [2010] 3 SLR 459, Issue #150 p42, 43

Sunyards Engineering Ltd; Newell Curtain Wall & Engineering Co Ltd v, (HCCT 55/2010, 6 December 2012), Issue #149 p34

Sydney Harbour Foreshore Authority; Walker Corporation Pty Ltd v, [2004] NSWLEC 170, Issue #149 p13

SZFDE v Minister for Immigration and Citizenship [2007] HCA 35, Issue #153 p34, 37

CASES

T

- Tali Engineering Pty Ltd 7 Ors; Built Environs Pty Ltd v*, [2013] SASC 84, Issue #152 p28
- Taylor v Johnson* (1983) 151 CLR 422, Issue #151 p7
- Temloc Ltd v Errill Properties Ltd* (1987) 39 BLR 30, Issue #151 p45
- The Official Trustee in Bankruptcy v Selig & Selig* [2013] FCCA 1610, Issue #153 p48
- The Owners Strata Plan No 51288 v Brookfield Australia Investments Ltd* [2013] NSWCA 317, Issue #152 p59
- The Proctor & Gamble Co; Unilever PLC v*, [2000] 1 WLR 2436; (CA), Issue #148 p10
- The Queen; HG v*, (1999) 197 CLR 414, Issue #149 p7
- Thiess v Warren Brothers Earthmoving Pty Ltd & Anor* [2012] QCA 276, Issue #151 p42, 43, 44; Issue #152 p54
- Thiess Watkins White Construction Ltd v Commonwealth* (unreported, Supreme Court of New South Wales 23 April 1992), Issue #150 p29
- Tim Barr Pty Ltd v Narui Gold Coasts Pty Ltd* [2009] NSWSC 49, Issue #149 p8
- Tod Group Holdings Pty Ltd; Fangrove Pty Ltd v*, [1999] 2 Qd R 236, Issue #150 p52
- Toll (FGCT) Pty Ltd v Alphapharm Pty Ltd* (2004) 219 CLR 165, Issue #151 p7, 8, 12; Issue #153 p24
- Trans Australian Constructions Pty Ltd v Nilsen (SA) Pty Ltd and Ford* [2008] NTSC 42, Issue #153 p35
- Transfield Pty Ltd; Aiton Australia Pty Ltd v*, [1999] NSWSC 996, Issue #152 p18
- Transfield Shipping Inc v Mercator Shipping* [2008] 4 All ER 159, Issue #153 p30
- Transport Infrastructure Development Corporation (No 2); Willoughby City Council v*, [2008] NSWLEC 238, Issue #149 p15
- Treasurer of NSW; Zhu v*, (2004) 218 CLR 530, Issue #151 p11
- Triple M Mechanical Services Pty Ltd v Ellis* (unreported 2 May 2013 BC201302298), Issue #152 p27
- Trustee for the Salvation Army (NSW) Property Trust v Becker (No 2)* [2007] NSWCA 194, Issue #153 p58
- Turner Corp v Austotel* (1994) 13 BCL 378, Issue #153 p18

U

- Unilever PLC v The Proctor & Gamble Co* [2000] 1 WLR 2436 (CA), Issue #148 p10
- United Group Rail Services Ltd v Rail Corporation of New South Wales* (2009) 74 NSWLR 618, Issue #152 p20
- United States of America; Republic of Ecuador v*, PCA Case No 2012–5, Issue #150 p17

V

- van Erp; Hill v*, (1997) 188 CLR 159, Issue #150 p53
- Victoria Laundry (Windsor) Ltd v Newman Industries* [1949] 2 KB 528, Issue #153 p28
- Victoria Legal Aid; D’Orta–Ekenaike v*, (2005) 223 CLR 1, Issue #149 p18, 19
- Vilro Pty Ltd v Roads and Traffic Authority of New South Wales* [2010] NSWLEC 141, Issue #149 p14
- Vincent Nominees Pty Ltd v Western Australian Planning Commission* [2012] WASC 28, Issue #151 p16
- Vynior v Wilde* (1609) 77 Eng Rep 598–60 (KB), Issue #150 p8, 9

W

- Walker Corporation Pty Ltd v Sydney Harbour Foreshore Authority* [2004] NSWLEC 170, Issue #149 p13
- Walker; Hungerfords v*, [1989] HCA 8, Issue #153 p28
- Walkrete Pty Ltd & Ors; McNab NQ Pty Ltd v*, [2013] QSC 128, Issue #151 p35
- Walter Lilly & Company Ltd v Giles Patrick Cyril Mackay & Anor* [1957] 1 WLR 582, Issue #148 p53
- Walton Construction (Qld) Pty Ltd v Corrosion Control Technology Pty Ltd & Ors* [2011] QSC 67, Issue #151 p35

CASES

- Walton Construction (Qld) Pty Ltd v Salce* [2008] QSC 235, Issue #148 p57
- Walton Construction Pty Ltd; Illawara Hotel Company Pty Ltd v*, [2013] NSWCA 6, Issue #150 p46
- Wambo Coal Pty Ltd; Downer EDI Mining Pty Ltd v*, [2013] QSC 290, Issue #153 p19
- Warren Brothers Earthmoving Pty Ltd & Anor; Thiess v*, [2012] QCA 276, Issue #151 p42, 43, 44; Issue #152 p54
- Wealthcare Financial Planning v FCIS* (2009) 69 ASCR 418, Issue #149 p51
- Wednesbury Corporation; Associated Provincial Picture Houses Limited v*, [1948] 1 KB 223, Issue #150 p42, 43
- Wegan Constructions Pty Ltd v Wodonga Sewerage Authority* [1978] VR 67, Issue #153 p7, 8
- West Bromwich Building Society; Investors Compensation Scheme v*, [1998] 1 All ER 98, Issue #151 p14
- Western Australian Planning Commission; Vincent Nominees Pty Ltd v*, [2012] WASC 28, Issue #151 p16
- Western Export Services Inc v Jireh International Pty Ltd* [2011] HCA 45, Issue #151 p12, 13, 14, 18
- Whitehouse v Jordan* (1981) 1 WLR 246, Issue #149 p13
- Whitney v Dream Developments* [2013] NSWCA 188, Issue #153 p58
- Wickman Machine Tool Sales Ltd; L Schuler AG v*, [1974] AC 235, Issue #151 p8, 9
- Wilde; Vynior v*, (1609) 77 Eng Rep 598–60; (KB), Issue #150 p8, 9
- Wilkie v Gordion Runoff Ltd* (2005) 221 CLR 522, Issue #151 p8
- William Hill v Bernard Sunley* (1983) 22 BLR 1, Issue #153 p37
- Willoughby City Council v Transport Infrastructure Development Corporation (No 2)* [2008] NSWLEC 238, Issue #149 p15
- Wilson v Anderson* (2002) 213 CLR 401, Issue #151 p6
- Withers; Manufacturers Mutual Insurance v*, (1988) BC 8801918, Issue #151 p15
- Wodonga Sewerage Authority; Wegan Constructions Pty Ltd v*, [1978] VR 67, Issue #153 p7, 8
- Wollongong City Council; Port Securities Pty Ltd v*, (2006) 145 LGERA 285, Issue #149 p9
- Wood v R* [2012] NSWCCA 21, Issue #149 p6, 7, 8, 13, 15
- Woods Bagot Pty Ltd; Curtin University of Technology v*, [2012] WASC 449, Issue #149 p50
- Woods v de Gabriele* [2007] VSC 177, Issue #152 p37
- Woodside Energy Ltd; Electricity Generation Corporation t/as Verve Energy v*, [2013] WASC 36, Issue #151 p38
- Woolcock Street Investments Pty Ltd v CDG Pty Ltd* [2002] QCA 88, Issue #150 p51, 53
- Wormald Engineering Pty Ltd v Resources Conservations Co International* (1988) 8 BCL 158, Issue #153 p9
- Wright Prospecting Pty Ltd; Hancock Prospecting Pty Ltd v*, [2012] WASC 216, Issue #151 p15, 16, 17
- WTE Co-Generation v RCR Energy Pty Ltd* [2013] VSC 314, Issue #153 p19
- WTH Pty Ltd (t/as Avis Australia); Barak Pty Ltd v*, [2002] NSWSC 649, Issue #149 p8
- Y**
- Yam Seng v ITC* [2013] EWHC 111 (QB), Issue #153 p45, 47
- Yokogawa Australia Pty Ltd & Anor (No 7); Alstom Ltd v*, [2012] SASC 49, Issue #152 p16, 19, 21, 22; Issue #153 p22, 26, 30, 31
- Z**
- Zaidi; Al-Atabi v*, [2009] NSWCA 433, Issue #153 p9
- Zhu v Treasurer of NSW* (2004) 218 CLR 530, Issue #151 p11
- Zumpano v Montagnese* [1997] 2 VR 525, Issue #150 p53

LEGISLATION

A

Acts Interpretation Act 1954 (Qld), Issue #152 p54

Administrative Dispute Resolution Act 2010 5 USC §571 (US), Issue #148 p27

Arbitration Act 1996 (UK), Issue #149 p25

B

Building Act 1993 (Vic), Issue #152 p9, 11

Building and Construction Industry Payments Act 2004 (Qld), Issue #151 p34, 42; Issue #152 p53, 54

Building and Construction Industry Security of Payment Act (Cap 30B, 2006 Rev Ed), Issue #150 p40

Building and Construction Industry Security of Payment Act 1999 (NSW), Issue #148 p22, 56; Issue #149 p47; Issue #151 p26, 28, 40, 41; Issue #152 p25, 48; Issue #153 p42

Building and Construction Industry Security of Payment Act 1999 (SA), Issue #152 p28

Building and Construction Industry Security of Payment Regulations (RG1, 2006), Issue #150 p41

Building Regulations 1996 (Vic), Issue #152 p9, 11

C

Civil Dispute Resolution Act 2011 (Cth), Issue #148 p7

Civil Judgments Enforcement Act 2004 (WA), Issue #153 p52

Civil Liability Act 2002 (WA), Issue #149 p50

Civil Procedure Act 2005 (NSW), Issue #148 p8; Issue #149 p6

Civil Procedure Act 2010 (Vic), Issue #148 p8; Issue #153 p19

Commercial Arbitration Act 1985 (WA), Issue #149 p50

Commercial Arbitration Act 2010 (NSW), Issue #150 p7

Commercial Arbitration Act 2011 (Vic), Issue #152 p46

Competition and Consumer Act 2010 (Cth), Issue #151 p53; Issue #152 p16; Issue #153 p20

Construction Contracts Act 2004 (WA), Issue #151 p54, 55; Issue #153 p50

Construction Lien Act 1990 RSO (Ontario) Chapter C30, Issue #148 p21

Contractors Debts Act 1997 (NSW), Issue #151 p40, 41

Corporations Act 2001 (Cth), Issue #149 p37; Issue #151 p29, 40, 41; Issue #153 p50

D

Domestic Building Contracts and Tribunal Act 1995 (Vic), Issue #150 p53

E

Electronic Transactions Act 2000 (NSW), Issue #149 p47, 48, 49; Issue #152 p25

Electronic Transactions Act 2011 (WA), Issue #151 p54, 55

Evidence Act 1995 (NSW), Issue #149 p6, 7, 16

F

Fair Work Act 2009 (Cth), Issue #151 p47

Fair Work Amendment Act 2013 (Cth), Issue #151 p46, 47, 48, 50

Family Law Act 1975 (Cth), Issue #148 p7

Federal Arbitration Act 1925 9 USC §1 (US), Issue #148 p26, 33

LEGISLATION

H

Home Building Act 1989 (NSW), Issue #150 p54; Issue #152 p59

Housing Grants Construction and Regeneration Act 1996 (UK), Issue #148 p32

I

Insurance Contracts Act 1984 (Cth), Issue #151 p29

Insurance Contracts Amendment (Unfair Terms) Bill 2013 (Cth), Issue #151 p33

Insurance Contracts Amendment Act 2013 (Cth), Issue #151 p29

Insurance Contracts Amendment Bill 2013 (Cth), Issue #151 p29

International Arbitration Act 1974 (Cth), Issue #152 p45

Interpretation Act 1984 (WA), Issue #152 p55

L

Land and Environment Court Act 1979 (NSW), Issue #149 p6

Land and Environment Court Rules 2007, Issue #149 p6

Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947 (WA), Issue #149 p51

Life Insurance Act 1995 (Cth), Issue #151 p31

M

Medical Indemnity (Prudential Supervision and Product Standards) Act 2003 (Cth), Issue #151 p30

Mineral Resources Act 1989 (Qld), Issue #152 p54, 55

N

Native Title Act 1993 (Cth), Issue #148 p7

P

Personal Property Securities Act 2009 (Cth), Issue #148 p54; Issue #151 p37

Public Contracts Regulations 2006 (UK), Issue #153 p39

Q

Queensland Building Services Authority Act 1991 (Qld), Issue #152 p53

Queensland Building Services Authority Amendment Bill 2013 (Qld), Issue #152 p53

T

Taxation Administration Act 1953 (Cth), Issue #153 p51

Trade Practices Act 1974 (Cth), Issue #151 p53; Issue #152 p13, 16; Issue #153 p20

U

Uniform Arbitration Act 1955 (US), Issue #148 p26

Uniform Civil Procedure Rules (Amendment No 59) 2013, Issue #153 p56, 58

Uniform Civil Procedure Rules 2005 (NSW), Issue #149 p6, 8

W

Work Health and Safety Act 2011 (Cth), Issue #151 p48

Wrongs Act 1958 (Vic), Issue #152 p10, 13

STANDARDS AND CONTRACTS REFERRED TO

AIA A201—2007, Issue #148 p28, 30, 31
AIA A310—2010, Issue #148 p28
AS 1170—2011, Issue #152 p9, 12
AS 1657—1992, Issue #152 p9
AS 2124—1993, Issue #151 p37
AS 2870—1996, Issue #152 p9
AS 3600—2009, Issue #152 p9
AS 4000—1997, Issue #150 p33; Issue #151 p37; Issue #153 p19, 32, 33
AS 4055—2006, Issue #152 p9
AS 4100—1998, Issue #152 p9, 12
AS 4122—2010, Issue #153 p19
AS 4300—1995, Issue #152 p47; Issue #153 p19
AS 4902—2000, Issue #150 p33, 50, 51; Issue #153 p12, 19
AS 4905—2002, Issue #153 p19
As 4911—1998, Issue #153 p19
AS 4916—2006, Issue #153 p19
JCT—1998, Issue #148 p53 SFBC
NEC 3, Issue #149 p24; Issue #150 p34
SG—001, Issue #152 p7
SG—002, Issue #152 p7
SG—003, Issue #152 p7
SG—004, Issue #152 p7
SG—005, Issue #152 p7
SG—006, Issue #152 p7
SG—007, Issue #152 p7
SG—009, Issue #152 p7
SG—015, Issue #152 p7
SG—017, Issue #152 p7
SG—018, Issue #152 p7
SG—020, Issue #152 p7

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