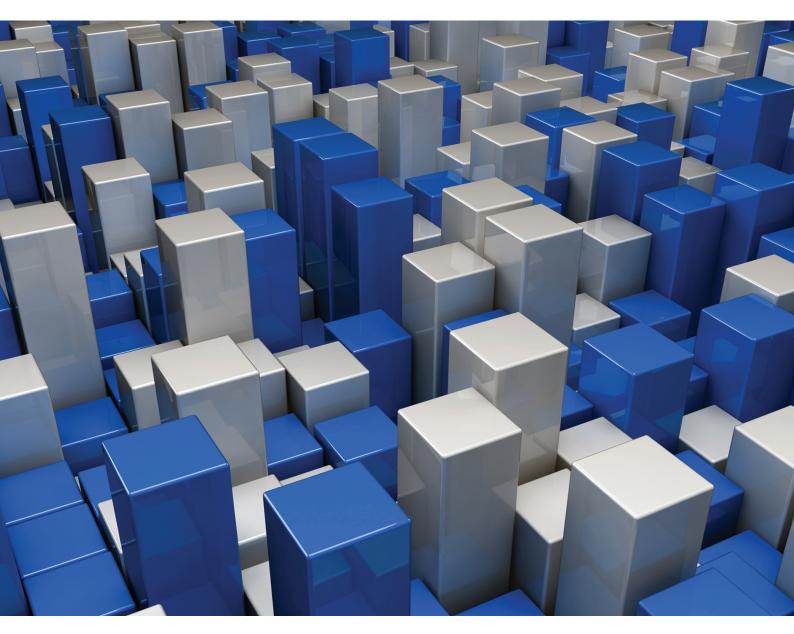




INDEX 2017



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

EDITORJohn 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 2017	
AUTHORS	4
SUBJECTS	10
CASES	14
LEGISLATION	22

Ahearn, Grant

New domestic building work disputes reforms for the Victorian building industry, Issue #174 p56

Aknouche, Camelia

Confident in international arbitration's confidentiality?, Issue #177 p48

Alden, Scott

Small business and unfair contract terms within the construction sector—Are your contracts compliant?, Issue #173 p12

Aro, Tosin

No native title for Brisbane—Certainty for infrastructure proponents and other developers?, Issue #177 p20

Aryal, Ray

Court holds default interest rate in loan contract is not a penalty, Issue #172 p45

Atmeh, Marya

Project bank accounts—Do they cheque out?, Issue #174 p48

Bathurst, The Hon TF

Benefits of courts such as the Singapore International Commercial Court, Issue #173 p6

Prying open the court doors—Meeting the challenges of international commercial litigation in Australia, Issue #176 p6

Beaton, James

The new Registered Organisations Commission—An enhanced regime for the regulation of registered organisations, Issue #173 p55

Bell, Catherine

Rights on insolvency restricted in recent amendments to the Corporations Act 2001 (Cth), Issue #177 p18

Victorian Court of Appeal limits application of *Security of Payment Act* in circumstances of claimant insolvency— *Façade Treatment Engineering Pty Ltd (In liq) v Brookfield Multiplex Constructions Pty Ltd* [2016] VSCA 247, Issue #172 p58

Bergin, The Hon PA

Meeting challenges posed by modern international commercial litigation, Issue #172 p6

Budd, Scott

Navigating novation—Are your liquidated damages safe?, Issue #172 p17

Burloff, Denise

Reasonable endeavours versus best endeavours, Issue #175 p27

Butler, Damien

Rights on insolvency restricted in recent amendments to the Corporations Act 2001 (Cth), Issue #177 p18

Charrett, Dr Donald

Quantification of Delay and Disruption in Construction and Engineering Projects, By Robert J Gemmell, Issue #177 p56

Chenoweth, Jeremy

International arbitration—Which institution?, Issue #172 p52

Third party funding in international arbitration, Issue #173 p36

Claxon, Lauren

Good news for EPC contractors in the Australian market—Developments and trends in security of payment legislation, Issue #176 p53

Collins, Christopher

A dollar a day keeps general damages away, Issue #175 p55

Corrigan, Ellen

Construction agenda—Queensland proposals for project bank accounts, Issue #172 p48

Davenport, Philip

Early progress claims, Issue #175 p52

Replacing the prevention principle with the modern rule of apportionment of liquidated damages, Issue #176 p25

Revisiting adjudication fees when no jurisdiction, Issue #172 p40

Douglas, The Hon James

Australia's role in UNCITRAL, specifically its implementation of UNCITRAL conventions and model laws, Issue #174 p6

Dragovic, Dan

Good news for EPC contractors in the Australian market—Developments and trends in security of payment legislation, Issue #176 p53

Evans, Stephen

Arguing later—The limits when challenging an adjudicator's jurisdiction, Issue #172 p42

Fischer, Lina

Courting combustible cladding reform, Issue #176 p58

Georgeff, Sophia

Errors in technical standards in an infrastructure contract—Who bears the risk? *Mt Højgaard A/S (Respondent)* v E.ON Climate and Renewables UK Robin Rigg East Limited & Anor (Appellants) [2017] UKSC 59, Issue #177 p51

Geritz, Mark

No native title for Brisbane—Certainty for infrastructure proponents and other developers?, Issue #177 p20

Golem, Ante

Good news for EPC contractors in the Australian market—Developments and trends in security of payment legislation, Issue #176 p53

The narrowing scope for judicial review of adjudication determinations made under the *Construction Contracts Act 2004* (WA)—Will the High Court reverse the trend?, Issue #175 p20

Gray, Lauren

Misleading and deceptive conduct in construction projects—Limiting liability under the Australian consumer law through your construction contract, Issue #177 p22

Griffith, Mark

Prospective analysis—What does it mean?, Issue #176 p28

Guest, Greg

Workers Compensation Commission's jurisdiction clarified, Issue #174 p12

Hamilton-Jewell, Catherine

The new Registered Organisations Commission—An enhanced regime for the regulation of registered organisations, Issue #173 p55

Hayford, Owen

Optimising infrastructure delivery with the delivery partner model, Issue #173 p42

Hider, Jane

Errors in technical standards in an infrastructure contract—Who bears the risk? *Mt Højgaard A/S (Respondent)* v E.ON Climate and Renewables UK Robin Rigg East Limited & Anor (Appellants) [2017] UKSC 59, Issue #177 p51

Hrustanpasic, Dado

Granting extensions of time in construction contracts—A duty of good faith may apply, Issue #176 p22

Inglis, Charlotte

Courting combustible cladding reform, Issue #176 p58

Ivey, Scott

The narrowing scope for judicial review of adjudication determinations made under the Construction Contracts Act 2004 (WA)—Will the High Court reverse the trend?, Issue #175 p20

Johnston, Isabella

'Don't stick it to the man'—Service of electronic documents under the *Building and Construction Industry Security of Payment Act*, Issue #174 p42

Failure to DIY—Determination set aside as adjudicator relies on third-party assistance, Issue #177 p46

Kelly, Andrew

A dollar a day keeps general damages away, Issue #175 p55

Construction alert—Revised protocol for delay and disruption claims published, Issue #174 p36

The 'big konundrum' for builders, Issue #174 p58

Keogh, Lucas

Mandatory alternative dispute resolution under the new Building Code 2016? Issue #173 p44

Kuczerepa, Danika

New Western Australian code of conduct for state construction projects, Issue #172 p50

La, Steven

Key elements of Hong Kong's rail plus property model that should be considered in Australia, Issue #175 p28

Lau, Victor

Does saying 'sorry' have a role to play in resolving international construction disputes?, Issue #177 p15

Lenz, Chris

Does equity undermine construction contracts' risk?, Issue #175 p44

MacGillivray, Andrew

Reasonable endeavours versus best endeavours, Issue #175 p27

Mackintosh, Andrew

Construction alert—Revised protocol for delay and disruption claims published, Issue #174 p36

Martin, The Hon Kenneth

Contractual construction—The admissibility of surrounding circumstances evidence in Western Australia post *Mt Bruce Mining Pty Ltd v Wright Prospecting Pty Ltd* [2015] HCA 37, Issue #176 p13

McDougall, The Hon Robert

The utility of expert evidence in dispute resolution, Issue #175 p6

McGregor, Abigail

Caution—Modern Slavery Act under construction!, Issue #177 p37

McKenzie, Jaime

The latest from the High Court on contractual interpretation, Issue #173 p58

McVeigh, Jennifer

Dancing with the devil—Drafting effective expert determination clauses—An encore performance, Issue #172 p18

Mead, Patrick

Contract works insurance defect exclusion—Judicial interpretation of DE3 (1995) and LEG 2 (1996), Issue #173 p46

Scratching below the surface—Damage to glazed panels and contract works insurance policy response, Issue #172 p31

Moss, Frazer

Bringing fairness to the building industry—New proposed processes for securing payment for contractors in Queensland, Issue #176 p56

Murray, Andrew

'Don't stick it to the man'—Service of electronic documents under the *Building and Construction Industry* Security of Payment Act, Issue #174 p42

Murray, Emma

PPSA update—Appeal dismissed in Forge Group case—Lessors (and buyers) beware, Issue #175 p58

Muthurajah, Christina

Union's knowing involvement amounts to actual contravention, Issue #174 p51

Niemann. Ren

Cessation of work on AS 11000—General Conditions of Contract, Issue #174 p55

Nikolić, John

'It cost what!?' Client remedies for misleading construction quotes, Issue #176 p18

ABCC Mark II—So what's new?, Issue #172 p28

Nikolich, Myra

Obituary—Dr John Wilson Twyford, Issue #177 p59

Nuttall, Caroline

Custodial sentences for illegal development and use in the Land and Environment Court, Issue #174 p47

Parsons, Jeremy

Cloaking parties with new clothes—BIM and apportioning liability, if at all, Issue #176 p34

Winnipeg-ging coherency and sound policy to the line of pure economic loss case law in Australia—Recovery for dangerous building defects, Issue #174 p14

Patrick, Mick

Bringing fairness to the building industry—New proposed processes for securing payment for contractors in Queensland, Issue #176 p56

Pearson, Elizabeth

Political flim-flam or ground-breaking reform? A comment on the *Code for the Tendering and Performance of Building Work 2016* (Cth), Issue #177 p6

Podagiel, Kristen

PPSA update—Appeal dismissed in Forge Group case—Lessors (and buyers) beware, Issue #175 p58

Quick, Georgia

International arbitration—Which institution?, Issue #172 p52

Third party funding in international arbitration, Issue #173 p36

Reynolds, Jake

Good news for EPC contractors in the Australian market—Developments and trends in security of payment legislation, Issue #176 p53

Rudge, Nick

Subpoenas under the IAA—Foreign-seated arbitrations need not apply, Issue #177 p54

Russo, Rocco

Construction agenda—Queensland proposals for project bank accounts, Issue #172 p48

Scanlan, Isabelle

A dollar a day keeps general damages away, Issue #175 p55

Schroeder, Jason

Are the security of payments planets finally set to align?, Issue #174 p38

Seton, Timothy

Failure to DIY—Determination set aside as adjudicator relies on third-party assistance, Issue #177 p46

Smith, Melinda

Oops! Another PPSR disaster—OneSteel Manufacturing Pty Limited (administrators appointed) [2017] NSWSC 21, Issue #174 p52

Snider, Thomas

Confident in international arbitration's confidentiality?, Issue #177 p48

Solomon, David

Aviation warning lights for tower cranes, Issue #175 p19

Chain of responsibility (CoR) is everyone's business!, Issue #172 p56

Stables, Lauren

Small business and unfair contract terms within the construction sector—Are your contracts compliant?, Issue #173 p12

Stanfield, Dr Allison

Technology assisted review, Issue #177 p40

Stephens, Malcolm

The latest from the High Court on contractual interpretation, Issue #173 p58

Stumbles, John

Court holds default interest rate in loan contract is not a penalty, Issue #172 p45

Swartz-Zern, Caroline

Subpoenas under the IAA—Foreign-seated arbitrations need not apply, Issue #177 p54

Tills, Maxine

Construction professionals and the peer professional opinion defence in Australia, Issue #174 p44

Vella, Andrew

Oops! Another PPSR disaster—OneSteel Manufacturing Pty Limited (administrators appointed) [2017] NSWSC 21, Issue #174 p52

Vickery, Greg

Caution—Modern Slavery Act under construction!, Issue #177 p37

Vines, Katherine

New Western Australian code of conduct for state construction projects, Issue #172 p50

Walters, Karen

Dancing with the devil—Drafting effective expert determination clauses—An encore performance, Issue #172 p18

Warner, Sefton

New domestic building work disputes reforms for the Victorian building industry, Issue #174 p56

Weston-Scheuber, Dr Kylie

Recent developments in relation to the security of payments regime, Issue #173 p14

Williams, Ted

Project bank accounts—Do they cheque out?, Issue #174 p48

Winram, Michael

Custodial sentences for illegal development and use in the Land and Environment Court, Issue #174 p47

Wood, Jehan-Philippe (JP)

Caution—Modern Slavery Act under construction!, Issue #177 p37

Woodhouse, Chris

The 'big konundrum' for builders, Issue #174 p58

ADJUDICATION

Arguing later—The limits when challenging an adjudicator's jurisdiction, Stephen Evans, Issue #172 p42

Failure to DIY—Determination set aside as adjudicator relies on third–party assistance, Timothy Seton and Isabella Johnston, Issue #177, p46

BOOK REVIEW

Quantification of Delay and Disruption in Construction and Engineering Projects by Robert J Gemmell, Dr Donald Charrett, Issue #177, p56

BUILDING DEFECTS

Winnipeg–ging coherency and sound policy to the line of pure economic loss case law in Australia—Recovery for dangerous building defects, Jeremy Parsons, Issue #174 p14

BUILDING INFORMATION MODELLING

Cloaking parties with new clothes—BIM and apportioning liability, if at all, Jeremy Parsons, Issue #176 p34

BUILDING REGULATION

Aviation warning lights for tower cranes, David Solomon, Issue #175 p19

Chain of responsibility (CoR) is everyone's business!, David Solomon, Issue #172 p56

Courting combustible cladding reform, Lina Fischer and Charlotte Inglis, Issue #176 p58

Custodial sentences for illegal development and use in the Land and Environment Court, Michael Winram and Caroline Nuttall, Issue #174 p47

New domestic building work disputes reforms for the Victorian building industry, Grant Ahearn and Sefton Warner, Issue #174 p56

CASE NOTE

Victorian Court of Appeal limits application of Security of Payment Act in circumstances of claimant insolvency— Façade Treatment Engineering Pty Ltd (In liq) v Brookfield Multiplex Constructions Pty Ltd [2016] VSCA 247, Catherine Bell, Issue #172 p58

CONTRACTS

Cessation of work on AS 11000—General Conditions of Contract, Ren Niemann, Issue #174 p55

Construction alert—Revised protocol for delay and disruption claims published, Andrew Kelly and Andrew Mackintosh, Issue #174 p36

Contractual construction—The admissibility of surrounding circumstances evidence in Western Australia post *Mt Bruce Mining Pty Ltd v Wright Prospecting Pty Ltd* [2015] HCA 37, The Hon Kenneth Martin, Issue #176 p13

Does equity undermine construction contracts' risk?, Chris Lenz, Issue #175 p44

Errors in technical standards in an infrastructure contract—Who bears the risk? *Mt Højgaard A/S (Respondent) v E.ON Climate and Renewables UK Robin Rigg East Limited & Anor (Appellants)* [2017] UKSC 59, Jane Hider and Sophia Georgeff, Issue #177, p51

Granting extensions of time in construction contracts—A duty of good faith may apply, Dado Hrustanpasic, Issue #176 p22

Misleading and deceptive conduct in construction projects—Limiting liability under the Australian consumer law through your construction contract, Lauren Gray, Issue #177, p22

Reasonable endeavours versus best endeavours, Andrew MacGillivray and Denise Burloff, Issue #175 p27

Rights on insolvency restricted in recent amendments to the *Corporations Act 2001* (Cth), Damien Butler and Catherine Bell, Issue #177, p18

Small business and unfair contract terms within the construction sector—Are your contracts compliant?, Scott Alden and Lauren Stables, Issue #173 p12

The latest from the High Court on contractual interpretation, Malcolm Stephens and Jaime McKenzie, Issue #173 p58

DELAY ANALYSIS

Prospective analysis—What does it mean?, Mark Griffith, Issue #176 p28

DISPUTE RESOLUTION

Benefits of courts such as the Singapore International Commercial Court, The Hon TF Bathurst, Issue #173 p6

Dancing with the devil—Drafting effective expert determination clauses—An encore performance, Jennifer McVeigh and Karen Walters, Issue #172 p18

Mandatory alternative dispute resolution under the new Building Code 2016?, Lucas Keogh, Issue #173 p44

EXPERT EVIDENCE

The utility of expert evidence in dispute resolution, The Hon Robert McDougall, Issue #175 p6

INDUSTRIAL RELATIONS

BCC Mark II—So what's new?, John Nikolić, Issue #172 p28

Caution—Modern Slavery Act under construction!, Abigail McGregor, Jehan–Philippe (JP) Wood and Greg Vickery, Issue #177, p37

New Western Australian code of conduct for state construction projects, Katherine Vines and Danika Kuczerepa, Issue #172 p50

The new Registered Organisations Commission—An enhanced regime for the regulation of registered organisations, James Beaton and Catherine Hamilton–Jewell, Issue #173 p55

Union's knowing involvement amounts to actual contravention, Christina Muthurajah, Issue #174 p51

INFRASTRUCTURE

Key elements of Hong Kong's rail plus property model that should be considered in Australia, Steven La, Issue #175 p28

INSURANCE

Contract works insurance defect exclusion—Judicial interpretation of DE3 (1995) and LEG 2 (1996), Patrick Mead, Issue #173 p46

Scratching below the surface—Damage to glazed panels and contract works insurance policy response, Patrick Mead, Issue #172 p31

INTERNATIONAL ARBITRATION

Confident in international arbitration's confidentiality?, Thomas Snider and Camelia Aknouche, Issue #177, p48 International arbitration—Which institution?, Georgia Quick and Jeremy Chenoweth, Issue #172 p52

Subpoenas under the IAA—Foreign–seated arbitrations need not apply, Nick Rudge and Caroline Swartz–Zern, Issue #177, p54

INTERNATIONAL COMMERCIAL LITIGATION

Prying open the court doors—Meeting the challenges of international commercial litigation in Australia, The Hon TF Bathurst, Issue #176 p6

INTERNATIONAL DISPUTE RESOLUTION

Does saying 'sorry' have a role to play in resolving international construction disputes?, Victor Lau, Issue #177, p15

INTERNATIONAL TRADE LAW

Australia's role in UNCITRAL, specifically its implementation of UNCITRAL conventions and model laws, The Hon James Douglas, Issue #174 p6

LIQUIDATED DAMAGES

A dollar a day keeps general damages away, Andrew Kelly, Christopher Collins and Isabelle Scanlan, Issue #175 p55

Court holds default interest rate in loan contract is not a penalty, John Stumbles and Ray Aryal, Issue #172 p45

Navigating novation—Are your liquidated damages safe?, Scott Budd, Issue #172 p17

Replacing the prevention principle with the modern rule of apportionment of liquidated damages, Philip Davenport, Issue #176 p25

LITIGATION

Third party funding in international arbitration, Georgia Quick and Jeremy Chenoweth, Issue #173 p36

MEDIATION

Meeting challenges posed by modern international commercial litigation, The Hon PA Bergin, Issue #172 p6

NATIVE TITLE

No native title for Brisbane—Certainty for infrastructure proponents and other developers?, Mark Geritz and Tosin Aro, Issue #177, p20

OBITUARY

Obituary—Dr John Wilson Twyford, Myra Nikolich, Issue #177, p59

PERSONAL PROPERTY SECURITIES

Oops! Another PPSR disaster—OneSteel Manufacturing Pty Limited (administrators appointed) [2017] NSWSC 21, Melinda Smith and Andrew Vella, Issue #174 p52

PPSA update—Appeal dismissed in *Forge Group* case—Lessors (and buyers) beware, Kristen Podagiel and Emma Murray, Issue #175 p58

PROCUREMENT

Optimising infrastructure delivery with the delivery partner model, Owen Hayford, Issue #173 p42

REMEDIES

'It cost what!?' Client remedies for misleading construction quotes, John Nikolić, Issue #176 p18

SECURITY OF PAYMENT

'Don't stick it to the man'—Service of electronic documents under the *Building and Construction Industry Security of Payment Act*, Isabella Johnston and Andrew Murray, Issue #174 p42

Are the security of payments planets finally set to align?, Jason Schroeder, Issue #174 p38

Bringing fairness to the building industry—New proposed processes for securing payment for contractors in Queensland, Frazer Moss and Mick Patrick, Issue #176 p56

Construction agenda—Queensland proposals for project bank accounts, Rocco Russo and Ellen Corrigan, Issue #172 p48

Early progress claims, Philip Davenport, Issue #175 p52

Good news for EPC contractors in the Australian market—Developments and trends in security of payment legislation, Ante Golem, Dan Dragovic, Jake Reynolds and Lauren Claxon, Issue #176 p53

Political flim-flam or ground-breaking reform? A comment on the *Code for the Tendering and Performance of Building Work 2016* (Cth), Elizabeth Pearson, Issue #177, p6

Project bank accounts—Do they cheque out?, Ted Williams and Marya Atmeh, Issue #174 p48

Recent developments in relation to the security of payments regime, Dr Kylie Weston–Scheuber, Issue #173 p14 Revisiting adjudication fees when no jurisdiction, Philip Davenport, Issue #172 p40

The narrowing scope for judicial review of adjudication determinations made under the *Construction Contracts Act 2004* (WA)—Will the High Court reverse the trend?, Ante Golem and Scott Ivey, Issue #175 p20

STANDARD OF CARE

Construction professionals and the peer professional opinion defence in Australia, Maxine Tills, Issue #174 p44

SUPERVISOR'S RESPONSIBILITY

The 'big konundrum' for builders, Andrew Kelly and Chris Woodhouse, Issue #174 p58

TECHNOLOGY ASSISTED REVIEW

Technology Assisted Review, Dr Allison Stanfield, Issue #177, p40

WORKERS COMPENSATION

Workers Compensation Commission's jurisdiction clarified, Greg Guest, Issue #174 p12

620 Collins Street Pty Ltd v Abigroup Contractors Pty Ltd (No 2) [2006] VSC 491, Issue #176 p23

Abergeldie Contractors Pty Ltd v Fairfield City Council [2017] NSWCA 113, Issue #175 p52, 53, 54

Abigroup Contractors Pty Ltd v Hardesty and Hanover International LLC [2009] SASC 95, Issue #172 p24

Abigroup Contractors Pty Ltd v Sydney Catchment Authority (No 3) [2006] NSWCA 282, Issue #177 p22, 24

ACCC v Bytecard Pty Limited (Unreported FCA Jessup J, 24 July 2013), Issue #173 p13

ACCC v Chrisco Hampers Australia Ltd [2016] FCA 144, Issue #173 p13

Accionna Infrastructure Canada Inc v Allianz Global Risks US Insurance Company [2015] BCWLD 5448, Issue #172 p32; Issue #173 p49, 52, 54

ACN 074 971 109 (as Trustee for the Argot Unit Trust) & Anor v The National Mutual Life Association of Australasia Limited (ACN 004 020 437) [2008] VSCA 247, Issue #175 p49

Adler v Australian Securities & Investments Commission [2003] NSWCA 131, Issue #175 p7, 8

Afcons Infrastructure Ltd v Cherian Varkey Construction Co (P) Ltd (2010) 8 SCC 2, Issue #172 p11

Age Old Builders Pty Ltd v Swintons Pty Ltd [2003] VSC 307, Issue #172 p22, 24

All Covers and Accessories Pty Ltd v Sidawi (2012) 36 VR 113, Issue #172 p38; Issue #173 p54

Alstom v Yokogawa Australia Pty Ltd (No 7) [2012] SASC 49, Issue #174 p36

Alucity Architectural Produce Supply Pty Ltd v Australian Solutions Centre [2016] NSWSC 608, Issue #173 p27

Alucity Architectural Product Supply v Paul J Hick [2016] NSWSC 608, Issue #172 p40

Amasya Enterprises v Asta Developments [2015] VSC 233, Issue #173 p15, 16

Andrews v ANZ [2012] HCA 30, Issue #175 p47

Anns v Merton London Borough Council [1978] 1 AC 728, Issue #174 p15, 16, 18, 19, 20, 21

Arab Bank Australia v Sayde Developments Pty Ltd [2016] NSWCA 328, Issue #172 p45

AT&T Mobility v Concepcion 563 US 333 (2011), Issue #173 p9

Australian Building and Construction Commissioner v Australian Manufacturing Workers' Union [2017] FCA 167, Issue #174 p51

Australian Granites Limited v Eisenwerk Hensel Bayreuth DIPL-ING Burkhardt GmbH [2001] 1 Qd R 461, Issue #174 p7

Australian Securities & Investments Commission v Vines [2003] NSWCA 1095, Issue #175 p8

Australian Cement Holdings Pty Ltd v Adelaide Brighton Ltd [2001] NSWSC 645, Issue #175 p8

Australian Vintage Limited v Belvino Investments No 2 Pty Ltd [2015] NSWCA 275, Issue #172 p21

Baese Pty Ltd v RA Bracken Building Pty Ltd (1990) 6 BCL 137, Issue #175 p56

Baird Textile Holdings Limited v Marks & Spencer plc [2001] EWCA Civ 274, Issue #175 p48

Balfour Beatty Engineering Services (HY) Ltd v Shepherd Construction Ltd [2009] EWHC 2218, Issue #176 p30

Baulderstone Hornibrook Engineering v Kayah Holdings (1998) 14 BCL 277, Issue #172 p19

Baulderstone Hornibrook Pty Limited v Qantas Airways Limited [2003] FCA 174, Issue #177 p23

Bigby v Kondra & Anor [2017] QSC 37, Issue #174 p58

Bodney v Bennell [2008] FCAFC 636, Issue #177 p20

Bone v Wallalong Investments [2012] NSWSC 137, Issue #175 p9

Bouygues (UK) Ltd v Dahl-Jensen UK Ltd [2000] EWCA Civ 507, Issue #172 p43

Branlin v Totaro [2014] VSC 492, Issue #173 p20

Broadview Window v Architectural Project Specialists [2015] NSWSC 955, Issue #173 p24

Brodyn Pty Ltd v Dasein Constructions Pty Ltd [2004] NSWSC 1230, Issue #172 p59; Issue #173 p22

Brodyn Pty Ltd v Davenport (2004) 61 NSWLR 421, Issue #173 p18, 24

Brookfield Multiplex v Owners Corporation Strata Plan 61288 (2014) 254 CLR 185, Issue #174 p14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26

Bryan v Maloney (1995) 182 CLR 609, Issue #174 p16, 17, 18, 19, 20, 21, 22, 24, 26

CA Blackwell (Contractors) Ltd v Gerling Allegemeine Verischerungs AG [2008] 1 All ER (Comm) 885, Issue #173 p47, 48

Caltex Refineries (Qld) Pty Ltd v Stavar (2009) 75 NSWLR 649, Issue #174 p25

Calumet Construction Corporation v The Metropolitan Sanitary District of Chicago 178 III App 3d 415 (1988), 533 NE 2nd 453, Issue #176 p25

Campbell v Backoffice Investments Pty Ltd (2009) 238 CLR 304, Issue #177 p27

Carey v Freehills (2013) 303 ALR 445, Issue #174 p25

Cargill International SA v Peabody Australia Mining Ltd (2010) 78 NSWLR 533, Issue #174 p7

Carillion Construction Ltd v Devonport Royal Dockyard Ltd [2005] EWCA Civ 1358, Issue #172 p43

Cattanach v Melchior (2003) 215 CLR 1, Issue #174 p20

Cavendish Square Holding BV (Appellant) v Talal El Makdessi (Respondent) [2015] UKSC 67, Issue #175 p46

Cellulose Acetate Silk Co Ltd v Widnes Foundry [1933] AC 20, Issue #175 p57

Centennial Coal Company Ltd v Xstrata Coal Pty Ltd [2009] NSWCA 341, Issue #175 p27

CG v Western Australia [2016] FCAFC 67, Issue #177 p20

Chase Oyster Bar Pty Ltd v Hamo Industries Pty Ltd (2010) 78 NSWLR 393, Issue #173 p15, 16, 17, 19

Clarke v Ryan (1960) 103 CLR 486, Issue #175 p7

CMA Assets Pty Ltd formerly known as CMA Contracting Pty Ltd v John Holland Pty Ltd [No 6] [2015] WASC 217, Issue #176 p30; Issue #177 p31

Co-operative Retail Services Ltd v Taylor Young Partnership & Ors (2000) 74 Con LR 12, Issue #172 p37

Cobbe v Yeoman's Row Management Pty Ltd & Anor [2008] 1 WLR 1752, Issue #175 p47, 48

Codelfa Construction Pty Ltd v State Rail Authority (NSW) (1982) CLR 337, Issue #173 p58, 59; Issue #176 p14, 15, 16

Commercial Union Cie D'assurance Du Canada v Pentagon Construction Canada Inc) [1989] RJQ 1399 (CA), Issue #172 p38

Commonwealth Construction Co v Imperial Oil Ltd [1978] 1 SCR 317, Issue #172 p36

Commonwealth of Australia v Verwayen (1990) 170 CLR 394, Issue #175 p47, 48, 49, 50; Issue #177 p30

Conneq Infrastructure Services (Australia) Pty Ltd v Sino Iron Pty Ltd [2012] WASAT 13, Issue #175 p21

Cook v Cook (1986) [1986] HCA 73, Issue #172 p38; Issue #173 p54

Crown Melbourne Limited v Cosmopolitan (Vic) Pty Ltd [2016] HCA 26, Issue #175 p48, 49, 50

Cumberland Council v Khoury [2017] NSWLEC 14, Issue #174 p47

Cypjayne Pty Ltd v Babcock & Brown International Pty Ltd [2011] NSWCA 173, Issue #175 p27

Da Silva Moore v Publicis Groupe 11-cv-1279 (ALC) (AJP), US Dist LEXIS 23350 (SDNY Feb 24, 2012), Issue #177 p43

Dance with Mr D Limited v Dirty Dancing Investments Pty Ltd [2009] NSWSC 332, Issue #172 p20, 21, 22

Darlington Futures Limited v Delco Australia Pty Limited (1986) 161 CLR 500, Issue #177 p28, 30

Dasreef Pty Ltd v Hawchar (2011) 243 CLR 588, Issue #175 p9, 10, 14

David Clarke Air Conditioning Pty Ltd v Quann [No 3] [2017] WASC 91, Issue #176 p17

Department of the Environment v Thomas Bates & Son Ltd [1991] 1 AC 499, Issue #174 p18, 24

DHJPM Pty Ltd v Blackthorn Resources Limited [2011] NSWCA 348, Issue #175 p49

Diab Pty Ltd v Yum! Restaurants Australia Pty Ltd [2016] FCA 43, Issue #176 p16

Dobler v Havlerson [2007] NSWCA 335, Issue #174 p44

Doepel & Associates Architects Pty Limited v Hodgkinson [2008] WASCA 262, Issue #176 p19, 20; Issue #177 p25

Downs Investments Pty Ltd v Perwaja Steel Sdn Bhd [2002] 2 Qd R 462, Issue #174 p7, 9

DPD Pty Ltd v McHenry [2012] WASC 140, Issue #175 p22

Dunlop Pneumatic Tyre Co Ltd v New Garage Motor Co Ltd [1915] AC 79, Issue #175 p50

Dura Constructions (Aust) v Hue Boutique Living [2013] VSCA 179, Issue #173 p21

Dutton v Bognor Regis Urban District Council [1972] 1 QB 373, Issue #174 p15, 16, 17, 21, 22

Edgeworth Construction Ltd v Lea & Associates Ltd [1993] 3 SCR 206, Issue #174 p23

Electricity Generation Corporation v Woodside Energy [2014] HCA 7, Issue #175 p53

Façade Treatment Engineering Pty Ltd (In liq) v Brookfield Multiplex Constructions Pty Ltd [2016] VSCA 247, Issue #172 p58, 59; Issue #173 p22

Façade Treatment Engineering v Brookfield Multiplex Constructions [2015] VSC 41, Issue #173 p21, 23

Falgat Constructions Pty Ltd v Equity Australia Corp Pty Ltd (2006) 23 BCLR 292, Issue #173 p24

Fangrove Pty Ltd v Tod Group Holdings Pty Ltd (1999) 2 Qd R 236, Issue #174 p16, 17, 18, 19, 23, 26

Farah Constructions Pty Ltd v Say-Dee Pty Ltd [2007] HCA 22, Issue #174 p40

Favetti Bricklaying Pty Ltd v Milan Benedek & Anor [2017] NSWSC 417, Issue #174 p12

Forge Group Power Pty Limited (in liq) (receivers and managers appointed) v General Electric International Inc & Ors (2016) 305 FLR 101, Issue #175 p58

Forge v ASIC (2006) 228 CLR 45, Issue #173 p10

Gambaro Pty Ltd v Rohrig (Qld) Pty Ltd [2015] QSC 170, Issue #173 p26

Gambaro Pty Ltd v Rohrig (Qld) Pty Ltd; Rohrig (Qld) Pty Ltd v Gambaro Pty Ltd [2015] QCA 288, Issue #173 p27

Gee Dee Nominees Pty Ltd v Ecosse Property Pty Ltd [2016] VSCA 23, Issue #173 p58

Giumelli v Giumelli (1999) 196 CLR 101, Issue #175 p47

Godfrey Spowers (Victoria) Pty Ltd v Lincolne Scott Australia Pty Ltd (2008) 21 VR 84, Issue #176 p38

Grundt v Great Boulder Pty Gold Mines Ltd [1937] HCA 58, Issue #175 p49

Hakea Holdings Pty Ltd v Denham Constructions Pty Ltd; Baptist Care NSW & ACT v Denham Constructions Pty Ltd [2016] NSWSC 1120, Issue #173 p26

Hamersley HMS Pty Ltd v Davis [2015] WASC 10, Issue #173 p22, 23

Hamersley HMS Pty Ltd v Davis [2015] WASC 14, Issue #173 p23

Harrington-Smith v Western Australia (No 2) (2003) 130 FCR 424, Issue #175 p15

Hedley Byrne [1964] AC 465, Issue #174 p15

Henjo Investments Pty Ltd v Collins Marrickville Pty Ltd (1988) 79 ALR 83, Issue #177 p27

HG v The Queen (1999) 197 CLR 414, Issue #175 p7, 9, 10

Hickory Developments Pty Ltd v Schiavello (2009) 26 VR 112, Issue #173 p19

Hickory Investments Pty Ltd v Schiavello (Vic) Pty Ltd [2009] VSC 156, Issue #172 p58

Hodder Rook & Associates Pty Ltd v Genworth Financial Mortgage Insurance Pty Ltd [2011] NSWCA 279, Issue #175 p12

Holmes Construction Wellington Limited v Vero Insurance New Zealand Limited (Unreported, New Zealand District Court, Harrop J, 4 December 2007), Issue #172 p31

Honeysett v the Queen (2014) 253 CLR 122, Issue #175 p7

Hospital Products Ltd v United States Surgical Corp (1984) 156 CLR 41, Issue #175 p27

Hunt & Hunt Lawyers v Mitchell Morgan Nominees Pty Ltd (2013) 247 CLR 613, Issue #176 p40

Huntsman v Qenos & Anor [2005] NSWSC 494, Issue #175 p13, 16

Hutchinson v Glavcom [2016] NSWSC 126, Issue #173 p24

Idameneo (No 123) Pty Ltd v Robalino [2009] NSWSC 969, Issue #175 p11

Idoport Pty Ltd v National Australia Bank Ltd [2001] NSWSC 123, Issue #175 p7

In Re Ex Parte Application of Kleimar NV, No 16–MC–355, 2016 WL 6909712 (SDNY Nov 16, 2016), Issue #177 p55

Irish Bank Resolution Corporation Ltd & Ors v Quinn & Ors [2015] IEHC 175, Issue #177 p40

J-Corp Pty Ltd v Mladenis [2009] WASCA 157, Issue #175 p55, 56, 57

Jennings Consruction Limited v QM Birt [1987] 8NSWLR 18, Issue #175 p45

Jetcity Pty Ltd v Yenald Nominees Pty Ltd (unreported, WA Supreme Court, 9 April 1999), Issue #175 p27

John Holland Pty Ltd v Roads & Traffic Authority [2009] NSWCA 19, Issue #173 p21

Joseph Street Pty Ltd v Tan (2012) 38 VR 241, Issue #175 p27

K&J Burns Electrical Pty Ltd v GRD Group (NT) Pty Ltd (2011) 29 NTLR 1, Issue #175 p22

Kirk v Industrial Relations Commission of New South Wales (2010) 239 CLR 531, Issue #173 p16, 18

Knott v Beechwood Homes (Home Building) [2012] NSWCTTT 393, Issue #175 p57

Kronenberg v Bridge [2014] TASFC 10, Issue #176 p20

KWS Capital Pty Ltd v Love [2015] WASCA 237, Issue #176 p16

Laing O'Rourke v H and M [2010] NSWSC 818, Issue #177 p47

Lane Cove Council v Michael Davies Associated Pty Limited [2012] NSWSC 727, Issue #177 p29

Ledcor Construction Limited v Northbridge Indemnity Insurance Company & Ors [2015] ABCA 121, Issue #172 p32

Ledcor Construction Ltd v Northbridge Indemnity Insurance Co 2016 SCC 37, Issue #172 p35, 36, 38, 39

Legione v Hateley [1983] HCA 11, Issue #175 p48

Leighton Contractors (Asia) Ltd v Stelux Holdings Ltd [2004] HKCFI 804 (HCCT 29/2004), Issue #176 p30

Lewence Construction Pty Ltd v Southern Han Breakfast Point Pty Ltd [2015] NSWCA 288, Issue #172 p40; Issue #173 p17

Lumbers v W Cook Builders Pty Ltd (in liq) [2008] HCA 27, Issue #175 p45

Macob Civil Engineering Ltd v Morrison Construction Ltd [1999] EWHC Technology 254, Issue #172 p43

Makita (Aust) Pty Ltd v Sprowles (2001) 52 NSWLR 705, Issue #175 p9, 10

Matthews v SPI Electricity Pty Ltd (No 19) [2013] VSC 33, Issue #175 p14

Maxcon Constructions Pty Ltd v Vadasz (No 2) [2017] SASCFC 2, Issue #174 p38, 40; Issue #175 p20, 23, 24, 25

McConnell Dowell Constructors (Aust) Pty Ltd (ACN 008 444 880) v Gas Transmission Services Western Australia (Operations) Pty Ltd (ACN 106 043 332) [2006] VSC 411, Issue #172 p20

McConnell Dowell Constructors (Aust) Pty Ltd v Santam Ltd & Ors (No 1) [2016] VSC 734, Issue #177 p40

Mead Johnson & Co v Lexington Insurance Co Dkt. No 3:11-cv-43-RLY-WGH (SD Indiana Sept 2011), Issue #177 p50

Mineral Resources Limited v Pilbara Minerals Limited [2016] WASC 338, Issue #172 p19, 20

Money Max Int Pty Ltd (Trustee) v QBE Insurance Group Limited [2016] FCAFC 148, Issue #177 p40

Mt Bruce Mining Pty Ltd v Wright Prospecting Pty Ltd [2014] NSWCA 323, Issue #176 p13

Mt Bruce Mining Pty Ltd v Wright Prospecting Pty Ltd [2015] HCA 37, Issue #176 p13, 14, 16

Mt Bruce Mining v Wright Prospecting (2016) 90(3) ALJ 190, Issue #176 p17

MT Højgaard A/S (Respondent) v E.ON Climate and Renewables UK Robin Rigg East Limited & Anor (Appellants) [2017] UKSC 59, Issue #177 p51

Multicon Engineering Pty Limited v Federal Airports Corp (unreported, New South Wales Supreme Court, Rolfe J, 11 March 1996), Issue #177 p24

Multiplex Constructions Pty Ltd v Luikens and Anor [2003] NSWSC 1140, Issue #173 p23

Murphy v Brentwood District Council [1991] 1 AC 398, Issue #174 p16, 19, 20, 21, 22, 23, 24

Musico v Davenport [2003] NSWSC 977, Issue #173 p19

Northbuild Constructions Pty Ltd v Discovery Beach Project Pty Ltd [2008] QCA 160, Issue #172 p19, 20, 21, 23

NRW Pty Ltd v Samsung C&T Corporation [2015] WASC 369, Issue #175 p22, 23

Omega Air Inc v CAE Australia Pty Limited [2015] NSWSC 802, Issue #177 p30

OneSteel Manufacturing Pty Limited (administrators appointed) [2017] NSWSC 21, Issue #174 p52

OneSteel Manufacturing Pty Ltd v BlueScope Steel (AIS) Pty Ltd [2013] NSWCA 27, Issue #172 p21

Ontario Hydro v Royal Insurance [1981] OJ No (QL) (HCJ), Issue #172 p38

Owners SP 62930 v Kell & Rigby [2009] NSWSC 1342, Issue #177 p28, 33

Paciocco v Australia and New Zealand Banking Group Limited [2016] HCA 28, Issue #172 p45; Issue #175 p47

Parisienne Basket Shoes Pty Ltd v Whyte (1938) 59 CLR 369, Issue #173 p17

Parkview Constructions Pty Limited v Total Lifestyle Windows Pty Ltd t/as Total Concept Group [2017] NSWSC 194, Issue #174 p42

PCH Offshore Limited v Dunn (No 2) (2010) 273 ALR 167, Issue #176 p8

Peninsula Balmain Pty Ltd v Abigroup Contractors Pty Ltd [2002] NSWCA 211, Issue #176 p23, 24

Pentagon Construction (1969) Co Ltd v United States Fidelity and Guarantee Co [1978] Lloyds Law Reports 93, Issue #172 p31

Pentagon Construction (1969) Co Ltd v United States Fidelity and Guarantee Company [1977] 4 WWR 351, Issue #172 p33

Perpetual Trustee Co Ltd v CTC Group Pty Ltd [No 2] [2013] NSWCA 58, Issue #176 p38

Perre v Apand Pty Ltd (1999) 198 CLR 180, Issue #174 p18, 20, 25, 27

Ploutos Enterprises Ltd v Stuart Olson Constructors Inc 2008 BCSC 271, Issue #172 p32

Port Jackson Stevedoring Pty Limited v Salmond & Spraggon (Aust) Pty Limited (1977) 139 CLR 231, Issue #177 p30

Power Rental Op Co Australia LLC v Forge Group Power Pty Ltd (in liq) (receivers and managers appointed) [2017] NSWCA 8, Issue #175 p59

Prattley Enterprises Ltd v Vero Insurance New Zealand Ltd [2016] NZCA 67, Issue #172 p13

Prattley Enterprises Ltd v Vero Insurance New Zealand Ltd [2016] NZSC 70, Issue #172 p13

Printing and Numerical Registering Co v Sampson (1875) LR 19 Eq 462, Issue #177 p26

Probuild Constructions (Aust) Pty Ltd v DDI Group Pty Ltd [2017] NSWCA 151, Issue #176 p22, 23, 24, 25, 26

Probuild Constructions (Aust) Pty Ltd v Shade Systems Pty Ltd [2016] NSWSC 770, Issue #173 p18, 19

Project Blue Sky v Australian Broadcasting Authority (1988) 194 CLR 355, Issue #173 p16

PT First Media TBK v Astro Nusantara International BV [2014] 1 SLR 372, Issue #173 p8

Pyrrho Investments Ltd v MWB Property Ltd [2016] EWHC 256 (Ch), Issue #177 p40

R v Leung (1999) 47 NSWLR 405, Issue #175 p8

R v Tang (2006) 161 A Crim R 377; [2006] NSWCCA 167, Issue #175 p7

Rabobank New Zealand v StockCo Ltd HC Napier CIV-2009-441-207, Issue #174 p53

Re an Arbitration between Dordy and Harcup (1885) 15 QBD 426, Issue #172 p22

Re Carus Wilson and Greene (1886) 18 QBD 8, Issue #172 p22

Re Samsung C&T Corporation [2017] FCA 1169, Issue #177 p54

Regal Consulting Services Pty Ltd v All Seasons Air Pty Ltd [2017] NSWSC 613, Issue #175 p52, 54

Reinhold v New South Wales Lotteries Corporation [No 2] (2008) 82 NSWLR 762, Issue #176 p38

Richard Crookes Construction Pty Ltd v CES Projects (Aus) Pty Ltd (No 2) [2016] NSWSC 1229, Issue #173 p25

Rickard Constructions Pty Ltd v Rickard Hails Moretti Pty Ltd [2006] NSWCA 356, Issue #173 p53

Rio Tinto PLC v Vale SA 2015 WL 872294 (SDNY Mar 2, 2015), Issue #177 p43

Robinson v Harman (1848) 1 Ex 850, Issue #176 p27

Robinson v P E Jones (Contractors) Ltd [2012] QB 44, Issue #174 p23

Robinson v United States 261 US 486 (1923), Issue #176 p25

Sabic Petrochemicals Limited v Punj Lloyd Limited [2013] EWHC 2916, Issue #177 p32

Saleh v Romanous [2010] NSWCA 274, Issue #175 p49

Samsung C&T Corporation v Loots [2016] WASC 330, Issue #175 p21

Sandy on behalf of the Yugara People v State of Queensland (No 2) [2015] FCA 15, Issue #177 p20

Sandy on behalf of the Yugara People v State of Queensland (No 3) [2015] FCA 210, Issue #177 p20

Sandy on behalf of the Yugara People v State of Queensland [2017] FCAFC 108, Issue #177 p20

Santos Pty Ltd v Pipeline Authority of South Australia (1996) 66 SASR 38, Issue #172 p19

Saville v Hallmarc Constructions Pty Ltd [2015] VSCA 318, Issue #173 p16

Sayers & Associates v Insurance Corp of Ireland Ltd (1981) 126 DLR (3d) 681 (Ont CA), Issue #172 p38; Issue #173 p53

Sayers & Associates v Insurance Corp of Ireland Ltd (1981)126 DLR (3D) 681, Issue #172 p31

Science and Technology Facilities Council v MW High Tech Projects UK Ltd [2015] EWHC 2889 (TCC), Issue #172 p44

Seele Austria GMBH & Co KG v Tokio Marine Europe Insurance Ltd [2008] All ER(D) 68, Issue #173 p48

Selig v Wealthsure Pty Ltd (2015) 255 CLR 661, Issue #176 p39

Shade Systems Pty Ltd v Probuild Constructions (Aust) Pty Ltd (No 2) [2016] NSWCA 379, Issue #173 p18, 19; Issue #174 p38, 39, 40; Issue #175 p20, 23, 24, 25

Shrimp v Landmark Operations Ltd (2007) 163 FCR 510, Issue #176 p40

Sidhu v van Dyke [2014] HCA 19, Issue #175 p48

Silent Vector Pty Limited v Squarcini [2008] WASC 246, Issue #175 p56

Skanska Construction Ltd v Egger [2002] BLR 236, Issue #173 p47, 48

Southern Han Breakfast Point Pty Ltd (in liquidation) v Lewence Construction Pty Ltd [2016] HCA 52, Issue #172 p40, 41; Issue #173 p18, 19; Issue #174 p38, 39; Issue #175 p24, 52, 53

Spiers Earthworks Pty Ltd v Landtec Projects Corporation Pty Ltd (No 2) [2012] WASCA 53, Issue #176 p23

Spiliada Maritime Corporation v Consulex [1987] AC 460, Issue #176 p7

SSC Plenty Road Pty Ltd v Construction Engineering (Aust) Pty Ltd [2016] VSCA 119, Issue #173 p44

SSC Plenty Road v Construction Engineering Australia [2015] VSC 631, Issue #173 p19, 21

St George Bank Ltd v Quinerts Pty Ltd (2009) 25 VR 666, Issue #176 p40

St Hilliers Property Pty Limited v ACT Projects Pty Ltd & Anor [2017] ACTSC 177, Issue #177 p46

State of Queensland v Multiplex Constructions Pty Ltd [1997] QCA 447, Issue #175 p45

Straits Exploration (Australia) Pty Ltd v Murchison United NL [2005] WASCA 241, Issue #172 p19

Sudbrook Trading Estate Limited v Eggleton [1983] 1 AC 444, Issue #172 p22

Sugar Australia Pty Ltd v Southern Ocean Pty Ltd [2013] VSC 535, Issue #173 p16

Suprima Bakeries Pty Ltd v Australian Weighing Equipment Pty Ltd [2016] NSWSC 998, Issue #173 p25

Sydneywide Distributors Pty Ltd v Red Bull Australia Pty Ltd [2002] FCAFC 157, Issue #175 p10

TCL Air Conditioner (Zhongshan) Co Ltd v The Judges of the Federal Court of Australia (2013) 251 CLR 533, Issue #174 p8

Ted Corp Holdings Ltd v QBE Insurance (International) Ltd (HC, Dunedin, CP3/00, 8 September 2000, William Young Jay), Issue #172 p31

Telstra v Worthing (1999) 197 CLR 61, Issue #173 p22

Temloc Ltd v Errill Properties Ltd (1998) 39 BLR 30), Issue #175 p56

Thiess Pty Ltd and John Holland Pty Ltd v Parson Brinckerhoff Australia Pty Ltd [2016] NSWSC 173, Issue #174 p44

Thorner v Major [2009] UKHL 18, Issue #175 p48

Transfield Pty Ltd v Arlo International Ltd (1980) 144 CLR 83, Issue #175 p27

Turner Corporation v Austotel (1994) 13 BCL 378, Issue #175 p45; Issue #176 p27

UGL Rail Pty Ltd v Wilkinson Murray Pty Ltd [2014] NSWSC 1959, Issue #174 p44

Velevski v The Queen (2002) 187 ALR 233; [2002] HCA 4, Issue #175 p7

Wagners Nouvelle Caledonie Sarl v Vale Inco Nouvelle Caledonie SAS [2010] QCA 219, Issue #174 p7

Walker Civil Engineering v Sun Alliance & London Insurance PLC (1998) 10 ANZ Ins Cas 61–418, Issue #172 p36

Walton Construction Pty Limited v Illawarra Hotel Company Pty Limited [2011] NSWSC 534, Issue #176 p30, 32

Waltons Stores (Interstate) v Maher (1988) 164 CLR 387, Issue #175 p47, 48, 49

Waters Lane Pty Ltd v Sweeney [2006] NSWSC 222, Issue #175 p27

Welker & Ors v Rinehart & Anor (No 6) [2012] NSWSC 160, Issue #175 p12

Western Export Services Inc v Jireh International Pty Ltd (2011) 86 ALJR 1, Issue #176 p14, 16

Westpac Banking Corporation v Australian Shipbuilding Industries Pty Ltd (Unreported, Supreme Court of Western Australia, Owen J, 25 September 1996), Issue #172 p17

Winnipeg Condominium Corporation No 36 v Bird Construction Co Ltd [1995] 1 SCR 85, Issue #174 p14, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27

Woolcock Street Investments Pty Ltd v CDG Pty Ltd (2004) 216 CLR 515, Issue #174 p20, 21, 23, 25 Worthing v Telstra [2016] VSCA 247, Issue #173 p22

Wright Prospecting Pty Ltd v Hamersley Iron Pty Ltd [2013] NSWSC 536, Issue #176 p13

Wu Yim Kwong Kindwind v Manhood Development Ltd [2015] 4 HKC 598, Issue #172 p11

WW Gear Construction Pty Ltd v McGee Group Ltd [2010] EWHC 1460, Issue #175 p45

Xstrata Queensland Ltd v Santos Ltd & Ors [2005] QSC 323, Issue #172 p23

Zeke Services Pty Ltd v Traffic Technologies Ltd [2005] QSC 135, Issue #172 p20, 21

LEGISLATION

Aboriginal Cultural Heritage Act 2003 (Cth), Issue #177 p21

Act on Promotion of Use of Alternative Dispute Resolution 2004 (Japan), Issue #172 p12

Acts Interpretation Act 1901 (Cth), Issue #177 p10

Alternative Dispute Resolution and Mediation Rules 2006 (Bombay High Court), Issue #172 p12

Mediation and Conciliation Rules (High Court of Punjab and Haryana), Issue #172 p12

Australian Commercial Disputes Centre Guidelines for Expert Determination 2015, Issue #172 p24

Australian Securities and Investments Commission Act 2001 (Cth), Issue #172 p46

Building Act 1993 (Vic), Issue #174 p57

Building and Construction Industry (Fair and Lawful Building Sites) Code 2014 (Cth), Issue #177 p8

Building and Construction Industry (Improving Productivity) Act 2016 (Cth), Issue #173 p27, 44; Issue #174 p38; Issue #177 p6, 12

Building and Construction Industry (Security of Payment) Act 2002 (Vic), Issue #177 p25

Building and Construction Industry (Security of Payment) Act 2009 (ACT), Issue #173 p14; Issue #177 p46

Building and Construction Industry Code of Conduct 2016 (WA), Issue #172 p50; Issue #176 p53

Building and Construction Industry Payments Act 2004 (Qld), Issue #172 p41, 49; Issue #173 p14, 29; Issue #174 p49, 50; Issue #176 p54, 56, 57

Building and Construction Industry Payments Amendment Bill 2014 (Qld), Issue #173 p29

Building and Construction Industry Security of Payment Act 1999 (NSW), Issue #172 p40; Issue #173 p14, 18, 28; Issue #174 p38, 39, 40, 42, 43; Issue #175 p23, 24, 52, 54; Issue #176 p26

Building and Construction Industry Security of Payment Act 2002 (Vic), Issue #172 p58; Issue #173 p14

Building and Construction Industry Security of Payment Act 2009 (SA), Issue #173 p14, 30; Issue #175 p24, 25

Building and Construction Industry Security of Payment Act 2009 (Tas), Issue #173 p14

Building and Construction Legislation (Non-conforming Building Products—Chain of Responsibility and Other Matters) Amendment Act of 2017 (Qld), Issue #176 p58

Building Code 2013 (Cth), Issue #172 p28

Building Industry Fairness (Security of Payment) Bill 2017 (Qld), Issue #176 p56

Building Legislation Amendment (Consumer Protection) Act 2016 (Vic), Issue #174 p56

Civil Conciliation Act 1951 (Japan), Issue #172 p12

Civil Dispute Resolution Act 2011 (Cth), Issue #172 p11

Civil Liability Act 2002 (NSW), Issue #174 p44; Issue #177 p16

Civil Procedure Act 2005 (NSW), Issue #172 p10, 11; Issue #175 p14

Civil Procedure Act 2010 (Vic), Issue #177 p40

Civil Procedure Code 1999 (Macau SAR), Issue #172 p12

Civil Procedure Law (2012) (PRC), Issue #172 p13

Civil Procedure Rules 1999 (Qld), Issue #173 p27

Civil Procedure Rules 2005 (NSW), Issue #172 p11

Code for the Tendering and Performance of Building Work 2016 (Cth), Issue #176 p54; Issue #172 p28, 29, 30; Issue #173 p44, 45; Issue #177 p6, 8

Code of Civil Procedure 1996 (Japan), Issue #172 p12

Commercial Arbitration Act 1990 (Qld), Issue #172 p23

LEGISLATION

Commercial Courts, Commercial Division and Commercial Appellate Division of the High Courts Act 2015 (India), Issue #172 p11

Commonwealth of Australia Constitution Act 1900 (Cth), Issue #172 p59; Issue #177 p11

Competition and Consumer Act 2010 (Cth), Issue #176 p18

Constitution Act 1975 (Vic), Issue #173 p15

Construction Contracts (Security of Payments) Act 2004 (NT), Issue #173 p14; Issue #175 p22

Construction Contracts Act 2004 (WA), Issue #172 p51; Issue #173 p14, 31; Issue #175 p20, 21, 22, 23; Issue #176 p54

Construction Contracts Amendment Act 2016 (WA), Issue #173 p32; Issue #175 p20, 21, 22, 23

Corporations Act 2001 (Cth), Issue #172 p58, 59; Issue #173 p21, 23, 56; Issue #174 p9, 52, 53, 54; Issue #176 p39; Issue #177 p18, 19

Cross-Border Insolvency Act 2008 (Cth), Issue #174 p9

Customs Amendment (Safer Cladding) Bill 2017 (Cth), Issue #176 p58

Domestic Building Contracts Act 1995 (Vic), Issue #174 p56

Electronic Transactions Act 1999 (Cth), Issue #174 p8

Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017 (NSW), Issue #176 p59

Evidence Act 1995 (Cth), Issue #172 p11; Issue #175 p6, 7, 9

Fair Work (Building Industry) Act 2012 (Cth), Issue #177 p8

Fair Work (Registered Organisations) Act 2009 (Cth), Issue #173 p55

Fair Work (Registered Organisations) Amendment Act 2014 (Cth), Issue #173 p55

Fair Work Act 2009 (Cth), Issue #172 p28; Issue #173 p55; Issue #174 p51

Federal Court of Australia Act 1976 (Cth), Issue #172 p11

Federal Court Rules 2011 (Cth), Issue #172 p11

Foreign Judgments Act 1991 (Cth), Issue #176 p8

Foreign Judgments Regulations 1992 (Cth), Issue #176 p8

Heavy Vehicle National Law 2013 (NSW), Issue #172 p56

Hong Kong Apology Bill 2017 (HK), Issue #177 p15, 16

Housing Grants, Construction and Regeneration Act 1996 (UK), Issue #172 p42

Indian Institute of Arbitration and Mediation Rules (2009), Issue #172 p12

International Arbitration Act 1974 (Cth), Issue #174 p7; Issue #177 p54

International Arbitration Act 2010 (Cth), Issue #174 p8

International Chamber of Commerce Rules 2017, Issue #172 p54

International Commercial Mediation Rules 2009 (Japan), Issue #172 p12

Interpretation Act 1987 (NSW), Issue #174 p42, 43

Judiciary Act 1903 (Cth), Issue #174 p10

KLRCA Mediation Rules 2013 (Malaysia), Issue #172 p13

Mass Transit Rail Ordinance 1975 (Hong Kong) cap 556, Issue #175 p30

Mediation Act 2012 (Malaysia), Issue #172 p12

Mediation and Conciliation Rules 2004 (Delhi High Court), Issue #172 p12

LEGISLATION

Mediation Ordinance 2013 (HK), Issue #172 p11

Mediation Rules 1987 (PRC), Issue #172 p13

Mediation Rules 2015 (Singapore), Issue #172 p13

Mining Act 1904 (WA), Issue #176 p13, 14

Native Title Act 1993 (Cth), Issue #177 p21

Personal Property Securities Act 2009 (Cth), Issue #174 p52; Issue #175 p58

Queensland Building and Construction Commission Act 1991 (Qld), Issue #174 p49, 50

Resolution Institute's Rules for the Expert Determination of Commercial Disputes 2016, Issue #172 p24

Sale of Goods (Vienna Convention) Act 1986 (Qld), Issue #174 p7

Sale of Goods Act 1896 (Qld), Issue #174 p7

Several Opinions on Further Displaying the Positive Roles of Litigation Mediation in the Building of a Socialist Harmonious Society 2007 (PRC), Issue #172 p13

Singapore International Arbitration Act (Cap 143A, 2002 Rev Ed), Issue #177 p54

Singapore International Arbitration Centre Rules 2016, Issue #172 p55

Singapore International Arbitration Centre Rules 2017, Issue #172 p55

Singapore International Commercial Court Rules 2014 (Singapore), Issue #173 p8

Subcontractors' Charges Act 1974 (Qld), Issue #172 p49; Issue #173 p29; Issue #174 p49, 50; Issue #176 p56, 57

Supreme Court Act 1970 (NSW), Issue #173 p10, 18; Issue #174 p39; Issue #175 p23, 24, 25

Supreme People's Court, Several Opinions of the SPC on Establishing a Sound Conflict and Dispute Resolution Mechanism that Connects Litigation and Non–litigation 2009 (PRC), Issue #172 p13

Trade Practices Act 1974 (Cth), Issue #174 p45; Issue #177 p21

Treasury Legislation Amendment (Small Business and Unfair Contract Terms) Act 2015 (Cth), Issue #173 p11; Issue #177 p32, 33

Uniform Civil Procedure Rules 2005 (NSW), Issue #175 p6, 16

Workers Compensation Act 1987 (NSW), Issue #174 p13

Workplace Injury Management and Workers Compensation Act 1998 (NSW), Issue #174 p12

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