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ARTICLES

The resolution of construction law disputes in the 21st century: A view from the other side of the bar table – John Sharkey AM

The methodology employed to resolve construction law disputes in Australia has undergone dramatic change in the last half century. From final determination by litigation or arbitration to a plethora of choices, constant change has been the theme of the repertoire. Central to the change has been the assertion by the client of its dominant role. The legal profession has seen the subordination of the search for justice to issues of cost and time in a manner it was unprepared for. There is a need on the part of the profession to examine its role and the contribution it makes to the industry if it is to stay relevant in a constantly changing game. 351

Fair play on the building site: How extending unfair contract term protections to small businesses will impact construction projects – Alisa Taylor

The Treasury Legislation Amendment (Small Business and Unfair Contract Terms) Bill 2015 (Cth) passed both Houses of Parliament on 20 October 2015 and will commence on 12 November 2016, 12 months from the date it received Royal Assent. The Bill extends to small businesses the Australian Consumer Law's existing consumer protections from unfair contract terms in standard form contracts. This article reviews the impact the amendments will have on the construction industry, where both small businesses and standard forms are ubiquitous. 365

The quantification of loss caused by disruption: How applicable is the measured mile method? – Robert J Gemmell

This article examines the measured mile method to estimate loss caused by disruption to the progress of a construction project by providing an overview of the operation of the methodology, a literature and case law review, and provides guidance on how a measured mile analysis should be conducted. 390

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