BUILDING AND CONSTRUCTION LAW JOURNAL

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EDITORIAL

TOPIC OF INTEREST

JE Lunn

REPORTS

J-Corp Pty Ltd v Gilmour [2005] WASCA 136

El-Mir v Risk [2005] NSWCA 215

Lifestyle Retirement Project No 2 Pty Ltd v Parisi Homes Pty Ltd [2005] NSWSC 705

Building and Construction Security of Payment Act 1999 (NSW) – Basic and essential requirements of valid determination – Whether adjudicator's determination void where payment claim served more than 12 months after construction work was last carried out.

Rail Infrastructure Corporation v Veghelyi [2004] NSWSC 427

TQM Design & Construct Pty Ltd v Dasein Constructions Pty Ltd (subject to a deed of company arrangement) and National Electrical Communications Association [2004] NSWSC 1216

A&P Parkes Constructions Pty Ltd v Como Hotel Holdings [2004] NSWSC 588

Digital City Pty Ltd v QX Australia Pty Ltd [2004] NSWSC 933

Multiplex Constructions Pty Ltd v Abigroup Contractors Pty Ltd [2005] 1 Qd R 610; [2005] QCA 61

Contract – Prevention of fulfilment of condition precedent or intimation that it is useless to fulfil it amounts to performance of the condition – This principle does not apply if there is an additional contractual step before a right accrues – Implied direction to accelerate works requires clearest evidence.

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 - 5. Austin, n 4, p 56.

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 - 7. Sheehy et al, n 6 at 221.

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