

# BUILDING AND CONSTRUCTION LAW JOURNAL

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## EDITORIAL

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## ARTICLES

### **Constructing the great Australian dream: Formation of domestic building contracts in Victoria – David Ulbrick**

This article investigates a range of issues relative to domestic building contracts in Victoria, including the need for a special class of domestic building contracts, signposts to when a commercial arrangement associated with a large scale residential development will fall into the Victorian domestic building regime and finally aspects of the formal requirements of the Domestic Building Contracts Act 1995 (Vic). .... 78

### **How a \$27,000 consultancy project turned into a \$53 million judgment – Scott Lambert and Andrew Mewing**

In the recent case of BHP Coal Pty Ltd v O&K Orenstein & Koppel AG [2008] QSC 141, McMurdo J aptly described the complex position taken by the parties: “As will be seen, the arguments, like the bucket wheel itself, have left few stones unturned”. Without examining every complex factual and legal issue, there are some simple but important messages concerning: (a) the need for appropriate and clear contract documentation; and (b) the liability of consultants and implied warranties under s 74 of the Trade Practices Act 1974 (Cth). .... 101

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