

BUILDING AND CONSTRUCTION LAW JOURNAL

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EDITORIAL

Drafting to evidence the parties' intentions	149
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ARTICLES

Variation claims in the absence of required writing – *Adrian Bellemore*

Almost all construction contracts require that, if a variation of the works is ordered, such an order will be in writing. Often variations are ordered in circumstances where the instruction to carry out a variation by, for example, the superintendent, is not given in writing. In such a case, is the contractor enabled to recover its entitlement under the terms of the contract or must it rely on an action in quantum meruit or is there no entitlement whatsoever? That is to say, is the requirement of writing a matter of procedure or is it mandatory?	150
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Design, novate and construct – a devil in disguise? – *Richard Wilkinson*

Construct only and design and construct. They are well worn paths within the construction and legal systems. For those experienced within these industries, there is a substantial body of commercial and legal understanding accompanying each decision to offer to the market and enter into a construct only or a design and construct contract. The usual risks in need of commercial and legal assessment are known and often it is just a matter of “going through the steps” for builders when bidding on these types of contracts. These contracts, published papers, texts and judicial precedent act as a beacon of light on the risks each stakeholder in the project needs to be aware of to protect their interests. And then there is the design, novate and construct delivery model. Is it a much of a muchness or a devil in disguise? What risks lie beneath?	156
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REPORT

Cook's Construction Pty Ltd v SFS 007.298.633 Pty Ltd	172
Diploma Construction Pty Ltd v Marula Pty Ltd	204

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