

# BUILDING AND CONSTRUCTION LAW JOURNAL

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## EDITORIAL

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## ARTICLES

### **DAPs: When will Australia jump on board? – Paula Gerber and Brennan Ong**

This article examines how dispute avoidance processes (DAPs) are being widely used around the world to prevent and/or manage construction disputes. Despite glowing reports, and the unprecedented success of DAPs at the international level, the process remains in its infancy in Australia. This article analyses the barriers that have prevented greater use of DAPs in Australia, and considers how these can be overcome. ....	4
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### **Completion of residential construction work: When does the clock start ticking? – Garth Campbell**

The Home Building Act 1989 (NSW) and its equivalent in South Australia and Tasmania impose a limitation period within which proceedings for breaches of statutory warranties must be brought, which commences on the completion of the work to which the proceedings relate. However, there is no definition of “completion” in the Acts, and due to the ongoing nature of construction work on many buildings, the date of completion of the work is often difficult to determine. The result has been many different judicial determinations of the criteria for completion. This article attempts to find an effective and clear definition of completion which could be incorporated into the Acts or used by judges to add certainty to these provisions, and also provides some mechanisms for builders and developers in the current legislative environment to ensure that the applicable limitation period will be as circumscribed as possible. ....	30
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### **Security of payment: Can Victoria offer insights into the re-shucked Oyster of judicial review? – Matthew Bell**

Victoria was the second Australian State to put in place security of payment legislation based upon the adjudication model derived from the United Kingdom. Uptake of the scheme has, however, been less widespread than in New South Wales and Queensland and this has been reflected by relatively little attention being paid to the legislation in the Victorian Courts. Over the past two years, however, a number of significant judgments have been handed down in Victoria. These include several which might offer guidance as to the possible impact in New South Wales now that that State’s Court of Appeal has, in the Chase Oyster Bar decision, reinstated the ability to obtain judicial review of adjudication determinations in certain circumstances. ....	36
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## REPORT

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