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Update Summary

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BUILDING AND CONSTRUCTION CONTRACTS IN AUSTRALIA

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UPDATED COMMENTARY

Contracts

- New commentary on Contracts under seal – see [1.13]
- New commentary on Treasury Laws Amendment – see [1.660]

Tenders

- New commentary on The Letter of intent and Heads of agreement – see [2.20]

Indemnities and insurances

- New commentary on The promise to insure – see [6.12]
- New commentary on Insurance of the works – see [6.12]

Administration of the construction contract

- New commentary on the contractual background of mutuality in reciprocal rights and obligations – see [7.10]
- New commentary regarding provisions of the *Design and Building Practitioners Act 2020* (NSW) - see [7.740]
- New commentary regarding duty of care – see [7.740]

Defects

- Completely new chapter focusing in revising all that pertains to defective and incomplete work and defective design.

Security of Payment

- New commentary on Scope – see [SOPA.NSW.14.10]
- New commentary regarding “*expertise and experience*” in SOPA NSW – see [SOPA.NSW.18.10]
- New commentary regarding jurisdictional error in SOPA NSW – see [SOPA.NSW.22.10]
- New commentary regarding what is required of an adjudicator – see [SOPA.VIC.23.20]
- New commentary on Concepts – see [BIFA.QLD.69.20]
- New commentary regarding service of payment claim – see [BIFA.QLD.75.20]
- New commentary regarding adjudicator’s jurisdiction – see [BIFA.QLD.84.10]

- New commentary regarding review of an adjudicator's decision – see [BIFA.QLD.88.10]

Practice Notes

Three new practice notes have been included to replace the old ones:

- Practice Direction Number 2 of 2024 replaces Practice Direction No 11 of 2012 (To be archived under the Tab "Rules of Court and Practice Notes")
- Practice Note SC Eq 3 replaces practice notes related to NSW and Victoria
- Practice Note SC CC 1 replaces Victorian Supreme Court Practice Note SC CC 1

