

# BUILDING AND CONSTRUCTION LAW JOURNAL

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EDITORIAL – *Editor: Michael Christie SC*

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## ARTICLES

**Is There a Compelling Case for a Prescribed Construction Code of Conduct to Help Correct Market Failure in the Commercial Sector of the Australian Construction Industry?** – *Jessica Viven-Wilksch and Jeremy Coggins*

This article offers a broad perspective of the issues currently faced by the commercial sector of the construction industry. This article provides an overview of the current existing legislative frameworks, namely the *Australian Consumer Law and the Security of Payment Acts*, to demonstrate that the current schemes are insufficient to address the endemic issues faced by the construction sector. The article explains how new mandatory codes of conduct in Australia have been enacted to provide a novel regulatory framework to address issues particular to specific industries to reconcile competing contracting interests and target unfair terms and unfair practices. The article argues that there is merit in considering such a prescribed code of conduct for the construction industry and provides an overview of what could be agreed to be included in the code. .... 368

**Contract Works Insurance: London Market Defect Exclusions – Judicial Consideration of LEG3** – *Patrick Mead*

Contract works and contractors' all risk policies comprise a critical component of risk allocation under modern construction contracts. Recovery under these policies can provide fertile ground for dispute due to the operation of policy exclusions, particularly when property is allegedly damaged in consequence of defective workmanship, material or design. In BCL Vol 32/1, the author considered the first reported case in relation to an LEG2 Exclusion. In this article the author turns his attention to the first cases to consider the operation of an LEG3 exclusion and their implications for contractors and insurers. .... 379

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