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EDITORIAL – *Editor: Michael Christie SC*

Significant Cases Reported in Volume 39 623

ARTICLES

Construction Law Disputes and Forum Preference – Trends from the Available Data 2012–2022 – *Professor John Sharkey AM and Samuel J Woff*

Historically, construction law disputants had a binary choice. Disputes were resolved in court or arbitral proceedings. More recently, the disputants have developed and embraced alternatives. While the data available to measure the effect of such changes may not have been thought extensive, a comparative analysis suggests that clients, rather than construction lawyers, have driven a move away from any notion that jurisprudential accuracy must be pursued irrespective of considerations of time and cost. In this article the authors examine the available data over the last decade and suggest that it points to a client driven search for methods other than the traditional options. The authors posit that, particularly in a time of such dramatic technological transformation, the directional change rendered by the clients will continue to render less commonplace the “all-issues” hearings of the past. And what is being asked of construction lawyers is what part they wish to play in that change. 626

Recourse to Security Post Termination – *David J McAndrew KC*

This article considers applications by contractors for an interlocutory injunction to restrain recourse to security post termination in circumstances where the contract does not expressly stipulate that the contractor’s obligation to maintain security and associated contractual provisions governing the principal’s entitlement to have recourse survive the termination. 633

The Relationship between Security of Payment Laws and Insolvency – *Michael Christie SC and David Hume*

Security of payment legislation is unique in that it was introduced specifically to reduce the risk of insolvency in the construction industry. That purpose has informed the manner in which the legislation has been interpreted and applied by the Courts. Complex issues have arisen concerning the relationship between laws governing insolvency and security of payment legislation. Some issues remain unresolved. Others are ripe for further judicial development. 647

REPORTS

The Republic of India v Deutsche Telekom AG	674
MWB Everton Park Pty Ltd as trustee for MWB Everton Park Unit Trust v Devcon Building Co Pty Ltd	716
Total Construction Pty Ltd v Kennedy Civil Contracting Pty Ltd (subject to a Deed of Company Arrangement)	725
Lieschke v Lieschke	736

VOLUME 39 – 2023–2024

Table of Authors	763
Table of Cases	765
Table of Cases Reported	789
Index	791