



What's News?

Construction & Infrastructure

25 August 2010

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Commonwealth

Government 'wrong' on jobs boost claims

12 August 2010

The ANAO report criticises the government's initial failure, rectified in a second funding round, to quantify how many jobs its money would buy through the spending on projects such as museums, community halls and swimming pools, even though job creation was a stated objective of the Nation Building stimulus package. Random checks by the ANAO showed "a continuous program of on-site construction was not actually under way at the time" and blames the lag on "high-risk" projects, and grants that were approved for projects that were not ready to proceed. [More...](#)

AMP to launch pure-play infrastructure fund

10 August 2010

AMP Capital Investors plans to launch the first retail global listed infrastructure fund, allowing retail investors to benefit from the expected long-term global growth in infrastructure. Global portfolio manager Craig Noble said the fund had some 200 global companies to choose from, including Australian stocks such as Prime Infrastructure, Intoll Group and Transurban Group. He said the challenge facing Australian infrastructure groups had been high debt. [More...](#)

New South Wales

Report investigates stall in developments

20 August 2010

A report to Wollongong Council has investigated why only two major projects approved for construction in the CBD over three years have been built. [More...](#)

1,300 jobs & more than \$560 million investment in July

18 August 2010

A total of 42 development proposals worth more than \$560 million and support in excess of 1,300 jobs were approved through the NSW planning system in July 2010. Minister for Planning, Tony Kelly, said the figures show the State's major projects assessment system is continuing to facilitate strong investment. [More...](#)

Tenders called for Hume Highway upgrade

17 August 2010

The New South Wales Government is calling for construction companies interested in building the Holbrook bypass to apply for the tender. The Hume Highway is expected to be widened to four lanes from Sydney to Melbourne by 2010. [More...](#)

Second largest wind farm approval in NSW

9 August 2010

Approval has been given for a \$700 million 270 megawatt facility to be located near Nimmitabel on the far south coast. The company hopes to be producing electricity in 2012 and be fully operational by 2010. [More...](#)

Newcastle coal port upgrade sets export target

11 August 2010

Capacity at Newcastle, which is the world's largest coal export port, will increase 25 per cent to 180 million tonnes a year by 2013, with a \$900 million upgrade.. The Newcastle Coal Infrastructure Group claims infrastructure bottlenecks are a major issue for Australian mining companies, particularly in the NSW Hunter region and the Bowen Basin in Queensland. [More...](#)

Public schools slugged higher prices for BER projects

11 August 2010

The NSW government said its figures had been calculated from the tender results of 585 projects, about one-quarter of the program, and were the "anticipated final costs for each project". According to the BER taskforce interim report, educational authorities were paying between 5 per cent and 6 per cent more for buildings than they had been paying pre-BER, suggesting some state governments had long been overpaying for buildings. [More...](#)

Thiess Hunter Expressway contract finalised at \$825 million

18 August 2010

Preliminary design and construction costing has been completed on the eastern section of the Hunter Expressway Project in NSW with the contract finalised at \$825 million. The eastern section will be constructed by Thiess in alliance with Parsons Brinkerhoff (PB) and Hyder Consulting. [More...](#)



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Queensland

Building Regulations make Queensland pools safer

18 August 2010

The State Government has today introduced the final stage of Australia's toughest swimming pool safety laws into the Queensland Parliament. Proposed amendments in the Building and Other Legislation Amendment Bill (No. 2) 2010 will replace the current assortment of 11 pool safety standards with a single, uniform approach. [More...](#)

Lutwyche Road Bridge makes way for Busway station

12 August 2010

A section of Lutwyche Road has been transformed into a bridge enabling further construction on the state-of-the-art Lutwyche Busway station. The Northern Busway (Windsor to Kedron) will be handed over to the Queensland Government for operation by TransLink on completion. [More...](#)

Canadian oil and gas explorer to open regional headquarters in Australia

11 August 2010

A Canadian global upstream oil and gas exploration company has announced that it will open Australasian regional headquarters in Brisbane, Queensland to support Papuan and Australasian operations across a range of activities including engineering, drilling, sub-surface and project management and development. [More...](#)

\$7m upgrade to Whitsunday Coast Airport tenders under evaluation

10 August 2010

Nine applications to upgrade the existing Whitsunday Coast Airport are being evaluated by the Federal Government, with tenders now closed. Work on the airport, located 15 kilometres south of Proserpine, is expected to be completed in early 2011. The Department of Infrastructure and Planning is managing the project for the Whitsunday Regional Council. [More...](#)

Victoria

Box Hill to be public sector build

18 August 2010

The Victoria Government's \$407.5 million redevelopment of Box Hill Hospital will be a public sector built project. Mr Andrews said the benefits associated with traditional procurement for this particular project outweighed those of a public private partnership. [More...](#)

Melton South builder convicted and fined over unfinished renovations

10 August 2010

The Melbourne Magistrates' Court convicted an unregistered Melton South builder on six counts of breaching Victoria's building and consumer protection laws, and that he accepted payment for work he did not complete and that he demanded an excessive deposit from his client. [More...](#)

New affordable homes for Victoria announced

13 August 2010

Housing Minister Richard Wynne has announced the allocation of almost 1,500 new affordable private rental homes under an innovative partnership between the Gillard and Brumby Labor Governments. [More...](#)

Victoria exceeds target on public housing improvements

19 August 2010

Over 9,100 Victorian public housing properties have been upgraded under the \$99.2 million Nation Building Repairs and Maintenance Program - almost double the original target. [More...](#)

New wind farm for Victoria

18 August 2010

The Victorian Government has approved a major wind farm capable of supplying power to 80,000 homes. Planning Minister Justin Madden granted planning permits for the proposed Crowlands Wind Farm located within Ararat Rural City Council and Pyrenees Shire Council. [More...](#)

Victoria secures Southern Hemisphere's largest wind farm

12 August 2010

The largest wind farm in the Southern Hemisphere worth \$1 billion will be built in Victoria's west over the next three years. The Macarthur Wind Farm project is a joint venture between AGL, Australia's leading renewable energy developer and Meridian Energy (New Zealand). [More...](#)

Pine Hill Drive, Frankston - emergency order

19 August 2010

Tenants of an apartment building have had to be evacuated under an emergency order due to a Building Surveyor report, and an investigation into the builder has now commenced. The vast majority of Victoria's 24,000 registered building practitioners do the right thing but in instances where misconduct is proven the practitioner faces sanctions including de-registration, orders to rectify defects and substantial fines. [More...](#)

Other

Leighton bags HK tunnel contract

18 August 2010

Australia's biggest construction company Leighton Holdings has been awarded a \$409 million contract to build tunnel sections of a Hong Kong rail link. The project involves building the West Kowloon Terminus approach tunnel and Track Fan tunnel section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). [More...](#)



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Bridge collapse sparks safety blitz

16 August 2010

CFMEU ACT branch secretary Dean Hall said that his union had reported the contractor, Rayners Construction, to work safety authorities, alleging that "sham contractors" - workers who are not being paid their proper entitlements - were being used on the site.

[More...](#)

Legislation

Queensland

Regulations

Workplace Health and Safety (Codes of Practice) Amendment Notice (No. 3) 2010

Bills

Building and Other Legislation Amendment Bill (No. 2) 2010

Publications/Conferences

CTH: Proposal to amend the Building Code of Australia to include requirements for Private Bushfire Shelters

11 August 2010

A Consultation Regulation Impact Statement (RIS) has been prepared for the purpose of informing stakeholders and other interested parties regarding the proposal to include requirements for private bushfire shelters in the Building Code of Australia (BCA). [More...](#)

VIC: Panel Report - Crowlands Windfarm

Construction of the 75-turbine Crowlands Wind Farm, east of Ararat. [More...](#)

VIC: Transport Integration Act 2010

The planning scheme amendment explanatory report template has been updated to ensure planning authorities consider any significant impact of an amendment on the transport system, as required by the Transport Integration Act (2010). [More...](#)

Infrastructure report card 2010: New South Wales

Source: Sydney: Engineers Australia, 2010; 1v
New South Wales; Infrastructure; Electricity supply; Water resources; Land transport infrastructure; Telecommunications; Rail transport; Planning processes; Evaluation; Statistics; Interstate comparisons. [More...](#)

Building the Education Revolution Implementation Taskforce: interim report

Author: Australia, Building the Education Revolution Implementation Taskforce

Source: [Canberra] : The Taskforce, 2010; 97 p.
Schools funding; Education infrastructure; Government expenditure; Primary schools; Interstate comparisons; Complaints; Cost benefit analysis; Models; Evaluation; Statistics. [More...](#)

Renewable resourceful Victoria: the renewable energy potential of Victoria

Author: Sinclair Knight Merz

Source: Victoria : Dept. of Primary Industries, 2010; 2 v. in 4

Victoria; Renewable energy; Energy consumption; Wind energy; Solar energy; Hydroelectricity; Alternative fuels; Geothermal energy; Wave energy; Statistics. [More...](#)

The state of Australian cities 2010 report: towards a national research agenda

Author: Winter, Ian C.

Source: Melbourne : AHURI, 2010; 10 p.
Cities and towns; Capital cities; Housing; Population; Quality of life; Social inclusion; Sustainable development; Infrastructure; Research. [More...](#)

Cases

John Holland Pty Ltd v Construction, Forestry, Mining and Energy Union [2010] FCA 834

Industrial Law - consideration of further steps to be taken upon referral of the proceedings to the primary judge for further consideration consequent upon orders of the Full Court. [More...](#)

White v Construction Forestry Mining and Energy Union [2010] FCA 835

Industrial law - Strike-out motion based on double jeopardy principle and abuse of process - allegation of contraventions of different statutory provisions based on same conduct - motion dismissed.
Industrial Law - Construction of Building and Construction Industry Improvement Act 2005 (Cth) s 43(1). [More...](#)

Wagners Nouvelle Caledonie Sarl v Vale Inco Nouvelle Caledonie SAS [2010] QCA 219

Arbitration - the submission and reference - dispute or difference within the meaning of an arbitration clause - dispute as to meaning of contract - clause provided that contractual disputes would be "submitted to arbitration in accordance with and subject to the UNCITRAL Arbitration Rules" - whether clause constituted an agreement that the Model Law would not apply to any arbitration between the parties - whether *Australian Granites Limited v Eisenwerk Hensel Bayreuth Dipl-Ing Burkhardt GmbH* wrongly decided. [More...](#)



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***Cargill International SA v Peabody Australia Mining Ltd* [2010] NSWSC 887**

Application under s 38(4)(b) of Commercial Arbitration Act 1984 (NSW) for leave to appeal from Arbitrator's award on grounds of manifest error of law or strong evidence of error or in the alternative to remit questions of law to Arbitrator under article 34(2)(b)(ii) of Model Law if former, whether leave to appeal should be granted under Commercial Arbitration Act if latter whether denial of natural justice under the Model Law: Held Model Law applies - Referral of dispute under rules of ICC did not operate as an 'opt-out' of Model Law under s 21 of the International Arbitration Act 1974 (Cth) - the decision in *Eisenwerk Hensel Bayreuth Dipl-Ing Burkhardt GmbH v Australian Granites Ltd* [2001] 1 Qd R 461 is plainly wrong and should not be followed - referral of dispute to ICC Rules did not indicate that parties intended to opt-out of Model Law to extent it applied as the curial law or *lex arbitri* had Commercial Arbitration Act applied, threshold requirements for grant of leave not satisfied - discretion to grant leave would not have been exercised in any event - no denial of natural justice - plaintiff's application dismissed. Admiralty and Maritime jurisdiction - Whether dispute was one arising out of a maritime claim - held dispute did arise out of a maritime claim so that exclusion agreement by adoption of article 28(6) of the ICC Rules would not apply. [More...](#)

***Grave v Blazevic Holdings Pty Ltd* [2010] NSWCA 200**

Procedure - Stay - Notice of Motion seeking variation of order - Whether it should be adjourned or dismissed. The judgment of Young JA does indicate there is a possibility that the appellant could succeed on the basis that it was his company, and not the appellant himself, who contracted with the builder. Held: no material suggested that the builder is owed less than the \$48,000 that Young JA required to be paid as a condition of the stay. [More...](#)

***Boral Resources (Qld) Pty Ltd v Thomas & Anor as trustees for the Avandel Property Trust & Ors* [2010] QSC 297**

Procedure - Supreme Court procedure - Queensland - Procedure under rules of court - Summary judgment - where applicant applied for summary judgment following the failure of a small construction company to repay debt - where the second respondent, who was the director of the construction company, and the third respondent, his wife, had provided a personal guarantee and indemnity - where applicant had lodged a caveat over land the subject of the personal guarantee and indemnity - where court considered s 126(4)(a)(ii) of the Land Title Act 1994 (Qld) which requires a caveator to commence proceedings in the Supreme Court within three months to avoid the lapse of a caveat if the caveatee has not consented to its filing - whether summary judgment should be entered for the plaintiff - recommendations for law reform. [More...](#)

***Asian Pacific Building Corporation Pty Ltd v Aircon Duct Fabrication Pty Ltd & Ors (No 2)* [2010] VSC 340**

Building Contracts - Building and Construction Industry Security of Payment Act 2002 (Vic) - Adjudication determination made in part beyond jurisdiction - Adjudication determination declared void in part - Application to stay operation of valid part of adjudication determination on ground of alleged insolvency - *Grosvenor Constructions (NSW) Pty Ltd (In Administration) v Musico and Ors* [2004] NSWSC 344 considered - Costs of judicial review which was successful in setting aside one of two adjudication determinations. [More...](#)

***Roberts v Parletta Constructions Pty Ltd* [2010] SASC 248**

Magistrates - Appeals and review - South Australia - Appeal to Supreme Court. Contracts - Building, engineering and related contracts - Performance of work - Remedies for breach of contract - Damages - Appellant seeks damages for breach of contract suffered as a result of the construction of a patio on her property - Appellant not initial owner of property - Water leakage through patio floor and carport roof - Whether leakage a result of latent defect - Whether damage actually suffered - No building inspection conducted before appellant purchased the property. Held: There was never any contract in existence between the builder and the appellant. Torts - Negligence - Essentials of action for negligence - Duty of care - Special relationships and duties - Whether any duty of care owed by builder to initial owner and to subsequent purchaser. Held: No breach of builder's duty of care to initial owner and therefore no breach of duty to subsequent purchaser - Appeal dismissed. [More...](#)

***Sam the Paving Man Pty Limited v Berem Constructions Pty Limited (in liquidation)* [2010] NSWSC 868**

Corporations - Application for leave nunc pro tunc under Corporations Act, s 500(2) - First defendant in liquidation - Second defendant was principal contractor - Work subcontracted to first defendant and plaintiff - Plaintiff sought to recover debts owing by first defendant under Contractors Debts Act - Where plaintiff obtained default judgment against first defendant and issue of debt certificate under Contractors Debts Act, s 7 in District Court without leave and served notice of claim on second defendant - Where plaintiff reached agreement with liquidators regarding pursuing claim against second defendant at own cost - Where second defendant raise defence of set-off - Whether to grant leave where liquidators consent to leave and no realistic prospect of recovery for other creditors - Whether to refuse leave because interfering with principles of rateable distribution between priority creditors - Whether to refuse leave because notice of application not given to other creditors. [More...](#)



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