



What's News?

Construction & Infrastructure

24 June 2009

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Commonwealth

Dwelling starts hit bottom

17 June 2009

National dwelling commencements fell sharply again in the March quarter in the wake of the crisis of confidence that unfolded late last year as the global financial crisis escalated, according to Master Builders. [More...](#)

Master Builders disappointed over industry watchdog legislation

17 June 2009

Master Builders Australia, the peak body representing the building and construction industry, today expressed disappointment at the watering down of the powers for the new industry watchdog. [More...](#)

Victoria

Alliance announced for Springvale Road Rail Project

10 June 2009

Work on the Springvale Road Rail Separation at Nunawading is on track with the VicRoads alliance partners announced today for the \$140 million project. A new railway station for Nunawading is a key component of this project, replacing the old facilities that are used by 3,000 local commuters a day. [More...](#)

EES Assessment released for Peninsula Link Project

15 June 2009

A toll-free Peninsula Link is a step closer with Planning Minister Justin Madden releasing the independent Environmental Effects Statement (EES) Inquiry Report and his assessment of the project. An independent inquiry found many of the potential effects of the Peninsula Link project are consistent with those of a typical freeway and was confident that these issues can be satisfactorily addressed. [More...](#)

Geelong Ring Road open and all clear to Waurin Ponds

15 June 2009

The Geelong Ring Road project is vital to securing Geelong's future and further opening up the region to Melbourne. The Ring Road and associated critical transport links are essential to supporting key industries and companies such as Ford in Geelong. [More...](#)

Land released to house Melbourne boom

17 June 2009

The Victorian Government has announced it will release an extra 41,000 hectares of land for new housing to accommodate Melbourne's population boom. The extension of the urban growth boundary in Melbourne's north, west and south-east will accommodate an extra 284,000 new houses. The draft plan also includes the proposed alignment of the outer metropolitan ring road and the regional rail link, which will include up to six new train stations in Melbourne's western suburbs growth areas. [More...](#)

Proposed route of Regional Rail Link revealed

17 June 2009

Up to six new stations will be built as part of the \$4.3 billion Regional Rail Link project which will provide train services to Melbourne's growing west securing 2800 jobs in construction. The community is invited to have their say on the proposed alignment on the next stage of this vital infrastructure project which is the largest improvement to the rail network since the City Loop. [More...](#)

Slashing planning red-tape assists bushfire rebuild

16 June 2009

The Brumby Labor Government is taking action to reduce planning red tape for victims of Victoria's devastating bushfires and has now offered a variety of assistance through building initiatives such as free information seminars and design assistance. [More...](#)



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New South Wales

\$200 million NSW Local Infrastructure Fund launched

16 June 2009

The \$200 million NSW Local Infrastructure Fund has been established as an 'interest free' loan scheme to bring forward infrastructure projects that are delayed due to a lack of funding. The funding will provide an immediate local economic boost as water, sewer, drainage and roads infrastructure projects are provided for local communities. [More...](#)

Budget boon for NSW councils

17 June 2009

NSW Treasurer Eric Roozendaal has delivered the 2009-2010 Budget, which includes a \$35 million Community Partnerships Program and \$200 million in interest-free loans to help local councils fund community infrastructure projects. [More...](#)

Contamination fears could mean 100 redundancies

17 June 2009

A construction industry union says up to 100 Sydney workers face unemployment today after Meriton stopped building 700 apartments in Rhodes, in the city's inner west. [More...](#)

Four companies to vie for Narrabri Hospital redevelopment

9 June 2009

The New South Wales Government has invited four companies to lodge formal tenders for the multi-million dollar redevelopment of the Narrabri Hospital site. [More...](#)

NSW Budget will deliver record \$62.9 billion building program

16 June 2009

NSW's 2009 state budget will support 160,000 jobs a year and deliver a \$62.9 billion building program. NSW Premier, Nathan Rees, has announced that the NSW budget will support up to 160,000 jobs a year through a \$62.9 billion building program over the next four years - the largest infrastructure investment in the state's history. [More...](#)

NSW Budget: It's good, but not great, says IPA

17 June 2009

IPA believes that NSW needs major projects like new motorways, public transport options and freight networks. The NSW Budget confirms the impact of the global financial crisis, but the lack of progress on new state-building infrastructure projects shows that tough reforms will be required to get NSW back on track, says Infrastructure Partnerships Australia (IPA). [More...](#)

NSW Govt plans construction led recovery: Urban Taskforce

18 June 2009

The Urban Taskforce has welcomed the NSW Budget and its 'robust support' for residential construction and local infrastructure. [More...](#)

Stamp duty exemption could create 16,000 construction jobs

16 June 2009

The Property Council of Australia is encouraging the NSW government to issue a temporary stamp duty exemption on new dwellings valued under \$1 million. The NSW government should use today's state budget as the platform to kick start residential construction and boost economic activity across the state through a temporary stamp duty stimulus, says the Property Council of Australia. [More...](#)

'Super-agency' to have a go at sorting out NSW transport

11 June 2009

NSW Premier Nathan Rees has announced what he claims to be the most significant shake-up of the delivery of transport services in NSW history. A new super-agency, NSW Transport and Infrastructure, would take control of all transport and roads coordination, policy and planning functions. [More...](#)

Watpac awarded \$50m Woolworths project

10 June 2009

Watpac's construction division has been appointed the contractor for the construction of a data centre for Woolworths at Eastern Creek in NSW. The \$50 million project involves the construction of a 14,000-square-metre building to house three data halls and associated offices. The team will also undertake civil works, such as roads and infrastructure, at the site. [More...](#)

Queensland

\$1.6M Noble St Cycle Bridge work commences

18 June 2009

Construction has begun on a new \$1.6 million cycle and pedestrian bridge across Enoggera Creek at Noble Street, Herston. Transport Minister Rachel Nolan said the bridge was jointly funded by the Queensland Government and Brisbane City Council and would provide a vital link between cycleways in Brisbane's inner northern suburbs. [More...](#)

\$8.5 billion worth of infrastructure to build Queensland public works

16 June 2009

Minister for Public Works, Information and Communication Technology, Robert Swarten, said the Department of Public Works will be instrumental in delivering more than \$8.5 billion worth of infrastructure in the 2009-10 State Budget. [More...](#)

Bruce Highway Upgrade Stage Three

18 June 2009

Federal Minister for Infrastructure and Transport Anthony Albanese said Stage Three works from Cross Street to Pine Street would make the stretch safer and less congested for motorists with an investment of \$70.8 million to upgrade the Bruce Highway through Gympie from Centro Way to Pine Street, a busy stretch of road that carries approximately 21,000 vehicles a day including 2,700 trucks. [More...](#)

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Bundaberg Ring Road Stage One opens to traffic

17 June 2009

The biggest single road investment a State Government undertaken in Bundaberg, the Stage One of the \$100 million Bundaberg Ring Road project is now complete. [More...](#)

Justice budget delivers on infrastructure

16 June 2009

The Bligh Government's investment in the \$600 million Supreme and District Court complex will form a major part of the state's \$18.2 billion infrastructure program. The \$18.2 billion infrastructure program, including vital investments in justice facilities, will stimulate growth and provide job opportunities for thousands of Queenslanders according to the Treasurer. [More...](#)

Government \$19 million boost to support Queensland mines

16 June 2009

The Bligh Government will invest an extra \$19 million in the Smart Mining - Future Prosperity program. This provides grants to help reduce mineral and energy explorers' risks, costs and timeframes and assist them with better opportunities for targeting prospects that could lead to potential new mines, gas fields and jobs for the future. [More...](#)

Money talk not enough for sinking suburb

16 June 2009

The State Government must set a deadline to buy out or repair homes in Ipswich's sinking suburb of Collingwood Park to spare residents further heartache, Ipswich Mayor Paul Pisasale says. The announcement of a further \$5.6 million in today's State Budget to address mine subsidence in the area - while welcome - was not enough without a proper action plan. [More...](#)

QCAT to simplify access to civil and administrative justice

17 June 2009

State Parliament have passed a bill to streamline access to civil and administrative justice in Queensland. The establishment of QCAT will provide Queenslanders with access to civil and administrative justice through a single gateway, simplifying access to justice in the state. Queenslanders will no longer have to negotiate the maze of administrative review bodies, tribunals and courts in order to identify where to seek redress. [More...](#)

Record road-building program supports jobs

16 June 2009

The Bligh Government will spend more than \$3.5 billion on road infrastructure in 2009-10 as part of the massive \$18.2 billion building program announced in the State Budget today. Treasurer Andrew Fraser said the \$3.53 billion road construction program would support tens of thousands of jobs by providing the infrastructure needed to cater for urban growth, to assist the economy and to link communities. [More...](#)

Work still flowing from water projects

16 June 2009

Key building projects to enhance water security around South East Queensland and relieve Brisbane traffic congestion will safeguard jobs in 2009-10. Minister for Infrastructure and Planning Stirling Hinchliffe welcomed the State Budget focus on infrastructure to maintain employment and foster economic growth. \$887.7 million of capital in 2009-10 will lead government's progression of projects and encourage economic development. [More...](#)

Publications/Conferences

Misleading and deceptive conduct and security of payment - ensure you don't get caught

Author: Lewis, Troy; Ferret, Sarah (Holding Redlich)

Source: Australian Construction Law Newsletter, March/April 2009; No. 125: pp52-53

Complications arising from the proportionate liability regime when settling before judgment

Author: Stephenson, Andrew; Brook, Craig

Source: Australian Construction Law Bulletin, May 2009; Vol. 21 (No. 1/2): pp4-5

Are damages enough for a breach of the process contract?

Author: Alyson Eather; Alden, Scott

Source: Australian Construction Law Bulletin, May 2009; Vol. 21 (No. 1/2): pp6-8

Copyright in the plans for project homes - a fine line between functionality and originality

Author: Sutton, Michael

Source: Australian Construction Law Bulletin, May 2009; Vol. 21 (No 1/2): pp9-10

Effectiveness of a "no waiver" clause to terminate a commercial agreement

Author: Leighton O'Brien; Sander, Stephen

Source: Australian Construction Law Bulletin, May 2009; Vol. 21 (No 1/2); pp11-13

When can rectification costs be recovered as damages for breach of contract? High Court clarifies

Author: Christopoulos Nick; Fan, Jack

Source: Australian Construction Law Bulletin, May 2009, Vol. 21 (No. 1/2): pp14-16

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Scope of architects' professional duties

Author: Watson, Juniper; Robertson, Andrew

Source: Australian Construction Law Bulletin, May 2009; Vol. 21 (No. 1/2): pp17-18

A split in the right direction

Author: Watson, Juniper, Robertson, Andrew

Source: Australian Construction Law Bulletin, May 2009; Vol. 21 (No 1/2): pp19-20

When is a payment claim deemed to be received by fax?

Author: Matheson, Cassie

Source: Australian Construction Law Bulletin, May 2009; Vol. 21 (No 1/2): pp21-23

Building Australia's Future 2009 - Conference Program now available

15 June 2009

A range of presentations are proposed at this year's Conference.

[More...](#)

BCA Energy Efficiency proposals

The proposals can be viewed through the [About the Building Code](#) pages of this site and commented upon as part of the BCA 2010 amendment process. Comments should be limited to technical issues on the practicality of the proposals with any cost or impact related matters deferred until the Regulatory Impact Statement (RIS) is released for public comment in September. [More...](#)

BCA 2010 Draft Proposals for Comment

The draft changes for the 2010 edition of the Building Code of Australia (BCA 2010) have been placed on the ABCB website for public comment and to give BCA users advance notice of proposals that may take effect on 1 May 2010. [More...](#)

AWU online asbestos register

10 June 2009

The Australian Workers Union workers exposure register available online. [More...](#)

NSW: Notification of complaints to accredited certifiers

The Building Professionals Board recently amended its process for the notification of accredited certifiers of complaints received about their conduct. Accredited certifiers are now notified immediately upon the receipt of a complaint against them. Certifiers are still given a separate opportunity to respond to the complaints after they have been clarified with the complainant. [More...](#)

NSW: Information Sheet - Compliance with BASIX: the certifier's role

A new information sheet (Information Sheet No. 18) has been prepared entitled *Compliance with BASIX: the certifier's role*. The Information Sheet can be accessed [Here](#) [More...](#)

NSW: Building Circular

10 June 2009

Safety barriers in aboveground car parks - coroner's recommendations. [More...](#)

NSW: Planning E News

18 June 2009

Covers Planning reform, new infrastructure developments, planning panels, heritage. [More...](#)

VIC: Pneumatic pipeline testing could cause explosions

19 June 2009

Worksafe Victoria has released a safety solution on preventing explosions when testing pipelines. [More...](#)

VIC: Currently inviting submissions

[Building Amendment Regulations 2009](#) - submissions on the Regulatory Impact Statement and the exposure draft of the Regulations close on 2 July 2009.

VIC: Delivering Melbourne's newest sustainable communities

Public comment is sought on the proposed changes to the Urban Growth Boundary, transport infrastructure projects, and proposed grassland reserves. [More...](#)

VIC: Frankston Bypass Assessment

The Minister for Planning has released his Assessment on the [Frankston Bypass](#) under the *Environment Effects Act 1978* which concludes the EES process. The Assessment has been provided to statutory decision-makers to inform approval decisions on this project.

QLD: Galilee coal project draft terms of reference

Comments are invited on draft TOR for an EIS planned construction of an open cut coal mine and attendant infrastructure in the Galilee Basin to the northwest of Alpha. Submissions and comments should be received by 5 pm Monday 29 June 2009.

[More...](#)

QLD: Adoption of Australian Standard 3959-2009 - MP 2.4 - Buildings in bushfire-prone areas

18 June 2009

Proposed adoption date for the 2009 version of Australian Standard 3959-Construction of buildings in bushfire-prone areas in Queensland is 1 October 2009. [More...](#)

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Legislation

Commonwealth

Bills introduced

Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009
A Bill for an Act to amend the Building and Construction Industry Improvement Act 2005, and for related purposes Published: 18/06/2009. [More...](#)

Infrastructure Australia Amendment (National Broadband Network and Other Projects) Bill 2009
A Bill for an Act to amend the Infrastructure Australia Act 2008 to ensure proper assessment of the proposed National Broadband Network and other projects, and for related purposes Published: 18/06/2009. [More...](#)

NSW

Acts

Energy Legislation Amendment (Infrastructure Protection) Act 2009
Heritage Amendment Act 2009

Bills passed

Electricity Supply Amendment (Energy Savings) Bill 2009
Land Acquisition (Just Terms Compensation) Amendment Bill 2009

Regulations

[Surveying Amendment \(Fees and Deposits\) Regulation 2009](#)

Cases

Mayaman Developments Pty Ltd v TQ Constructions Pty Ltd [2009] QSC 144

Contract - Building, engineering and related contract - Remuneration - Statutory regulation of entitlement to and recovery of progress payments - Where contract nominated a specific architect to administer the contract - Where contract provided for the architect to assess a claim for a progress payment and to issue to the parties a certificate setting out any payment due to the contractor - Where construction stopped before completion because the applicant's financier went into receivership - Where there were four certified progress claims unpaid by the applicant at the time the work stopped - Where the unpaid progress certificates founded a statutory demand served by the respondent on the applicant, which the applicant sought to set aside - Where amount claimed in statutory demand excessive - Where applicant argued there was a genuine dispute between the parties about the existence of the debt claimed under the statutory demand - Where applicant filed and served supporting material after the 21 day period prescribed by s459G of the Corporations Act 2001 (Cth) - Whether the statutory demand should be set aside. Corporations Act 2001 (Cth). [More...](#)

Queensland

Acts

Mines and Energy Legislation Amendment Act 2009
Local Government Act 2009
Water and Another Act Amendment Act 2009

Bills introduced

Infrastructure Investment (Asset Restructuring and Disposal) Bill 2009

Regulations

Public Works Legislation Amendment Regulation (No. 1) 2009
Building and Other Legislation Amendment Regulation (No. 2) 2009
Environmental Protection Legislation Amendment Regulation (No. 1) 2009
Electrical Safety Amendment Regulation (No. 1) 2009

Grocon Constructors Pty Ltd v Kimberley Securities Ltd [2009] NSWSC 541

Corporations - voluntary administration - deeds of company arrangement - creditor seeks orders setting aside resolution for execution of deed of company arrangement and terminating deed - various aspects of s 600A discussed - all positive votes were votes of related creditors, company officers or nominees holding debts purchased and paid for by director related entity - aspects of prejudice to non-assenting creditors discussed - fertile ground for examination of possible related party recoveries by liquidator. [More...](#)

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Northern Residential Pty Limited v Newcastle City Council [2009] NSWCA 141

Local government - Development consent for subdivision of land - Subdivision works to be carried out - Requirements for inspections of stages of subdivision works - Whether inspections required by principal certifying authority - Inspections carried out by person other than a certifying authority - Subdivision certificates issued - Whether s 109E(3) of the Environmental Planning and Assessment Act 1979 breached - Whether subdivision certificate invalid - Exercise of discretion. *Building Professionals Act 2005; Building Professionals Regulation 2007.* [More...](#)

Sopov & Anor v Kane Constructions Pty Ltd (No 2) [2009] VSCA 141

Restitution - Work and labour done - Owner's repudiation of building contract - Works substantially completed - Acceptance of repudiation by builder - Whether *quantum meruit* available as alternative to contract damages - Whether reasonable cost of works equates with reasonable value of works - Whether contract price operates as 'ceiling' on *quantum meruit* - Whether contractual entitlements affect *quantum meruit* calculation - Whether *quantum meruit* includes profit component. [More...](#)

Parkview v Multi-Formwork [2009] NSWSC 547

Building and construction - Final hearing of claim after an adjudication determination - Defendant fails to appear - Judgment for plaintiff. [More...](#)

Vimblue Pty Ltd v Toweel trading as Carpenters Core Building [2009] NSWSC 494

Corporations - winding up in insolvency - statutory demand - application for order setting aside - whether genuine dispute as to existence or amount of debt - debt represented as quantum meruit - no step taken which fixes reasonable remuneration - no means of determining reasonable remuneration - difference between "liquidated claim" and "liquidated sum". *Corporations Act 2001 (Cth)*, ss 459E(1), 459G, 459H(1)(a), *Home Building Act 1989*, ss 3(1), 6(1), 7(1), 10(1). [More...](#)

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