

## THE BUILDING DISPUTE PRACTITIONERS' SOCIETY INC. \$3,000 BDPS ESSAY PRIZE

1. The Committee of the BDPS has approved an essay prize in the sum of AU\$3,000.00 to be called the Building Dispute Practitioners' Society Inc. Essay Prize, or the BDPS Prize
2. The BDPS Prize will be awarded annually to the author/s of an original essay on construction law, building disputes or closely related topics, which has been published in the BDPS News during the 12 months prior to the BDPS Annual Dinner in June each year.
3. The following eligibility criteria apply for the BDPS



### Prize:

- The essay must be an original and substantial work of no more than approximately 5,000 words.
  - The essay must not have been submitted for and/or published elsewhere.
  - The author/s must be current financial members of the Building Dispute Practitioners' Society Inc.
  - The article must be published in the BDPS News from and including June 2008 up to and including March 2009 to be considered for the BDPS Prize in 2009, and so on for subsequent years.
4. A judging panel consisting of the President, the Secretary and the Editor will select the winning essay. In the case of a conflict of interest, a substitute member of the judging panel will be nominated by the Treasurer.
  5. The Judging Panel has absolute discretion in selecting the winner of the Prize, including as to eligibility and whether the BDPS Prize will, or will not, be awarded.
  6. The Building Dispute Practitioners' Society Inc. reserves absolutely the right to amend the rules of the BDPS Prize without prior notice or explanation.
  7. The BDPS Prize will be announced and presented at the Annual Dinner.

Submit your article to [akincaid@vicbar.com.au](mailto:akincaid@vicbar.com.au)

## BOOK REVIEW

### UNDERSTANDING AUSTRALIAN CONSTRUCTION CONTRACTS

**Professor Ian Bailey SC and Matthew Bell's *Understanding Australian Construction Contracts* (Sydney, Thomson Lawbook Co, 2008) fills a significant gap in the range of standard texts well known to practitioners of construction law.**

The text examines – by issue and within that, by clause – four standard form construction contracts in common use in Australia today: AS 2124-1992, AS 4000-1997, ABIC MW-1 2003 and PC-1 1998. The analysis is arranged in 33 chapters covering the main content of those contract forms (excepting boilerplate and interpretation provisions). The four forms are commented on side-by-side within these 33 chapters, though with nodding reference to similarities between the Australian Standard forms. This approach enables ready comparison by the reader of the forms' treatment of a particular issue.

Aside from a painstaking summary of each form's provisions by issue, chapters include: a pithy introduction to an issue; a comparative table on key aspects, pointing up key differences at a glance; and a useful further reading list including caselaw and published articles. The authors suggest the commentary's primary uses may be to assist in choosing an appropriate contract form, or advising on risk allocation and a contract's approach to a particular issue.

Equally, the text would benefit practitioners at the "back end", to gain perspective on and to assist to craft arguments about provisions regulating rights and liabilities in respect of issues in dispute.

The book does not offer views on provisions' interpretation. Instead, it requires the reader to think and invites them to explore the further reading suggested. As such, the text is unlikely to be a sole point of reference – nor is it intended to be. The text is also deliberately a contract law work, and one that does not advert to surrounding statutory or regulatory regimes. Drafting for security of payment legislation, for example, is not addressed as none of the selected standard forms attempt this.

As The Honourable Justice David Byrne says in the Foreword to the book, lawyers love precedents. Construction lawyers also love their familiar, tried and true reference texts and looseleaves. *Understanding Australian Construction Contracts* adds a new dimension to the standard reference library and is sure to quickly become an indispensable text for Australian construction lawyers.

**Catherine Bell  
Holding Redlich  
Committee Member**