

Book Review

Amanda Bishop
Senior Associate,
DLA Piper

Construction Law in Australia, third edition

Professor Ian H Bailey SC and Matthew Bell
Thomson Reuters (Professional) Australia Limited

Perth's skyline familiarly dotted with cranes is one indication that building and construction continues to flourish in Australia's booming economy, particularly in the West.

The third edition of *Construction Law in Australia* is a useful resource for those advising in the area, or those with an interest in construction and building law. The text is useful to those with expertise in the area, but also readily accessible to students or those with little previous knowledge in the subject.

The text commences with an overview of the Australian legal system, including the basics about accessing law reports, legislation and finding construction law references. This part of the book will be particularly useful to those without a legal background, or students becoming familiar with construction law for the first time.

The authors then provide a useful explanation about the regulation of the construction and building industry in Australia, including local government, the Building Code of Australia and the Australian Standards. The third edition covers the changes to the consumer protection regime, and the *Australian Consumer Law*.

The text addresses various areas of law in the context of construction law and building disputes, including contract, tort, property and procurement. There is consideration of both common law and statute, across the states and territories and the Commonwealth. There is a particularly helpful consideration of proportionate liability, which has more recently added a further layer of complexity to the resolution of construction disputes.

Chapter 10 very helpfully details the standard forms of contract commonly encountered in the construction and building industry, including Australian Standards, Australian Building Industry Contract, subcontract and consultancy agreements. For those not familiar with the area, the key participants in the industry are also explained. This will be useful particularly to those encountering residential works for the first time.

The second part of the book focuses on dispute resolution in the construction and building industry, including both alternative

dispute resolution and litigation. The focus on mediation and arbitration in the construction and building industry cannot be underestimated, and is usefully explored in the text.

The authors of the text are Professor Ian Bailey SC and Matthew Bell. Professor Bailey is a member of the NSW Bar. Professor Bailey specialises in construction disputes, claims concerning professional negligence of building professionals and technical and engineering claims. Matthew is a Co-director of Studies for Construction Law at the Melbourne Law School, and also Professional Support Lawyer to the Construction and Major Projects Group at Clayton Utz. Professor Bailey and Matthew are the Co-directors of Studies for the Construction Law Program at the Melbourne Law School.

Construction Law in Australia (third edition) continues to be an authoritative text for those practising or with an interest in the construction and building industry and the law relevant to that area. The text is highly recommended as being a good introduction as well as a staple reference. The expertise and the knowledge of the authors assists the reader in coming to terms with this multifaceted area of law.

Westralian Technical Consultants

www.westraliantech.com.au
Postal : P O Box 495 Willetton WA 6955
(204 High Road, Riverton, WA 6148)

Tel: 08 94572139 Fax: 08 93543394

Steven Chew (PhD), Chartered Professional Engineer & Certified Professional Ergonomist, with over 26 years consulting experience, is available to provide litigation support services, including expert evidence, on cases which involve:

- ◆ *Ergonomics : manual handling, machinery guarding, lighting, work system safety & design*
- ◆ *Slip, trip & fall accidents : Australian Standards slip resistance testings of floors*
- ◆ *Occupational accidents*
- ◆ *Motor vehicle accidents*
- ◆ *Mechanical failure analysis*
- ◆ *Fire cause analysis*