
Book review

CONSTRUCTION LAW IN AUSTRALIA

Construction Law in Australia by Ian Bailey and Matthew Bell (3rd ed, Lawbook Co., 2011)
RRP: \$119.95

This book – which is only the third edition of a book that first appeared over 30 years ago – is a welcome contribution both for what it is and what it is not.

To begin with the negative: what it is not and does not attempt to be. It is not an encyclopaedic account of construction law in this country, and it is not focused on a particular issue or topic within the broad field of construction law. There are other texts and looseleaf services that address both the former and the latter.

What it is, however, is a good general text on Australian construction law or, more to the point, a series of highly focused essays ranging from the general to the specific. There are essays on the nature of Australia's legal system, the law of contract, and the law of torts, as well as essays on key issues on construction contracts, Australian standard form contracts, procurement, and disputes. Despite having the same name as the previous editions, this third edition of *Construction Law in Australia* appears to have been extensively revised and, in fact, has little in common with the two earlier editions.

This breadth of subject matter makes it useful to everyone from students to practitioners, and from lawyers to project managers and contract administrators. The great fear, of course, is that in attempting to cover so much material, it ends up being bland and insubstantial; a collection of motherhood statements. Instead, the content is consistently pithy. Despite the number of different contributors, the writing style is both reasonably consistent and consistently readable. The authors have generally identified and discussed the key issues within the limitations of a general text. While this might be enough for some, one of the strengths of this book is the Further Reading section, which acts as a guide to those interested in further research.

Perhaps the greatest surprise in the book is the realisation of just how much of the construction law practised in this country is peculiar (if not unique) to Australia. Certainly, there is much that is entirely consistent with other parts of the common law world, but this book helps to bring into focus just how much there is that is not. To give just one example: security of payment legislation may have been inspired by legislation in the United Kingdom, but its implementation, practice, and disparate judicial approaches in the different Australian jurisdictions mean that United Kingdom jurisprudence is almost wholly irrelevant.

I conclude where I began: this third edition of *Construction Law in Australia* is welcome for the contribution it makes. Its breadth of subject matter belies its focus, depth, and versatility; it would not be out of place on an architectural student's bookshelf or that of a seasoned lawyer.

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