

Title: Construction Claims – 3rd Edition

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Description: Statutory compulsory rapid adjudication has now spread to all States, the Northern Territory and the ACT. The number of construction claims determined by adjudicators far exceeds the number determined by courts. This has been an important consideration in the writing of this third edition. In the past decade, the Authors have determined over 1,000 adjudications.

Topics arising most frequently are:

- Variations
- Extensions of time
- Delay and disruption
- Liquidated damages
- Penalties
- Time bars
- Global claims
- Quantum meruit
- Set-off and abatement
- Cross-claims
- Termination of the contract
- Waiver and estoppel

These topics were addressed in the last edition but in this edition they have been reviewed and revised. Examples are given of how claims and defences can be made in the alternative. Reported cases suffer from the shortcoming that they only deal with claims and defences raised in the particular case but not with alternative claims and defences that could have been raised. For that reason, many examples in this book are based upon hypothetical facts. Unlike in litigation, a party in adjudication cannot amend a claim or defence. It is therefore essential to get it right initially.

A Glossary of terms has been added to explain legal terms. This book is for parties to building or construction contracts, their consultants and lawyers and all who are interested in or studying construction law.

Significant changes since the last edition are the increase in use of compulsory rapid adjudication, *Andrews v Australian and New Zealand Banking Group* [2012] HCA 30 and the effect on time bar clauses and other penal provisions in contracts, the Competition and Consumer Act 2010 (Cth) and the increasing importance of proportionate liability.

