



What's News?

Construction & Infrastructure

28 July 2010

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Commonwealth

Multiplex's Wembley settlement in court

20 July 2010

A hearing to approve a conditional settlement for a \$300 million class action relating to Brookfield Multiplex's construction of Wembley Stadium in the UK was held in court in Melbourne. Without admission of liability, the Multiplex Group has settled claims made against it by persons represented by lawyers. [More...](#)

Rudd's \$2bn for infrastructure projects blasted

24 July 2010

In a report released, the Australian National Audit Office said six rail, road and port infrastructure projects announced in the 2009-10 budget, as well as two rail projects funded in this year's budget, had not made Infrastructure Australia's short list of priority projects. [More...](#)

Council checking new tenders against corrupt practices

22 July 2010

The Australian Building and Construction Commission has been asked to investigate the allegations raised by several longstanding businesses and a union. [More...](#)

Construction companies allege industry corruption on contracts

21 July 2010

Some Queensland building contractors say they are on the verge of collapse because they cannot compete with big companies cutting corners, wages and paying bribes to win contracts. There are claims that "outside contractors" are cutting corners and underpaying wages to win contracts on major infrastructure developments. [More...](#)

New National Construction Code

21 July 2010

The Australian Building Codes Board (ABCB) has announced that the draft changes for the 2011 Plumbing Provisions, earmarked for inclusion in the new National Construction Code (NCC). The development of the NCC will eventually result in the consolidation of all on-site construction regulation (building, plumbing, electrical and telecommunications). [More...](#)

Regional cities to deliver sustainable growth

18 July 2010

The Property Council of Australia and the Residential Development Council believe the Building Better Regional Cities funding announced paves the way for improved infrastructure needed to support a 'Sustainable Australia'. The funding announced by the Government will invest \$200 million to help build up to 15,000 more affordable homes in regional cities over three years and will relieve pressure on our major capital cities. [More...](#)

Consultation for Murray Darling Basin water infrastructure charge rules extended

14 July 2010

A further consultation period will give stakeholders the opportunity to comment on the new water infrastructure charge rules proposed for the Murray Darling Basin until 10 September 2010. The water infrastructure charge rules aim to promote greater transparency in setting fees and charges levied on the operation and maintenance of irrigation infrastructure. [More...](#)

National Solar Schools program funding

14 July 2010

Primary and secondary schools across Australia will have access to funding for solar panels and rainwater tanks from 15 July 2010, under new funding for the National Solar Schools Program. The Government has announced \$51 million in funding would be available to schools in 2010-11. The \$420 million program will help schools across Australia to become more energy efficient. [More...](#)

Contractors selected to test broadband delivery

15 July 2010

NBN Co has selected Telstra, two electricity companies and two construction contractors to test broadband delivery and installation methods at five sites. [More...](#)



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Australia promotes liveable housing designs for the disabled 13 July 2010

Leaders of the housing industry, disability sector and community have agreed to a target that all new homes will be built to disability-friendly Livable Housing Design standards by 2020. The voluntary Livable Housing Design guidelines consist of three levels: Silver, Gold and Platinum and outline the key features required to meet each standard. [More...](#)

Victoria

New \$500m railway line 'unsafe'

Large sections of the newly upgraded Melbourne-Albury rail line have been declared unsafe, forcing trains to slow down and prompting claims that the \$500 million project has been bungled. [More...](#)

Projects announced for bushfire affected communities

23 July 2010
Communities affected by the devastating 2009 Victorian bushfires will share in \$1.4 million in further funds from the Victorian Bushfire Appeal Fund for 13 projects identified as rebuilding priorities by local community recovery committees according to the Chair of the Advisory Panel Pat McNamara. [More...](#)

Residents fight for rail plan compo

18 July 2010
A new action group will take up the compensation fight for Footscray residents and business people affected by the Victorian government's planned regional rail link. The government bungled the announcement by failing to tell some residents of the plan before it was revealed to business leaders and the media. [More...](#)

Water restrictions to be eased thanks to pipeline

16 July 2010
Water restrictions in Hamilton, Cavendish, Dunkeld and Tarrington in south-west Victoria will be removed following the completion of the Hamilton-Grampians Pipeline. From Sunday 1 August, restrictions for these towns will be eased from Stage 2 water restrictions back to Permanent Water Saving Rules ending more than four years of tough water restrictions. [More...](#)

Premier turns sod on \$2.9 million Stawell airport works

16 July 2010
The Premier John Brumby today turned the sod turn on stage two of a major \$2.9 million project to redevelop Stawell Airport to expand its aviation opportunities. [More...](#)

Westlink: Melbourne needs West Gate alternative

12 July 2010
The release of alignment options for Melbourne's WestLink road project is a welcome step that allows for informed debate about how Melbourne can accommodate growth says Infrastructure Partnerships Australia. [More...](#)

Central Victoria gold exploration tender awarded

13 July 2010
A company could soon begin exploring for gold after Victoria's first minerals tender since 2006 was awarded for a large area in central Victoria, with Energy and Resources Minister Peter Batchelor announcing that Minotaur Operations Pty Ltd had been awarded the Rochester Tender for gold exploration. [More...](#)

New South Wales

Sydney's first GreenWay to accompany light rail

22 July 2010
The NSW Government announced the Lilyfield to Dulwich Hill light rail corridor will host Sydney's first GreenWay. Transport NSW lodged the project application for the light rail extension with the Department of Planning. [More...](#)

Ausenco signs \$32m contract for Cardia East Project

21 July 2010
Ausenco signed a \$32 million contract to provide engineering design services for the processing plant upgrade included within Newcrest's recently announced \$1.9 billion Cadia East Project at Cadia Valley near Orange, New South Wales. The Cadia East project will be Australia's largest underground mine and is due to be complete by 2013. [More...](#)

Legal threat halts fluoride bids

22 July 2010
The threat of legal action has forced Rous Water to reject all tenders for the construction of its fluoride dosing plants, with an anti-fluoride campaigner at Lismore to commence proceedings against Rous Water in the NSW Land and Environment Court. The council was still, at this stage, legally bound to construct and operate the plants, according to Rous's technical services director. [More...](#)

Telecommunications facilities to be fast-tracked

16 July 2010
The NSW Government has fast-tracked the delivery of telecommunications facilities, including new broadband infrastructure such as the Federal Government's National Broadband Network. [More...](#)

Site preparation works to commence on former Channel 7 site at Epping

19 July 2010
The independent Planning Assessment Commission (PAC) has given approval for site preparation works to commence on the former Channel 7 site at Epping in Sydney's north. The approved works, which also include the construction of a childcare centre and some communal residential facilities, are in line with the site's existing concept plan. [More...](#)



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Moree Bypass changes approved

19 July 2010

The NSW Government has approved a modification to the Newell Highway Moree town centre bypass road project, which will allow traffic to begin using part of the bypass and remove nearly 4,000 vehicles a day from the Moree CBD. [More...](#)

Wallarah 2 to be reviewed by Planning Assessment Commission

16 July 2010

Minister for Planning, Tony Kelly, said the review would inform the Department of Planning's assessment of the \$700 million mining proposal, which is to extract up to 150 million tonnes of coal over a period of 28 years using longwall methods. The proposal was placed on public exhibition for 60 days earlier this year, double the usual exhibition period. [More...](#)

Missing motorways are key to Sydney's future

15 July 2010

Reports that the NSW Government could finally advance the delivery of one of Sydney's stalled motorway projects would be welcome news for long-suffering commuters and businesses, says Infrastructure Partnerships Australia. [More...](#)

Queensland

Swan pledges \$10m for Mackay ring-road planning

26 July 2010

Federal Treasurer Wayne Swan says the Government will commit \$10 million from its regional infrastructure fund to a planning study of the Mackay ring-road in north Queensland. [More...](#)

\$134 billion infrastructure plan

22 July 2010

The South East Queensland Infrastructure Plan and Program 2010-2031 (SEQIPP) will soon be replaced with a state-wide Queensland Infrastructure Plan (QIP). The updated SEQIPP, released 20 July would be incorporated into QIP to anticipate infrastructure needs in fast growing regions throughout the state, including a state-wide blueprint of road, public transport, health and education infrastructure required. [More...](#)

Poison seepage could shut down gasification sector

20 July 2010

The Bligh government has now widened its inquiry to look at the entire coal seam gas sector, with Resources Minister Stephen Robertson claiming that Cougar's problems have raised concerns for the whole sector. [More...](#)

Construction companies allege industry corruption

21 July 2010

Some Queensland building contractors say they are on the verge of collapse because they cannot compete with big companies cutting corners, wages and paying bribes to win contracts on major infrastructure developments. [More...](#)

Emergency Services capital works well on track

19 July 2010

Emergency Services Minister Neil Roberts has tabled documents in Parliament showing the overwhelming majority of emergency service building projects for the 2009-10 financial year were well on track to being completed. [More...](#)

Queensland options for water security

16 July 2010

Brisbane Airport could host one of south-east Queensland's new water desalination plants, a 50-year-plan for the region's water supply has revealed. Two other sites at Lytton and Marcoola on the Sunshine Coast have been listed as higher priorities for the new plants, to be built between 2022 and 2027. [More...](#)

Gold Coast fees sending developers elsewhere

16 July 2010

The head of the Gold Coast's peak development body (UDIA) says high infrastructure charges are driving many developers to work elsewhere in south-east Queensland. [More...](#)

Queensland school asbestos discovery posed 'no risk to students'

15 July 2010

An investigation is underway into asbestos concerns at two schools in Townsville and Mackay in Queensland's north. Public Works Minister Robert Swarten says there is no excuse for any Q-Build employee or contractor to be exposing asbestos to themselves or others. [More...](#)

Council to consider extending 'shovel-ready' discount

13 July 2010

The Fraser Coast Council in south-east Queensland says fee discounts for some developments have stimulated the region's flagging economy. The so-called "shovel-ready" discount on infrastructure charges was introduced in April and closes at the end of this month but developers have asked for an extension. [More...](#)

Gold Coast sand dredged may go to building industry

13 July 2010

Sand dredged from Queensland's Gold Coast waterways may be sold to the building industry. Marine Queensland general manager Don Jones says the funds could help finance a more coordinated program for clearing waterways, replenishing beaches and planning major projects. [More...](#)

Albert Street station to service all CBD

14 July 2010

The planned new inner-city underground rail station will be the first new inner-city railway station in over a century and is part of the state government's \$8.2 billion Cross River Rail Project. In the longer-term, the Albert Street station could link to an east-west rail link, the Premier said, but added this was a post-2016 option. [More...](#)



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Other

Building site strike in Perth ruled illegal

23 July 2010

A 24 hour walkout by workers at a Perth building site last year has been ruled unlawful by the Federal Court in Perth. The union faces a maximum fine of \$110,000. [More...](#)

Publications/Conferences

New National Construction Code Plumbing Provisions: Public Comment

19 July 2010

The Australian Building Codes Board has announced that the draft changes for the 2011 Plumbing Provisions, earmarked for inclusion in the new National Construction Code (NCC) series, and is available from the ABCB website for public comment from 21 July 2010. [More...](#)

NSW: Streamlined planning for critical Telco facilities

16 July 2010

Under the new measures, all new telecommunications facilities in NSW must be consistent with a set of principles covering issues such as site selection, design, construction and operation. [More...](#)

NSW: New Criteria Strengthens Waste Recovery and Minimises Landfill

13 July 2010

The Infrastructure State Environmental Planning Policy (SEPP) has been amended to ensure issues such as waste minimisation, best practice design and site location are considered when development applications are determined. The amendment will replace the criteria in clause 123 of the Infrastructure SEPP. [More...](#)

NSW: Home Builders Bonus

From 1 July 2010, transfer duty exemptions and concessions are available for certain new home purchases, off the plan purchases, and vacant land purchases on which a home will be built within a specified time. There is also a specific exemption for eligible seniors purchasing a new home as their principal place of residence. [More...](#)

QLD: South East Queensland Infrastructure Plan and Program 2010–2031

The plan identifies \$134 billion in estimated infrastructure investment, which is expected to support about 930 000 jobs through to 2031. There are seven new projects in the plan, at an estimated investment of about \$1.4 billion. [More...](#)

Legislation

Commonwealth

Acts

Building Energy Efficiency Disclosure Act 2010

Regulations

Hazardous Waste (Regulation of Exports and Imports)

Amendment Regulations 2010

Building Energy Efficiency Disclosure Regulations 2010

New South Wales

Environmental Planning Instruments

State Environmental Planning Policy (Infrastructure) Amendment (Telecommunications Facilities) 2010

Victoria

Acts

Building Amendment Act 2010



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John Holland Group Pty Ltd v Robertson [2010] FCAFC 88

Workers' compensation – employee of a licensed corporation under the Safety, Rehabilitation and Compensation Act 1988 (Cth) (“the Act”) – incapacity payments – normal weekly earnings – application of s 8(10) of the Act where employee's employment would have ceased during period of incapacity – scope of term “employment” in s 8(10). Practice and procedure – whether notice of appeal raised questions of law. [More...](#)

Construction, Forestry, Mining and Energy Union v John Holland Pty Ltd [2010] FCAFC 90

Contracts – principles of construction – industrial agreements – relevance of objective background facts – relevance of subsequent conduct - industrial law – construction of greenfield workplace agreement – construction of ss 760, 767 and 768 of the Workplace Relations Act 1996 (Cth) – nature of right of entry – purpose of entry – relevance of state of mind to purpose. [More...](#)

Kell & Rigby Holdings Pty Limited v Lindsay Bennelong Developments Pty Ltd [2010] NSWSC 777

Contract – building contracts – construction – the defendant Principal and the plaintiff Contractor entered into a construction contract (“the Contract”) – later they entered into an Advance Payment Deed which amended the Contract and which inserted provisions for the making of Advance Payments to the Contractor and for the provision by the Contractor of Advance Payment Bonds to secure repayment – the Principal advanced or made Advance Payments and the Contractor provided two Advance Payment Bonds each in the form of an unconditional Bank Guarantee (“the Guarantees”) – the Advance Payments became repayable on provision of a Certificate of Practical Completion – the Principal was in addition the Superintendent under the Contract – it purported to vary the Contract by deletion of work and then issue a Certificate of Practical Completion and then sought to call on the Guarantees – the Contractor asserted that the variation was beyond power and the Certificate of Practical Completion was invalid – alternatively it asserted that the Certificate of Practical Completion was issued in breach of an obligation of the defendant to act fairly – the Contractor asserted that a call by the Principal on the Guarantees would be in breach of an implied negative stipulation in the Contract that it would not do so if the Advance Payment was not repayable – HELD – held that the Notice of Variation to Works was unauthorised and the Certificate of Practical Completion was ineffective – held further that the Superintendent did not act fairly in giving the Notice of Variation to Works and issuing the Certificate of Practical Completion – held further that the Principal breached its express contractual obligations – held further that a call on the Guarantees would be in breach of an implied negative stipulation as contended for. [More...](#)

Sujuk v Ilvari Pty Limited, trading as, Craftsman Homes [2010] NSWSC 793

Negligence - liability of builder/occupier to employee of sub-contractor - employee to perform brick cleaning work - fell through hole of gap in the scaffolding which had not been present when inspected three days before - sub-contractor was plaintiff's wife - unsophisticated sub-contracting entity - previous contracts with the defendant - defendant knew plaintiff's wife not experienced in safety aspects of bricklaying work - plaintiff's attendance at site on a Saturday when no other employees present was a practice followed with brick cleaning - whether specific notice given by sub-contractor of plaintiff's intention to attend site - application of s.151Z Workers Compensation Act - defendant 90% - plaintiff contributory negligence 15%. [More...](#)

Supangat v Byrnes [2010] QCA 176

Contracts – General contractual principles – Formation of contractual relations – Agreements contained in correspondence – where appellant sought to gain control of a granite quarrying venture conducted by the parties jointly – where parties entered into negotiations for the appellant to acquire the respondent's share in the venture – where respondent resigned as director but did not transfer interest in the venture to the appellant – where respondent claimed \$450,000 from the appellant for breach of the alleged contract – where trial judge found that emails between appellant and respondent constituted an agreement – whether the emails constituted the pleaded agreement – whether the emails were capable of constituting the agreement upon which the respondent sued – whether the agreement was void for uncertainty – whether there was a common mistake of fact made by the parties as to the subject matter of the contract – whether a binding promise to pay \$450,000 arose in the manner alleged by the respondent – whether the emails constituted the sole contract between the parties – whether the parties had abandoned any agreement between them. [More...](#)

RJ Baker Nominees Pty Ltd v Parsons Management Group Pty Ltd [2010] WASCA 128

Contract - Invitation to appellant to tender for road construction in subdivision - Offer by respondent to pay for work by transfer of two lots in subdivision - Oral acceptance of appellant's tender - Whether acceptance of tender included agreement to transfer two lots - Whether inferred contract - Relevant principles - Turns on own facts. Costs - Whether evidence of what occurred at mediation conference admissible on costs question - Order made by registrar that such evidence may be given on costs question - Supreme Court Act 1935 (WA), s 71 - Evidence not admissible 'under the rules of court' - Calderbank offer - Whether appellant's failure to accept offer was unreasonable. [More...](#)



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Sheppard Homes Pty Ltd v FADL Industrial Pty Ltd [2010] QSC 228

Building contracts – Building, engineering and related contracts – The contract – Generally – Agreement for the provision of licence to use drawings – Whether a construction contract – Whether a “related service” under the Act. Practice and procedure – Supreme Court procedure – Queensland – Jurisdiction and generally – Generally – Inherent jurisdiction to determine whether an inferior tribunal exceeded its jurisdiction. Statutes – Acts of Parliament – Interpretation – Particular words and phrases – Building and Construction Industry Payments Act 2004 (Qld), s 3(1), s 11 – “services” and “architectural or design services” – Excludes the supply of a licence to use drawings.

[More...](#)

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