BUILDING AND CONSTRUCTION LAW JOURNAL

Volume 27, Number 5

October 2011

EDITORIAL

Two hats equally is impossible 291

ARTICLES

Dispute resolution in the Australian construction industry – is there hope for arbitration? – *Jeremy Coggins*

The construction industry is particularly prone to commercial disputes. Due to the lengthy and costly nature of litigation, the construction industry initially turned to arbitration for the efficiencies and other advantages it offered as a form of alternative dispute resolution (ADR). However, over the past 20 years, arbitration procedure has come under intense criticism for increasingly mirroring formal court proceedings and, as such, losing its time and cost advantages. In order to address the problems which have beset arbitration, in 2010 new uniform domestic commercial arbitration legislation was agreed upon by the Standing Committee of Attorneys-General in Australia. This article considers the advantages for which the construction industry initially chose arbitration as its primary form of ADR, and the reasons for its "downfall". It also provides an overview of the new unified domestic commercial arbitration legislation and its likely effects. 292

Enforcing a DAB decision in arbitration proceedings – *Gordon Smith* and *Glen Rosen*

The Singapore Court of Appeal in the recent decision of CRW Joint Operation v Pt Perusahaan Gas Negara (Persero) TBK examined the issue of enforcing a dispute adjudication board (DAB) decision under cl 20 of the FIDIC's 1999 Red Book which has not become final and binding. The Court of Appeal ruled that in such situation where a DAB's decision is challenged, the arbitral tribunal should issue an interim award pending a fresh hearing of the substantive issues. The Court of Appeal held that the arbitral tribunal's failure to review the merits of the DAB's decision and allow the defendant the opportunity to defend its position amounted to a breach of the rules of natural justice. 305

REPORTS

British American Tobacco Australia Services Ltd v Laurie 312

McNab Constructions Australia Pty Ltd v Queensland Building Services Authority 345