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Proportionate liability in arbitrations in Australia: Resolution of some uncertainties – *David Levin QC*

This article is a follow up to the author's earlier piece on proportionate liability in commercial arbitrations in Australia, taking into account recent high level courts' decisions on the subject.	230
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Penalties percolating through the construction industry: Andrews v Australia and New Zealand Banking Group Ltd – *Patrick Easton*

The Andrews litigation gave the High Court of Australia the opportunity at long last to deliberate upon the question of whether or not a breach of contract is an essential element to relief against penalties. This article examines the clarification of the doctrine provided by the High Court in light of recent case law, and assesses the breadth of its application to contracting generally before close consideration of its impact on the construction industry. The article then explores the possible consequences of Andrews and argues that the effects of the decision will be acute for the construction industry in the short term and potentially dramatic in the long term.	233
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Breaches of natural justice in alternative dispute resolution of construction disputes – *Jeremy Coggins*

Arbitration, expert determination and statutory adjudication are three of the most commonly used forms of alternative dispute resolution (ADR) used in the construction industry. For a quasi-judicial ADR process to be effective, it needs to provide an appropriate balance between procedural fairness and the need for finality of outcome. This is not necessarily the case where the parties have agreed to allow a third party to determine their dispute in a more informal procedural manner. This article considers the extent to which the court requires the rules of natural justice to be applied in arbitration, expert determination and statutory adjudication.	247
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