

BUILDING AND CONSTRUCTION LAW JOURNAL

Volume 31, Number 5

November 2015

EDITORIAL 267

ARTICLES

The period of limitation in Victorian building actions – *David Levin*

The operative limitation period for Victorian building actions has been a vexed issue for many years. The interaction between the Limitation of Actions Act 1958 (Vic) and the Building Act 1993 (Vic) has been unclear. The decision of the Court of Appeal in *Brinek* may not have resolved the issue. 268

Validity of premature adjudication applications: Challenges in Singapore's approach – *Sze Hui Jasmine Low*

In Singapore, following the decision of *Newcon Builders Pte Ltd v Sino New Steel Pte Ltd* [2015] SGHCR 13, premature adjudication applications under the Building and Construction Industry Security of Payment Act (SOP Act) are not ipso facto invalid; rather, the prematurity of an application is but a factor for the adjudicator's consideration in determining the costs payable in respect of the adjudication. This article points out the difficulties with this position, namely, its incongruence with the overarching purpose of the SOP Act as well as the practical realities of the construction industry, which in turn suggest that a legislative resolution of the status of premature adjudication applications under the SOP Act is timely. 277

Contract is king and time bars that bite: *CMA Assets Pty Ltd v John Holland Pty Ltd* [No 6] [2015] WASC 217 – *David Ulbrick*

The Western Australian Supreme Court upheld a strict time bar even in circumstances where the contractor would otherwise have been entitled to an extension of time. The case serves as a reminder that clearly drafted time bars will bite if parties do not put their notices in on time. The case also stands for the proposition that a clearly drafted extension of time regime may exclude the operation of the prevention principle, meaning that the contractor will take the risk of accelerating in circumstances where no extension of time is granted. 284

REPORTS

Laing O'Rourke Australia Construction Pty Ltd v Samsung C & T Corporation 291
Lamio Masonry Services Pty Ltd v TP Projects Pty Ltd 330
Patrick Stevedores Operations No 2 Pty Ltd v McConnell Dowell Constructors (Aust) Pty Ltd 337