

# BUILDING AND CONSTRUCTION LAW JOURNAL

Volume 35, Number 4

2019

EDITORIAL – *Editor: Michael Christie SC*

**The Society of Construction Law Australia Annual Conference 2019** ..... 261

BOOK REVIEW

**Construction Law, Costs and Contemporary Developments: Drawing the Threads Together – A Festschrift for Lord Justice Jackson, Julian Bailey (ed) – Reviewed by Michael Christie SC** ..... 263

ARTICLE

**Conditions of Contract for Underground Works – The Emerald Book Sees the Light of Day – Hon Peter Vickery QC**

The construction of tunnels and Underground Works carry unique and challenging risks. Projects which involve working underground are growing, particularly in areas involved with urban infrastructure, transportation and hydro energy. The joint enterprise task force of specialists drawn from FIDIC and ITA – AITES – has produced the “Emerald Book”: a new standard form contract purpose-designed to accommodate the range of issues typically faced in underground construction to ensure an equitable allocation of risk and efficient management. The commercial risks associated with Underground Works are principally sourced from the “known unknown” of significant geotechnical uncertainty. Projects in this sphere generally involve uncertain subsurface conditions not fully ascertainable during the tender bidding process. The Emerald Book conditions include several new concepts designed to accommodate risks unique to Underground Works. These include: the central role of a Geotechnical Baseline Report; adjustment of Time for Completion; Adjustment of the Contractor’s Remuneration; and guidance as to the Preparation of Tender Documents and the Selection of Contractors. The Emerald Book promises to have numbers of advantages to significantly enhance the prospects of successful outcomes in Underground Works projects. .... 268

REPORTS

**Grandview Ausbuilder Pty Ltd v Budget Demolitions Pty Ltd** ..... 279

**YTO Construction Pty Ltd v Innovative Civil Pty Ltd** ..... 299

**Iskra v MMIR Pty Ltd** ..... 321

