

EDITORIAL

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Richard Calver in the the lead article details the Federal Government's changes to the *Workplace Relations Act 1996* (Commonwealth). The purpose of the new law is to strengthen the role of the Building Industry Taskforce, protect whistleblowers and increase the penalties for offences under the act. The amendments will, to some extent, qualify a person's protection against self-incrimination and reintroduce terms of imprisonment for offences related to industrial disputes. These matters are likely to attract criticism from the 'usual suspects'.

Solicitors who are requested by their clients to advise on the determination of a building contract are well advised to ensure that their negligence policy is current. Romauld Andrew makes this point very clear in a scholarly article that canvasses both the Australian and English law on the subject.

Philip Davenport has provided a comprehensive account of the security of payments legislation in Queensland. The article is commended on the basis of the practical advice it contains, with much of what is said of the Queensland situation also applying to other states. Not only will this be of interest to principals, builders and subcontractors but also to those whose duty it is to prepare standard contracts for the industry.

Donald Charrett's article on the construction the Sydney Harbour and King Street bridges is highly recommended reading. Not only does Dr Charrett give a social history of the projects but also an analysis of the procurement of the projects. He looks at the criticism of the projects and concludes that there are valuable lesson still to be learnt. Those of us who are Sydneysiders will be relieved to

discover that the NSW Public Works Department elected not to save £750,000 by omission of the pylons that serve no structural purpose. It is to be wondered if such a decision would be made today in the cause of aesthetics.

Doug Jones reminds us of the Australian pre-eminence in Public Private Partnerships and it is to be hoped that this will continue. The potential should be of interest to Australian financiers, construction contractors and legal firms who specialise in putting together these deals.

Your editor once heard the late NSW District Court Judge George Amsberg QC describe an order for costs in Shakespearean terms '[they] droppeth as the gentle rain from heaven', *Merchant of Venice* Act IV Scene I. Understandably the obligation to pay legal costs is of importance to litigants as it is often material to the outcome of proceedings. In a short note Patrick Mead has added to our knowledge on this subject.

Colin Biggers & Paisley offer some timely advice in regard to the proposed changes to the law relating to the use of computers in the workplace.

Warren Pengilley informs us about recent changes to the *Trade Practices Act 1974*. Dr Pengilley is well qualified to give us advice and some players in industry might have benefited from the advice in his book *Collusion, trade practices and risk taking* where he said of section 45 of the act: 'beware the disgruntled employee and the office photocopier'. The note from Michel Sillar deals with the same issue.

The issue concludes with some interesting case notes. Andrea Martignoni and Chris Peadon look at *Woolcock Street Investments Pty Ltd v CDG Pty Ltd* and conclude that the High Court has left 'the door slightly ajar' to finding consultants negligent in respect of commercial

building failures. David Rodighiero deals with *Brewarrina Shire Council v Beckhaus Civil Engineering Pty Ltd* pointing to the different interpretations in various state Supreme Courts of clause 42.1 of AS2124-1992. Finally, there is a case note on *Tinbyr v KL Special Projects* where the issue related to professional service contracts.