

far more complete. As a minor example, one can find no reference in the First Edition's Index to programme, whereas the Second Edition reveals that the book contains material on both programme and on programmesmanship. There have been many developments over the last ten years within the industry and in perceptions and thinking, which are adequately reflected by the authors to the enrichment of this edition. The Second Edition is a real resource with room for further growth and development over time.

The only criticism one can level at the Second Edition from the usage necessary to carry out this review is that the Index is not as complete as it might be; it is suggested that the Index should contain more cross referencing. For example, one could find no Index reference to the Hudson and Eichlay formulae for the calculation of head office overheads, despite a search under Hudson, Eichlay, delay costs and overheads. These formulae and comment upon their use are provided under the heading "Proof" in the Chapter dealing with Claims and Disputes - rather than in the section dealing with delay costs where one expected to find them. The formulae were difficult to find. It would assist if these formulae were either contained or cross referenced also in the delay cost section. At least, the formulae should be referred to separately in the Index to assist users. One wonders how many other such instances of difficulty in locating material might arise in practice.

However, one should not make too much of this criticism, as it is a relatively minor matter which could easily be rectified by the publishers.

The Second Edition is a substantial development and improvement over the First Edition in content, format, layout, user-friendliness and in importance to the industry. The authors are to be congratulated for the quality of their efforts.

Given the currency of this reference (Brooking On Building Contracts Second Edition, Bennett, Butterworths, despite its quality, is now ten years old and unfortunately somewhat out of date) and the fact that it has been purpose written for the Australian situation covering Australian case law and contracts, unlike the English references Hudson, Keating and Abrahamson, this publication is now the major legal reference work for the building and construction industry in this country. Through updates, the authors and publishers will no doubt ensure that it so remains.

Although some may consider this publication expensive at \$240.00, it is not so when one considers:

- the time, experience and expertise involved in its preparation;
- the cost of training courses and seminars in the industry - this reference may prove of more lasting value than some courses;
- the cost benefit of the assistance available through intelligent use of this reference in contract formation, contract administration and in dealing with claims and disputes.

If one had no more than \$240.00 to invest in education to improve the quality of contract formation, contract administration and claims management, one could do far worse than to put it all into this resource.

## **NSW ROYAL COMMISSION INTO THE BUILDING INDUSTRY**

**The New South Wales Government has announced a Royal Commission into the building and construction industry. Whilst some may have reason for concern at this development and others may regard it cynically as potentially no more than an "union bashing" exercise, the Commission represents a positive opportunity for the industry to address deep seated problems.**

**The terms of reference for the Royal Commission are as follows:**

1. The nature, extent and effects of practices and conduct in or in relation to the building industry which may significantly affect efficiency and productivity within that industry.
2. The nature, extent and effects of illegal activities that occur in, or in relation to, the building industry in New South Wales including (but not limited to):
  - (a) intimidation and violence;
  - (b) secret commissions;
  - (c) extortion; and
  - (d) other corrupt conduct.
3. Whether, in view of the findings in relation to the matters set out in paragraphs 1 and 2, there are any measures (including legislative and administrative changes) which should be made to increase productivity or efficiency within the building industry or to deter illegal activities in, or in relation to, that industry.

The Royal Commission is also to have regard to the following guidelines:

1. The inquiry is to be conducted with as little formality as possible, with a view to making the inquiry as economical as possible.
2. Regard is to be given to the desirability of taking such steps, including the taking of evidence or hearing of submissions in private, as may be considered necessary to protect a person's safety.