

## Book Review

***Causation and Delay in Construction Disputes* by Nicholas J Carnell  
Blackwell Science (ISBN: 063203971X)**

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**I**DENTIFYING THE CAUSE OF DELAYS AND the effects they have on construction projects is the cause of many headaches for construction lawyers and their clients. Reading this book is probably a better cure for those headaches than taking a couple of aspirin!

The author is a partner in the construction group of the well-known London firm of SJ Berwin & Co and has over 15 years of experience representing clients in construction disputes. He is therefore well qualified to tackle this difficult topic.

The book will be particularly useful for contractors and project managers as it looks not just at how to succeed in proving claims but also practical measures that can be taken to avoid delays during the course of a project and how to protect your position in the face of delays.

The book consisting of some 240 pages is divided into ten chapters, namely:

1. Time is money
2. Planning the project
3. During the works
4. Completion dates
5. Claim preparation, preliminary considerations
6. Legal considerations
7. Analysing the causes of delay, planning and networks
8. Delay analysis
9. Presentation of the claim
10. Dispute resolution

In addition there are two appendices containing sample contract clauses dealing with programs and draft notices of delay.

The author notes that 'far too many delay claims come to resemble trench warfare because, in addition to disagreeing with one another over the causes of delay, the parties also disagree about what needs to be proved and how.' This book goes some small way towards increasing the reader's understanding of the 'what' and 'how' components.

A couple of things should be said about what the book is NOT. It is not a guide to quantification of claims. That is a huge subject that has been dealt with by other authors in other texts. It is also not an Australian text; in recent times we have seen the Australian courts diverge from their UK counter parts in a number of key respects. Thus readers should be aware that the authorities considered in this book may not always be applicable to the Australian scenario. Having said that, there are some Australian cases that get considered including *John Holland Construction and Engineering v Kvaerner RJ Brown* (on global claims) and *SMK Cabinets v Hili Modern Electrics Pty Ltd* (a Victorian case concerning the prevention principle where there was no extension of time clause in the contract). The English context of the text also means that it is UK standard form contracts that are analysed rather than the vast array of Australian standard forms.

The written words in this book are greatly enhanced by the use of figures, diagrams and flow charts throughout. These vary from the simple depiction of contractual relationships in chapter one to complex critical path analysis in chapter seven.

The book provides a comprehensive analysis of a difficult subject in a manner that is accessible to those that most need the information. Those who have read and understood this book will have a significant advantage over those who have not, when it comes to protecting their positions in the face of delays.

This hard copy book costs \$158.40 and is available from:

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