

# From the Editor

John Green



Welcome to the 44th issue of BuildLaw® in which we draw on the experience and expertise of leading experts in the field to bring you commentary, articles and reviews on topical matters relating to construction law.

In this issue, Hannah Aziz looks at the New South Wales Supreme Court's expansive approach to the prevention principle in *MP Water Pty Ltd v Veolia Water Australia Pty Ltd*, Melissa Perkin considers exclusion clauses and liability caps in the context of wilful breaches of contract, and Belinda Green reminds us why you can't assume a collateral warranty is enforceable as a construction contract.

In Case in Brief, Jo O'Dea looks at a recent Court of Appeal Case, *Cancian v Carters* [2021] NZCA 397, which considered the issue of personal guarantees. Mr Cancian had given a personal guarantee to Carters for payment of construction supplies to his company. Mr Cancian claimed that he thought the guarantee amount was limited even though BVH ran up a supply bill far in excess of the guarantee. This case is a good reminder to closely scrutinise the terms and conditions of any guarantee.

I wish to take this opportunity to thank all our contributors. We are most grateful for the support we receive from dispute resolution professionals, law firms, and publishers, locally and overseas, that allows us to share with you papers and articles of a world-class standard, and to bring you a broad perspective on the law and evolving trends in the delivery and practice of domestic and international dispute resolution and construction law.

Contributions of articles, papers and commentary for future issues of BuildLaw® are always welcome. I do hope you find this issue interesting and useful. Please feel free to distribute BuildLaw® to your friends and colleagues – they are most welcome to contact us if they wish to receive our publications directly.

Warmest regards

**Editor and Director Building Disputes Tribunal**

A handwritten signature in blue ink, appearing to read 'J Green', written in a cursive style.

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