

Tuesday, 7 April 2015

Weekly Construction Law Review A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Metricon Homes Pty Ltd v Hooper (VSC) - judicial review - house damaged due to movement in slab - VCAT upheld owner's claim against builder - appeal dismissed

Summaries with links (5 Minute Read)

Metricon Homes Pty Ltd v Hooper [2015] VSC 110

Supreme Court of Victoria

Digby J

Judicial review - Victorian Civil and Administrative Tribunal upheld defendant owner's claim for costs involved in demolition and reconstruction of house damaged by unacceptable movement of slab - Senior Member found earthen fill on which slab founded had not been adequately compacted by plaintiff builder - builder claimed Senior Member had no evidentiary basis upon which to conclude it imported and placed fill under slab or that fill inadequately compacted - reasonableness of factual findings - *Wednesbury* unreasonableness - obligations to accord natural justice and to act fairly - application of *Building Code of Australia 2006* - held: VCAT erred in decision as to non-compliant placement of scoria - error was of no consequence because VCAT correctly found other breaches by builder caused slab's unacceptable movement and distress to dwelling - appeal dismissed.

[Metricon](#)

[From Benchmark 30 March 2015]



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Now Sleeps the Crimson Petal

by Alfred, Lord Tennyson

NOW sleeps the crimson petal, now the white;
Nor waves the cypress in the palace walk;
Nor winks the gold fin in the porphyry font:
The fire-fly wakens: waken thou with me.

Now droops the milkwhite peacock like a ghost,
And like a ghost she glimmers on to me.

Now lies the Earth all Danaë to the stars,
And all thy heart lies open unto me.

Now slides the silent meteor on, and leaves
A shining furrow, as thy thoughts in me.

[Alfred, Lord Tennyson](#)

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