

When can the Contractor claim an EOT and delay costs under AS 2124-1992?

Cause of delay	EOT	Delay costs	Clause Reference
Industrial conditions occurring on or before the Date of Practical Completion	✓	✗	35.5
Inclement weather occurring on or before the Date of Practical Completion	✓	✗	35.5
Delays caused by the Principal, the Superintendent, Principal or the Principal's employees, consultants, other contractors or agents	✓	✓	35.5, 36
Quantities of work being greater than the quantities in the Bill of Quantities or as stated in the Annexure (other than a variation)	✓	✗	35.5
Latent condition	✓	✓	12.3, 35.5
Variations directed under clause 40	✓	✓	35.5, 40
Repudiation or abandonment by a Nominated Subcontractor	✓	✗	35.5
Change in the law	✓	✓	14.1, 35.5
Directions by municipal, public or statutory authorities but not where the direction arose from the failure of the Contractor to comply with a requirement referred to in clause 14.1	✓	✗	35.5
Delays by municipal, public or statutory authorities not caused by the Contractor	✓	✗	35.5
Claims in respect of the right of the Principal to construct the work under the Contract on the Site (see clause 17.1(v))	✓	✓	35.5
Any breach of Contract by the Principal	✓	✓	35.5, 36, 44.9
Suspension by the Superintendent	Probably ¹	Probably ²	34, 35.5
Any inconsistency, ambiguity or discrepancy in any contract documents	✓	✓	8.1, 35.5
Disturbance of a survey mark by the Superintendent or other person given access to the Site by the Superintendent	✓	✓	28.2, 35.5, 36
Rectifying an error in setting out caused by incorrect information, survey marks or data supplied by the Superintendent	✓	✓	28.3, 35.5, 36
Any other cause outside Contractor's reasonable control	Yes if before the Date of Practical Completion. Otherwise no.	✗	35.5

- 1 Suspension itself does not give rise to an EOT, however, the cause of suspension may be a ground for EOT.
- 2 Costs for delays can be claimed if the suspension is due to an act or omission of the Principal, the Superintendent or an employee, consultant or agent of the Principal.

This table is intended only as a high level summary. It is not a substitute for reading the contract. Please refer to the terms of the contract, or seek legal advice, for further details.