

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 give 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).