

Brodyn Pty Ltd t/as Time Cost and Quality v Davenport & Anor

[2004] NSWCA 394

Transgrid v Siemens Ltd

[2004] NSWCA 395

New South Wales Court of Appeal

Hodgson JA, (Mason P and Giles JA concurring)

(3 November 2004)

Setting aside Determinations of Adjudicators under the New South Wales Building and Construction Industry Security of Payment Act, and judgments based on such Determinations; Injunctions and Declarations, rather than relief in the nature of Certiorari available; a three element test necessary.

Estate Property Holdings Pty Limited v Barclay Mowlem Construction Limited

[2004] NSWCA 393

New South Wales Court of Appeal

Hodgson JA, (Mason P and Giles JA concurring) (3 November 2004)

Proper construction of the s 13(4)(b) limitation period applicable to a Payment Claim under the New South Wales Building and Construction Industry Security of Payment Act; Leighton Contractors Pty Limited v Campbelltown Catholic Club Limited [2003] NSWSC 1103 wrongly decided; s 13(4)(b) requires that some work for which payment is claimed in the payment claim has been performed in the twelve month period.

[2004] NSWSC 823

Supreme Court of New South Wales

(McDougall J 13 September 2004)

Consideration of the prohibition on exclusion, modification or restriction of the operation of the New South Wales Building and Construction Industry Security of Payment Act, found in section 34 of that Act.

David Campbell-Williams¹

1. David Campbell-Williams is a Lawyer, Arbitrator and Adjudicator, Sydney.