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EDITORIAL

John Dorter 81

ARTICLES

THE FAST TRACK PROVISIONS OF THE SECURITY OF PAYMENT ACT:
CAN THEY SURVIVE?

Leslie Einstein

Within the *Building and Construction Industry Security of Payment Act 1999* (NSW) are provisions enabling the commencement of proceedings by persons seeking the recovery of progress claims but proscribing any defence of those proceedings by way of cross-claim or otherwise. Such provisions appear on their face to clash with various remedial sections of the *Trade Practices Act 1974* (Cth). This article explores the validity of the New South Wales provisions and posits that they are unable to survive scrutiny in light of current authority concerning the application of s 109 of the *Constitution*. 82

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