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Update Summary

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COMMERCIAL ARBITRATION LAW AND PRACTICE

MS Jacobs QC

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UPDATE SUMMARY

Damien Cremean and Vikram Misra have provided new commentary to Building and Construction Industry Security of Payment Act 2002 (VIC) and Building and Construction Industry Security of Payment Act 2009 (SA) respectively, highlights of which include the following:

Building and Construction Industry Security of Payment Act 2002 (VIC)

- New annotation regarding Reference date in the Act—[SOPVIC9.30]
- New annotation regarding Requirements of payment claim—[SOPVIC14.20]
- New annotation regarding Form of payment claim—[SOPVIC14.30]
- New commentary regarding Withdrawal of payment claim—[SOPVIC14.60]
- New commentary regarding Failure to serve payment schedule—[SOPVIC16.10]
- New commentary regarding Severance—[SOPVIC16.20]

Building and Construction Industry Security of Payment Act 2009 (SA)

- New commentary regarding judicial review of an adjudicator's determination only available for jurisdictional error—[SOPSA3.200]
- New commentary discussing that the Act operates in parallel to the construction contract— [SOPA3.300]
- New commentary on liability to pay money owing, or the due date for payment of money owing, contingent or dependent on the operation of another contract—[SOP12.100]
- New commentary on The existence of a valid payment claim is an essential precondition to the exercise of the adjudication function under the Act—[SOP13.200]
- New commentary on requirements for a valid payment claim under the Act—[SOP13.300]
- New commentary on a payment claim must be served within 6 months after the construction work to which it relates was last carried out—[SOP13.400]
- New commentary on a party must show a particular date of service to establish that a payment claim is valid—[SOP13.500]
- New commentary on reference dates and the validity of payment claims—[SOP13.600]