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# Update Summary

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**UPDATE 209**

**JANUARY 2025 (1)**

## **COMMERCIAL ARBITRATION LAW AND PRACTICE**

**MS Jacobs QC**

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## November 2024 UPDATE SUMMARY

Vikram Misra has provided new commentary to various chapters, highlights of which include the following:

### **Building and Construction Industry Security of Payment Act 1999 (NSW)**

- New commentary on Better Regulation Legislation Amendment (Miscellaneous) Act 2024—[SOP1.50]
- New commentary on Intersection between the Home Building Act 1989 (NSW) and the SOP Act — [SOP3.150]
- New commentary regarding amendments to 2024 s 8 — [SOP8.15]
- New annotation to 2019 Amendments to s 13 — [SOP13.15]
- New commentary on representation by claimant to adjudicator in an adjudication application — [SOP17.160]
- New commentary regarding jurisdictional error where the adjudicator goes beyond the payment claim by awarding more than the amount in the payment claim — [SOP22.910]
- New commentary on examples of cases where multiple grounds of jurisdictional error are alleged which do not fall into one specific category — [SOP22.920]
- New commentary on adjudication process — [SOP 25.730]
- New commentary on Wednesbury-like unreasonableness — [SOP 25.735]
- New commentary on judgments obtained upon the filing of an adjudication certificate may be set aside — [SOP 25.740]
- New commentary on right to bring a claim under s 32(3) — [SOP32.100]
- New commentary regarding if a *Grosvenor* stay is available where the claimant is not in liquidation — [SOP32B.03]

### **Interim Measures**

- New commentary on the grant of preliminary discovery —[CA32.70]
- New commentary on Section 17J —[CA32.160]

### **Conduct of Arbitral Proceedings**

- New annotation on equal treatment of parties — [CA34.50]
- New commentary regarding mediation — [CA38.200]

### **Recourse Against Award**

- New and updated commentary on procedural fairness —[CA52.105]
- New commentary regarding Section 34A operating as an opt-in provision — [CA58.01]

- New annotation regarding s 34A(1)(a) of the 2010 Commercial Arbitration Legislation — [CA58.175]

Damien Cremean has provided new commentary to Construction Contracts (Security of Payments) Act 2004 (NT), highlights of which include the following:

**Construction Contracts (Security of Payments) Act 2004 (NT)**

- New commentary on definition of construction contract — [SOPNT1.10]
- New and updated commentary on construction contract — [SOPNT1.120]
- New commentary on Absence of adjudicator jurisdiction — [SOPNT1.217]

New commentary on Remittal to adjudicator — [SOPNT1.257]

