

# BUILDING AND CONSTRUCTION LAW JOURNAL

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## ARTICLES

### **Expert determination: Misconception and misapplication – *AA de Fina***

Expert determination is widely used in Australia to determine disputes that would otherwise be referred to arbitration or to the courts for resolution. In many circumstances the process becomes an “arbitration” of sorts and is incorrectly applied without having regard to the true nature of the expert determination process. In this article the distinctions to be drawn, both as to process and the determiner, are considered. ....	368
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### **An unacceptable wait for acceptance – *Paulina Fishman***

Security of payment legislation is designed to ensure, among other things, the rapid resolution of disputes in respect of payment claims under construction contracts. Such an objective requires every stage of the adjudication process to be temporally constrained. However, there is a crucial gap in the adjudication timeline of the East Coast Model. This article identifies and delineates the scope for adjudicators to stall the process by postponing acceptance of applications, and after considering a number of relevant factors, makes recommendations for legislative reform. ....	372
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