

# BUILDING AND CONSTRUCTION LAW JOURNAL

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## EDITORIAL

<b>Serious solution</b> .....	3
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## ARTICLES

### **Judicial review of security of payment adjudications: Key doctrinal uncertainties and proposals for reform – Philip Marquet**

The purpose of security of payment legislation is to ensure speed, certainty, and fairness in the resolution of construction disputes. However, judicial review inhibits fast and definitive adjudication. Further, adjudications are often affected by jurisdictional error, suggesting that the adjudication process itself is flawed. This article reviews the operation of security of payment regimes around Australia, and summarises the key decisions relating to judicial review of adjudications. This article identifies numerous areas of doctrinal uncertainty in relation to judicial review of security of payment adjudications, and attempts to clarify these uncertainties by reference to fundamental principles of administrative law. It is argued that a ground-clearing exercise of this type is necessary in order to propose targeted and effective reforms. This article concludes by identifying a number of reforms that are likely to improve the speed, certainty and fairness of security of payment adjudications. ....

.....	4
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## REPORTS

<b>McNab Developments (Qld) Pty Ltd v MAK Construction Services Pty Ltd (2013)</b> ....	20
<b>McNab Developments (Qld) Pty Ltd v MAK Construction Services Pty Ltd (2014)</b> ....	30
<b>Gwelo Developments Pty Ltd v Brierty Ltd</b> .....	54

