

# BUILDING AND CONSTRUCTION LAW JOURNAL

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## EDITORIAL

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## ARTICLES

**Enforcement of adjudication determinations** – *Javad Asghari, Kristian Cywicki and Wayne Jovic*

This article concerns three fundamental questions about the relationship between security of payment legislation and the Corporations Act 2001 (Cth). First, under what circumstances can a party who has succeeded in an adjudication seek to enforce the determination with a statutory demand under the Corporations Act? Can that party immediately issue the statutory demand, or must it first register the determination as a judgment of a court? Secondly, if the party with the benefit of the determination has issued a statutory demand in respect of the adjudicated amount, on what grounds can the unsuccessful party rely in an application to set aside that demand? Finally, at what point should an unsuccessful party to an adjudication challenge the determination? ..... 208

**Extension of time notification and the superintendent's discretion – the ongoing tug of war between principal and contractor** – *Kirsty Smith*

The purpose of this article is two-fold: (1) to consider the possible interpretations of time notification provisions relating to extension of time (EOT) claims in construction contracts; and (2) to examine the utility and application of a superintendent's discretion to grant an EOT in circumstances where no claim is made, a claim is made out of time, or where there is otherwise no entitlement to the EOT. The latter element will be addressed in the context of a contractor alleging that it has been prevented from reaching practical completion by the principal, but the principal denying any preventative acts on its part. Consistent with the various and conflicting opinions on elements of these issues, significant legal uncertainty remains to be remedied by the Australian courts. .... 231

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