



Wednesday, 18 February 2015

## Construction

### A Daily Bulletin listing Decisions of Superior Courts of Australia

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## Executive Summary (1 minute read)

**Field Deployment Solutions Pty Ltd v SC Projects Australia Pty Ltd (WASC)** - security of payments - error of law did not vitiate decision to dismiss adjudication application

# Benchmark

## Summaries with links (5 Minute Read)

### **Field Deployment Solutions Pty Ltd v SC Projects Australia Pty Ltd [2015] WASC 60**

Supreme Court of Western Australia

Mitchell J

Judicial review - construction contract - security of payments - appellant and respondent were parties to contract for appellant to supply, maintain and operate vehicles to haul material to designated works locations - payment dispute arose - appellant sought to engage provisions of *Construction Contracts Act 2004 (WA)* - appellant sought review of State Administrative Tribunal's decision that agreement was not a construction contract for purpose of Act and that adjudication application was not prepared and served in accordance with s26 - Tribunal affirmed adjudicator's dismissal of adjudication application - held: Tribunal erred in law in concluding agreement was not a construction contract - however error was capable of affecting only one of the two alternative grounds on which Tribunal's decision was based - grounds of appeal did not challenge other alternative ground - error of law did not vitiate Tribunal's decision - Tribunal's decision affirmed.

[Field Deployment Solutions Pty Ltd](#)

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