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

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Executive Summary (1 minute read)

Krongold Constructions (Aust) v SR & RS Wales (VSC) - security of payments - adjudicator's determination invalid - determination quashed

Kenney v Commonwealth Bank of Australia (WASCA) - summary judgment - mortgage - sale of land - appellant to pay respondent sum and deliver vacant possession of properties - leave to appeal refused - appeal dismissed

Summaries With Link (Five Minute Read)

Krongold Constructions (Aust) v SR & RS Wales [2016] VSC 94

Supreme Court of Victoria

Vickery J

Security of payments - plaintiff sought to quash adjudicator's determination under *Building and Construction Industry Security of Payment Act 2002* (Vic) that plaintiff required to pay defendant amount of payment claim - held: defendant's notice pursuant to s18(2) served on plaintiff was invalid - Court not satisfied invoices and supporting documentation identified construction work with sufficient clarity or that valuation process which adjudicator adopted met Act's requirements - adjudicator had only part of claim before him so adjudicator not in position to comply with s23(2)(c) - determination quashed.

[Krongold](#)

Kenney v Commonwealth Bank of Australia [2016] WASCA 44

Court of Appeal of New South Wales

Buss, Newnes & Murphy JJA

Summary judgment - mortgage - sale of land - Master ordered appellant to pay respondent sum and deliver vacant possession of properties mortgaged to respondent - appellant contended Master should have granted order for foreclosure - appellant sought to adduce additional evidence and required extension of time to appeal - *Transfer of Land Act 1893* (WA) - *Property Law Act 1969* (WA) - held: no error in refusal of application for foreclosure - contention failed that primary judge erred in granting judgment to respondent without distinction between amount secured by mortgage and unsecured amount - Master entitled to reject appellant's contention he did not agree to advance's terms - contention on basis of unconscionable conduct failed - leave to appeal refused - appeal dismissed.

[Kenney](#)



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I would not paint — a picture — (348)

BY EMILY DICKINSON

I would not paint — a picture —
I'd rather be the One
It's bright impossibility
To dwell — delicious — on —
And wonder how the fingers feel
Whose rare — celestial — stir —
Evokes so sweet a torment —
Such sumptuous — Despair —

I would not talk, like Cornets —
I'd rather be the One
Raised softly to the Ceilings —
And out, and easy on —
Through Villages of Ether —
Myself endued Balloon
By but a lip of Metal —
The pier to my Pontoon —

Nor would I be a Poet —
It's finer — Own the Ear —
Enamored — impotent — content —
The License to revere,
A privilege so awful
What would the Dower be,
Had I the Art to stun myself
With Bolts — of Melody!

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