

Friday, 15 May 2015

Weekly Construction Law Review A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Southern Han Breakfast Point Pty Ltd v Lewence Construction Pty Ltd (NSWSC) - security of payments - no reference date in support of payment claim - adjudicator's determination void (C)

Summaries With Link (Five Minute Read)

Southern Han Breakfast Point Pty Ltd v Lewence Construction Pty Ltd [2015] NSWSC 502

Supreme Court of New South Wales

Ball J

Security of payments - plaintiff sought declaration that adjudication determination made by adjudicator under s22 *Building and Construction Industry Security of Payment Act 1999* in respect of payment claim made by first defendant was void - plaintiff submitted adjudicator made jurisdictional error because he wrongly determined that a reference date within meaning of s8 had arisen in respect of work subject of payment claim - plaintiff also submitted adjudicator denied it natural justice - ss8 & 13 - held: there was no reference date supporting payment claim - no denial of natural justice - plaintiff entitled to declaration sought.

[Southern](#) (C)

[From Benchmark Friday, 8 May 2015]



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Serenity

By Edward Rowland Sill

Brook,
Be still,—be still!
Midnight's arch is broken
In thy ceaseless ripples.
Dark and cold below them
Runs the troubled water,—
Only on its bosom,
Shimmering and trembling,
Doth the glinted star-shine
Sparkle and cease.

Life,
Be still,—be still!
Boundless truth is shattered
On thy hurrying current.
Rest, with face uplifted,
Calm, serenely quiet;
Drink the deathless beauty—
Thrills of love and wonder
Sinking, shining, star-like;
Till the mirrored heaven
Hollow down within thee
Holy deeps unfathomed,
Where far thoughts go floating,
And low voices wander
Whispering peace.

[Edward Roland Sill](#)

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