

## *Business Alert !*

No. 16 of 2007

### ***Court of Appeal confirms interim nature of adjudication determinations***

Wednesday, 11 July 2007

**The NSW Court of Appeal recently affirmed that adjudicators' determinations under the *NSW Building and Construction Industry Security of Payment Act 1999 (NSW)* ("the Act") are interim in nature.**

Accordingly, a different determination, delivered at a later date by a Superintendent as part of a final certificate process, is valid and does not offend section 34 of the Act.

**This is an important matter for all principals and contractors in the building & construction industry to consider.**

The full transcript of the Decision can be found at [\*John Holland Pty Ltd v Roads and Traffic Authority of New South Wales\* \[2007\] NSWCA 140.](#)

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