

*KENNEDY CIVIL CONTRACTING PTY LTD (SUBJECT TO A DEED OF
COMPANY ARRANGEMENT) ACN 165 354 692*

v

TOTAL CONSTRUCTION PTY LTD ACN 067 732 941

[2024] HCASL 108

S15/2024

- 1 This application for special leave to appeal from a judgment of the Court of Appeal of the Supreme Court of New South Wales (Mitchelmore JA, Meagher and Adamson JJA agreeing) requires an extension of time. The proposed grounds of appeal are concerned only with the application of principles of characterisation of a claim under s 13 of the *Building and Construction Industry Security of Payment Act 1999* (NSW) and raise no question of general principle sufficient to warrant a grant of special leave to appeal. Accordingly, it would be futile to grant an extension of time.
- 2 Special leave to appeal is refused with costs.

Gageler CJ
Gordon J
Edelman J
Steward J
Gleeson J
Jagot J
Beech-Jones J

11 April 2024