

NORTHERN TERRITORY OF AUSTRALIA

**CONSTRUCTION CONTRACTS (SECURITY OF PAYMENTS)
AMENDMENT REGULATIONS 2010**

Subordinate Legislation No. 26 of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 26 of 2010*

Construction Contracts (Security of Payments) Amendment Regulations 2010

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Construction Contracts (Security of Payments) Act*.

Dated 29 November 2010

T. I. PAULING
Administrator

By His Honour's Command

C. B. BURNS
Minister for Education and Training
acting for
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 29 November 2010.

1 Citation

These Regulations may be cited as the *Construction Contracts (Security of Payments) Amendment Regulations 2010*.

2 Regulations amended

These Regulations amend the *Construction Contracts (Security of Payments) Regulations*.

3 Regulation 5 amended

(1) Regulation 5(d)

omit, insert

(d) RICS Australasia Pty Ltd ACN 089 873 067 trading as RICS Dispute Resolution Service;

(2) Regulation 5(h)

omit, insert

(h) Master Builders Association Northern Territory Incorporated.

4 Regulation 12 replaced

Regulation 12

repeal, insert

12 Information to be included in application or nomination

(1) An application or nomination under section 52(2) of the Act must:

(a) state whether the applicant or nominee knows of any reasons that might disqualify the applicant or nominee from registration as mentioned in regulation 11(6)(d); and

(b) if any such reasons are known – state those reasons.

(2) In addition, the application or nomination must be accompanied by an authorisation by the applicant or nominee for the Registrar to obtain a criminal history check of the applicant or nominee.

5 Regulation 14 inserted

After regulation 13

insert

14 Information to be given by registered adjudicator

- (1) For section 53A of the Act, the registered adjudicator must give the Registrar the following information for each payment dispute the adjudicator is appointed under section 30 of the Act to adjudicate:
- (a) the adjudicator's name;
 - (b) if the adjudicator has a registration number given by the Registrar – that number;
 - (c) the name and contact details of:
 - (i) the applicant for the adjudication; and
 - (ii) each other party to the payment dispute;
 - (d) the nature of the work done by the applicant for the contract relating to the payment dispute (including the applicant's trade or profession in relation to the work);
 - (e) the location of the construction the subject of the contract;
 - (f) the amount of the payment dispute the subject of the application;
 - (g) the date on which the adjudicator was appointed to adjudicate the payment dispute;
 - (h) if the adjudicator dismissed the application under section 33(1)(a) of the Act without making a determination – the date of dismissal;
 - (i) if the adjudicator made a determination for the application under section 33(1)(b) of the Act:
 - (i) the amount to be paid or security to be returned; and
 - (ii) the amount of interest payable; and
 - (iii) how the amount of interest was calculated;
 - (j) if the application is taken to be dismissed under section 33(2) of the Act – the date of dismissal;

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- (k) the following amounts (***costs of the adjudication***):
- (i) the amount the adjudicator is entitled to be paid under section 46(1A) of the Act;
 - (ii) the costs of testing under section 34(2)(c)(ii) of the Act;
 - (iii) the costs of engaging an expert under section 34(2)(c)(iii) of the Act;
- (l) the amount each party must pay for the costs of the adjudication.
- (2) However, if the adjudicator is disqualified under section 31(1) of the Act, the adjudicator must give the Registrar the following information:
- (a) the details specified in subregulation (1)(a) to (g);
 - (b) the date of the disqualification;
 - (c) the amount the adjudicator is entitled to be paid under section 46(1A) of the Act.

Note for subregulation (2)(c)

Under section 46(2) of the Act, an adjudicator who is disqualified has the entitlements mentioned in section 46(1A) of the Act for any adjudication work done before the disqualification is notified to the parties.

- (3) The information specified in subregulation (1) must be given to the Registrar:
- (a) if the adjudicator has dismissed the application under section 33(1)(a) of the Act – no later than 10 working days after the application is dismissed; or
 - (b) if the adjudicator has made a determination under section 33(1)(b) of the Act – at the same time as the adjudicator gives a copy of the determination to the Registrar; or
 - (c) if the application is taken to be dismissed under section 33(2) of the Act – no later than 10 working days after the application is taken to be dismissed.
- (4) The information specified in subregulation (2):
- (a) must be given to the Registrar no later than 10 working days after the disqualification; and

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- (b) is in addition to the information required to be given to the Registrar under section 31(2) of the Act.

6 Regulations further amended

The Schedule has effect.

Schedule Regulations further amended

regulation 6

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 3	, unless the contrary intention appears	
regulations 6(a), 7(a) and 8(a) and (b), at the end		and
regulation 11(3)(a)(viii), (3)(b) and (6)(a) to (c), at the end		or
regulation 11(7)	under regulation 12(b)	as mentioned in regulation 12(2)
regulation 13	\$100	115 revenue units
