

Authorised Nominating Authority (ANA) Code of Practice [DRAFT]

Building and Construction Industry Security of Payment Act 1999



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1. General

1.1. Introduction

1.1.1. The object of the *Building and Construction Industry Security of Payment Act 1999* (the Act) is to:

“ensure that any person who undertakes to carry out construction work (or who undertakes to supply related goods and services) under a construction contract is entitled to receive, and is able to recover, progress payments in relation to the carrying out of that work and the supplying of those goods and services” (section 3(1) of the Act).

1.1.2. The Act provides for a ‘payment claim’ dispute resolution process to ensure that money continues to flow in the industry quickly and fairly between parties. Payment disputes are determined by an independent adjudicator who is appointed by an Authorised Nominating Authority (ANA).

1.1.3. ANAs are responsible for managing the adjudication process. The primary function of an ANA is to receive adjudication applications and appoint adjudicators for payment claim disputes. In discharging this function, ANAs provides an important support and advisory service to parties on the adjudication process under the Act.

1.1.4. This Code of Practice (the Code) is made under section 28A of the Act. Section 28A of the Act requires every ANA to comply with the Code. A contravention of a provision of the Code can result in a penalty notice and/or the withdrawal of a person’s authority to nominate adjudicators for the purposes of the Act.

1.1.5. As part of the ministerial responsibilities, the Minister for Better Regulation and Innovation oversees the Department of Customer Service of which NSW Fair Trading is an agency. NSW Fair Trading administers and is the regulatory authority for the Act. Any reference to the Minister within the Act, the Regulation, or this Code, is a reference to the Minister for Better Regulation and Innovation.

1.1.6. Compliance with this Code has no effect to the extent that it is inconsistent with any Federal or State law applicable to an ANA. While an ANA may adopt any lawful business model, it remains directly and fully responsible for the performance of its functions under the Act and cannot delegate or abrogate any function, power, duty or authority conferred on it by the Act without the permission of the Secretary.

2. Definitions

2.1. For the purposes of this Code, the following terms have the following meanings:

Act	means the Building and Construction Security of Payment Act 1999.
Adjudication application	means an application referred to in section 17 of the Act.
ANA	means an Authorised Nominated Authority as defined by section 4 of the Act.
Code	means the Authorised Nominating Authority (ANA) Code of Practice.
Conflict of interest	means a situation where any interests or circumstances of the ANA are likely to compromise, or be perceived as compromising, the ability of the ANA to carry out its duties impartially.
Conduct	includes acts or omissions.
Complaint	means an expression of dissatisfaction made to or about an ANA, related to its products, services, staff, panel of adjudicators, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
New adjudicator	means a person who is new to adjudicating within the security of payment legislative framework.
Pecuniary	means an interest that an ANA has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss.
Personal information	means information or an opinion about a person whose identity is apparent or can be ascertained from the information or opinion.
Regulation	means the Building and Construction Security of Payment Regulation 2008.
Secretary	<p><i>means:</i></p> <ul style="list-style-type: none">(a) the Commissioner for Fair Trading, Department of Customer Service, or(b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Customer Service. <p>Can mean any person as defined by section 36A of the Act.</p>

3. General conduct obligations

3.1. Probity

3.1.1. An ANA must be fit and proper to perform the functions of an ANA under the Act.

3.1.2. If an ANA is a corporation, each director(s) must be fit and proper to hold that office.

3.2. General conduct

3.2.1. While undertaking its functions under the Act, an ANA must:

- a) perform the functions of an ANA in accordance with the requirements of procedural fairness;
- b) be honest and fair, accountable and transparent in dealings with parties, the public and stakeholders;
- c) be law abiding and co-operative;
- d) not offer improper advantage to any party to an adjudication application;
- e) avoid actual or perceived conflicts of interest (both pecuniary and non-pecuniary);
- f) not act in a way that is likely to bring the ANA or other parties into disrepute;
- g) not be improper or unethical;
- h) avoid abuses of power;
- i) not act in a way that causes, comprises or involves intimidation or verbal abuse; and
- j) not act in a way that constitutes harassment or bullying behaviour under this Code or is improperly discriminatory.

3.3. Conflicts of interest

3.3.1. Failure to comply with any sub-clause of clause 3.3 is an offence.

3.3.2. An ANA must have a documented policy or procedure in place for identifying and managing actual or perceived conflicts of interest in performing its functions as an ANA.

- 3.3.3. Where an ANA believes that they may be subject to a conflict of interest with any party to an application, the ANA must advise the applicant as soon as practicable.
- 3.3.4. An ANA must not refer an adjudication application to an adjudicator who has an actual or perceived conflict of interest as a result of their relationship to the ANA or its directors.
- 3.3.5. An ANA must not refer an adjudication application to:
- a) a director or employee of the ANA; or
 - b) a spouse or former spouse of a director or employee of the ANA; or
 - c) an existing or former de facto partner of a director or employee of the ANA, or
 - d) a child, step-child, grandchild, sibling, parent or grandparent of a director or employee of the ANA.
- 3.3.6. An ANA cannot perform the function of an adjudicator.

3.4. Harassment and Discrimination

- 3.4.1. Failure to comply with any sub-clause of clause 3.4 is an offence.
- 3.4.2. As noted in clause 3.2.1 above, an ANA must not harass or improperly discriminate against others. They must not support anyone who harasses or improperly discriminates against others. This includes, but is not limited to, harassment or discrimination on the grounds of sex, pregnancy, age, race, marital status, disability, sexuality, political or other affiliation. It also includes discrimination against those who are carers, those who identify as transgender persons, and those who have infectious diseases.
- 3.4.3. For the purposes of this Code, harassment is any form of behaviour towards a person that is:
- a) not wanted by the person;
 - b) offends, humiliates or intimidates the person; and
 - c) creates a hostile environment.

3.5. Gifts and Benefits

- 3.5.1. Failure to comply with any sub-clause of clause 3.5 is an offence.

- 3.5.2. An ANA must avoid situations giving rise to the appearance that a claimant, respondent, adjudicator or other person, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment.
- 3.5.3. An ANA must take all reasonable steps to ensure that their immediate family members do not receive gifts, benefits or hospitality of any kind that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members include parents, spouses or de facto partners, children and siblings.
- 3.5.4. An ANA and their employees must not:
- a) seek or accept bribes or other improper inducement;
 - b) seek gifts or benefits of any kind;
 - c) accept any gift or benefit that may create a sense of obligation on the part of the ANA or may be perceived to be intended or likely to be influence the ANA in carrying out their function under the Act; or
 - d) seek to offer a bribe or other improper inducement.



4. Professional management arrangements

4.1. Documented policies and procedures

4.1.1. An ANA must have documented policies and procedures in place to enable it to perform the functions of an ANA under the Act. If requested these policies and procedures must be provided to the Secretary.

4.1.2. At a minimum, an ANA must have documented policies and procedures for:

- a) processing and managing adjudication applications, including the referral of adjudication applications to adjudicators;
- b) quality assurance – outlining an ANA's commitment to meeting the quality standard expected by claimants, respondents, adjudicators and the Regulator in performing its functions as an ANA under the Act;
- c) complaint handling;
- d) managing personal information;
- e) adjudicator pool selection;
- f) ongoing monitoring of the continued professional development and competence of adjudicators in the adjudicator pool.
- g) identifying and managing actual or perceived conflicts of interest;
- h) recording of adjudication data, including reporting and storage of commercially sensitive information;
- i) business continuity in the event of a catastrophic or emergency event.

4.2. Confidential and personal information

4.2.1. An ANA must keep all confidential information secure. An ANA is responsible for, and must take all reasonable measures to ensure, the security of confidential and personal information for so long as that confidential information is within its control.

4.2.2. An ANA must take all reasonable steps to ensure that confidential and personal information is always protected from access, use or misuse, damage or destruction, by any person not authorised to receive it.

4.3. Limits on use and disclosure

4.3.1. An ANA must not use or disclose any matters or documents related to the adjudication except to the extent necessary for the performance of their functions under the Act and Regulation.

4.4. Requirements on cessation

4.4.1. An ANA must notify the Secretary as soon as practicable if they are unable or unwilling to perform its activities under the Act. The notification must specify the following:

- a) the final date that an ANA will accept an adjudication application;
- b) the date that it is anticipated that any outstanding adjudication applications referred to an adjudicator by the ANA will be determined;
- c) how the ANA proposes to handle any new enquiries after cessation; and
- d) how any outstanding adjudication applications which have not been referred to any adjudicator by the ANA will be handled.

4.4.2. Failure to comply with any sub-clause of clause 4.4 is an offence.

4.5. ANA management changes

4.5.1. The ANA must give the Secretary notice in writing of the following events, within 7 business days of becoming aware of the event:

- a) any changes to the directors of the ANA;
- b) proceedings being instituted against the ANA (including, if the ANA is a body corporate or an incorporated association, proceedings being instituted against a director or board member) for an offence involving fraud or dishonesty,
- c) the ANA (including, if the ANA is a body corporate or an incorporated association, a director or board member) being found guilty of an offence involving fraud or dishonesty;
- d) the ANA (including, if the ANA is a body corporate or an incorporated association, a director or board member) becoming bankrupt or making a composition, arrangement or assignment for the benefit of creditors;

- e) if the ANA is a body corporate or an incorporated association, the body corporate or incorporated association becoming the subject of a winding up order or having a controller or administrator appointed; or
- f) any other matter affecting the ability of the ANA to perform the functions of an ANA under the Act.

4.5.2. Failure to comply with any sub-clause of clause 4.5 is an offence.



5. Complaint management

5.1. Complaints

- 5.1.1. As noted in paragraph 4.1.2 above, an ANA must have a documented policy or procedure in place for managing a complaint made against the ANA, their officers or personnel, or any adjudicators on its panel. A complaint may be related to a requirement under the Act, the Regulation, this Code or in general.
- 5.1.2. An ANA's documented policy or procedure for managing complaints must include a process which provides:
- a) an independent investigation, especially if a complaint is about the ANA or its officers or personnel;
 - b) a timely resolution; and
 - c) appropriate remedies and sanctions where a complaint is substantiated.
- 5.1.3. An ANA's documented policy or procedure for managing complaints must include a process to:
- a) receive the complaint, such as by phone, online complaint form, email, or in person;
 - b) record the complaint and relevant information, such as the name and contact details of the complainant and the issues raised in the complaint and the outcome the complainant is seeking;
 - c) acknowledge the complaint using an appropriate medium and include a contact point for the complainant, timeframe in which action will be taken, and the likely next steps;
 - d) assess the complaint;
 - e) investigate the complaint (where appropriate) and keeping the complainant informed during this process;
 - f) make a finding about the complaint (including no further action);
 - g) communicate the outcome of the complaint to the complainant, including reasons for the decision; and

h) reviewing complaint outcomes.

5.1.4. For each complaint made to the ANA, an ANA must record:

- a) details of the complainant and relevant information about the complaint;
- b) details of how the ANA assessed the complaint, including any review or investigation undertaken by the ANA relating to the complaint; and
- c) details of any action taken, or decision made by the ANA in response to the complaint and the supporting reasons for the action taken or decision.

5.1.5. Information relevant to any complaint must be made available to NSW Fair Trading upon request. Failure to comply with sub-clause 5.1.5 is an offence.

5.1.6. An ANA must notify the Secretary of any complaint made against any adjudicators on its panel or the ANA within 10 business days of becoming aware of the complaint. Notification may be made by email or post and should include all relevant details including:

- a) adjudication application reference (if applicable);
- b) parties involved;
- c) nature of complaint;
- d) any representations made in response to the complaint;
- e) procedure followed to investigate complaint; and
- f) current state of proceedings including any outcome.

Failure to comply with sub-clause 5.1.6 is an offence.

5.1.7. Once a complaint is finalised, the outcome, including any outstanding information from clause 5.1.6 must be communicated to the Secretary within 5 business days. Failure to comply with sub-clause 5.1.7 is an offence.

5.1.8. If a complaint against an adjudicator is substantiated and relates to their capability to exercise their functions under the Act, the ANA must request evidence from the adjudicator of additional education and training undertaken to rectify any deficiency in capability before any further applications are referred to the adjudicator.

6. Adjudication

6.1. Pool of competent and experienced adjudicators

6.1.1. An ANA must maintain access to a pool of adjudicators who have the competence and experience to properly adjudicate applications under the Act the ANA advertise they have expertise in.

6.2. Engagement of adjudicators

6.2.1. All service level agreements, contracts or the like entered into between an ANA and an adjudicator must require the adjudicator to agree to act in accordance with the Act, the Regulation and this Code.

6.3. Adjudicators must be fit and proper

6.3.1. In determining whether a person is suitable for the ANA's pool of adjudicators, an ANA must consider whether the person is fit and proper to perform the functions of an adjudicator under the Act.

6.3.2. Indicators that a person may not be fit and proper may include:

- a) repetitive qualified criticism, disqualification, or removal by a professional body, regulatory authority, Tribunal or Court;
- b) qualified instances where a person has been proven to be obstructive, misleading or untruthful in dealings with a professional body, regulatory authority, tribunal or Court;
- c) failure to comply with professional or regulatory requirements;
- d) adverse findings about the person in criminal or civil proceedings;
- e) a history of financial actions including bankruptcy, insolvency and or liquidation;
- f) failure to deal with conflicts of interest appropriately, including a failure to disclose conflicts of interest;
- g) failure to deal with pecuniary and non-pecuniary conflicts of interest; or
- h) a documented history of fundamental errors at law.

6.4. Adjudicator qualifications

6.4.1. An ANA must demonstrate that adjudicators on their panel have the following:

a) at least one of the following:

6.4.1.a.1. a degree from a university or other tertiary institution in Australia, or an equivalent qualification from outside Australia, in one of the following disciplines:

- a) architecture
- b) building,
- c) building surveying,
- d) construction,
- e) engineering,
- f) law,
- g) quantity surveying,
- h) construction project management,
- i) another formally recognised qualification in an applicable field relevant to law, construction or contract management; or

6.4.1.a.2. at least 10 years' experience in the administration, management and supervision of construction contracts or in dispute resolution relating to construction contracts.

6.4.2. An ANA must demonstrate that adjudicators on their panel must, in addition to the qualifications above, have at least five years' experience in the administration, management and supervision of construction contracts or in dispute resolution relating to construction contracts.

6.4.3. An ANA must require a person who does not have a qualification in law or a related field to demonstrate they have a high-level knowledge of the judicial process and the application of legislation.

6.5. Competency Record Keeping

6.5.1. An ANA must have a documented policy or procedure in place for ongoing monitoring of its panel of adjudicators to ensure that adjudicators:

- a) are acting in compliance with the Act, the Regulation, this Code, and any service level agreements, contracts or the like entered into between the ANA and an adjudicator;
- b) are acting in a fit and proper manner that meets the objectives of the Act; and
- c) continually update their skills and knowledge relevant to the practice of adjudication under the Act.

6.5.2. An ANA must request and keep records obtained from adjudicators demonstrating their continued competence to properly adjudicate adjudication applications. Continued professional development and competence can be demonstrated by, but is not limited to:

- a) attendance at industry conferences, masterclasses, seminars, workshops, forums or discussions conducted by professional bodies;
- b) presentation of original material at industry conferences, masterclasses, seminars, workshops, forums or discussions conducted by professional bodies;
- c) providing evidence of adjudication determinations undergoing peer review for quality assurance;
- d) peer reviewed papers and articles that have been published;
- e) satisfactory completion of undergraduate or postgraduate courses provided by a tertiary institution or other recognised provider; and
- f) formal training in contract law, ethics, and administration law.

6.5.3. An ANA must ensure that any formal training an adjudicator relies on to demonstrate their continued competence to properly adjudicate adjudication applications is delivered by persons who are qualified by practical or academic experience.

6.6. Training

6.6.1. An ANA must ensure that a new adjudicator undergoes a thorough training program provided by the ANA which covers, as a minimum:

- a) an overview of the Act, the Regulation and this Code;
- b) the scope and purpose of adjudication under the Act;

- c) the regulatory framework, including the role and functions of Fair Trading and ANAs under the Act;
- d) the role and functions of adjudicators under the Act;
- e) the appointment of adjudicators;
- f) standards of behaviour expected of adjudicators and ANAs, including conflicts of interest;
- g) the adjudication process;
- h) conducting adjudication;
- i) preparing determinations and the process an ANA follows to issue an adjudication certificate;
- j) complaint management; and
- k) case studies and reviews of legal precedent.

6.6.2. Where an ANA does not provide a training program for a new adjudicator, it must ensure that a new adjudicator provides evidence that they have undertaken training meeting the above requirements before an ANA is able to refer adjudication applications to them.

6.6.3. An ANA must provide a copy of any training material used by the ANA as part of its training program to the Secretary if requested.

6.7. Mentoring and assessment

6.7.1. An ANA must have a documented policy or procedure in place for mentoring new adjudicators. The mentoring must be structured to enable a senior adjudicator to peer review a determination prior to release to ensure:

- a) the determination meets the requirements under the Act;
- b) the new adjudicator turned their mind to the essential elements of the dispute;
- c) the determination addresses matters clearly and concisely and includes the reasons for the determination (unless the claimant and the respondent have both requested the adjudicator not to include those reasons in the determination); and

- d) the determination meets a reasonable standard of quality that would be expected of an adjudicator.

6.8. Minister and Authorised Officer able to attend training

6.8.1. In response to a reasonable request, an ANA must allow the Minister for Better Regulation and Innovation or an authorised officer (as defined by the Act) from the Department of Customer Service to attend any training, seminars, information sessions or the like held by an ANA, without charge, for the purposes of monitoring training quality.

6.9. Nomination of adjudicator

6.9.1. An ANA must create a panel of adjudicators with experience to cater for adjudication applications that they advertise they have expertise in.

6.9.2. An ANA must rate the adjudicators on its panel based on their skills, knowledge and experience.

6.9.3. In accordance with section 17(6) of the Act, an ANA must refer an adjudication application to an adjudicator as soon as practicable.

6.9.4. Before referring an adjudication application to any adjudicator, an ANA must assess the application and, as a minimum, must consider:

- a) the claimed amount;
- b) the complexity of the material issues in dispute; and
- c) any specific skills, expertise or qualifications best suited to determine the dispute.

6.9.5. Before referring an adjudication application to a specific adjudicator, an ANA must ensure:

- a) the adjudicator has relevant qualifications, expertise and experience to determine the application;
- b) the adjudicator is available to accept the application and make a determination with the timeframes; and
- c) the adjudicator has notified the ANA that they have no actual or perceived conflict of interest in relation to the application.

6.9.6. When there is more than one adjudicator assessed by the ANA as being suitable for referral of an adjudication application, the ANA may consider the last occasion the adjudicators were referred an application, in order to fairly distribute the referral of

applications, although the ANA is not required to refer equal numbers of applications to adjudicators.

- 6.9.7. An ANA must not refer an adjudication application to an adjudicator that has been found, by a court in Australia, to have made a technical error in making an adjudication determination unless the ANA is satisfied the cause of the error has been resolved.
- 6.9.8. An ANA must ensure that any service level agreements, contracts or the like entered into between the ANA and an adjudicator provide a process for an adjudicator to notify the ANA of any actual or perceived conflicts of interest prior to referring an adjudication application to the adjudicator and in circumstances where a conflict arises after the adjudicator has been appointed to determine the application.. An ANA must have a documented policy or procedure in place for identifying and resolving conflicts of interest for adjudicators on its panel.

6.10. Adjudication certificates

6.10.1. As a minimum, an adjudication certificate provided by an ANA under section 24 of the Act must state that it is made under the Act and specify the following matters:

- a) the name and contact details of the ANA providing the adjudication certificate;
- b) the name of the claimant;
- c) the name of the respondent who is liable to pay the adjudicated amount;
- d) the name of the adjudicator who determined the adjudication application;
- e) the adjudicated amount;
- f) the date on which payment of the adjudicated amount was due to be paid to the claimant;
- g) the rate of interest applied and amount of interest due and payable on the adjudicated amount (if any);
- h) the unpaid share of the adjudication fee (if any)
- i) the total amount due (including interest and adjudication fee).

6.10.2. An ANA must provide an adjudication certificate within three business days after the claimant has requested it under section 24 of the Act, subject to the claimant paying any fee charged by the ANA for providing the certificate.

6.10.3. If an ANA charges a fee for providing an adjudication certificate, the fee must not exceed a value that is reasonable and proportionate to the work involved in preparing the certificate.



7. Information and Advice

7.1. General Information

7.1.1. An ANA must have accurate information in relation to payment claims and the adjudication process which is publicly available.

7.2. Public website

7.2.1. An ANA must maintain a website accessible by the public that includes:

- a) general information about the Act's requirements and procedures in relation to the adjudication process;
- b) information on the services offered by the ANA and how to access these services;
- c) information on the fees charged by the ANA and adjudicators, including details of any fee or financial arrangement by the ANA with adjudicators relating to the appointment and handling of adjudication matters;
- d) information on how to make an adjudication application;
- e) contact details including phone, email and mailing address; and
- f) information on how to make a complaint and the complaint handling process.

7.2.2. Failure to comply with any sub-clause of clause 7.2 is an offence.

7.3. Address for Service

7.3.1. An ANA must maintain an address and facilities in NSW where adjudication applications, adjudication responses and other such documents can readily be served by post, personal/courier delivery and email.

7.3.2. An ANA must have a process for recording the time and date of receipt of an adjudication application, an adjudication response, a request for a certificate and any other document relevant to a process under the Act.

8. Fees

8.1. Fees

- 8.1.1. An ANA must disclose their fees and any likely charges to the applicant upon receiving the adjudication application and to the respondent prior to the commencement of the adjudication. This should include the fee charged for providing an adjudication certificate (if any). Failure to comply with sub-clause 8.1.1 is an offence.
- 8.1.2. The fee disclosure must include details of any fee charged by an ANA to adjudicators relating to the appointment and handling of adjudication matters to the parties.
- 8.1.3. An ANA must monitor the performance of adjudicators to ensure that the fees charged for services are reasonable, having regard to the nature and complexity of any matter, the time required and the expertise of the adjudicator.
- 8.1.4. An ANA must monitor the performance of adjudicators to ensure that:
 - a) adjudicators fully disclose their scale of fees and other likely charges to the parties and to an ANA before commencing the adjudication; and
 - b) invoices provided at the end of the process include a breakdown of the goods and services provided.
- 8.1.5. An ANA must make the fee for providing an adjudication certificate publicly available on the ANA's website. Failure to comply with sub-clause 8.1.5 is an offence.
- 8.1.6. If a claimant withdraws an adjudication application, in the circumstances contemplated under section 26(1) of the Act, an ANA must not charge a fee for the application and must refund to the applicant any fee already paid for the application. An ANA must ensure that any service level agreements, contracts or the like entered into between the ANA and an adjudicator prohibit the adjudicator from charging a fee for the application. This does not apply in circumstances where the adjudicator has failed to determine the application within the time allowed due to the claimant/respondent failing to provide further information on request of the ANA or the adjudicator.

9. Reporting

9.1. Adjudication activity reporting

- 9.1.1. An ANA must provide copies of adjudication determinations or other information for reporting or auditing purposes as requested by the Secretary.
- 9.1.2. An ANA must submit the requested information in the form and manner and within the timeframes requested by the Secretary.
- 9.1.3. Failure to comply with any sub-clause of clause 9.1 is an offence.

9.2. Quarterly Reports

- 9.2.1. An ANA must submit quarterly reports containing adjudication data for the periods as follows:

Quarter	Date Range	Due by*
1	1 July – 30 September	31 October
2	1 October – 31 December	31 January
3	1 January – 31 March	30 April
4	1 April – 30 June	31 July

*Where a due date falls on a weekend or public holiday, the reports may be provided by the following business day.

- 9.2.2. An ANA must include the details prescribed in Schedule A of this Code in the quarterly reports.
- 9.2.3. An ANA must submit the quarterly reports to the Department of Customer Service electronically by email to SecurityofPayment@customerservice.nsw.gov.au.
- 9.2.4. An ANA must ensure that the quarterly reports include details of any court action of which it becomes aware relating to or affecting an adjudication application made to that ANA, and each subsequent quarterly report should provide updates to this court action as those details become available.
- 9.2.5. Failure to comply with any sub-clause of clause 9.2 is an offence.

9.3. Final report

- 9.3.1. If an ANA ceases to operate or has its authorisation withdrawn, then the ANA must submit a final report within 28 days after it ceases to operate or has its authorisation withdrawn.

9.3.2. An ANA must include the details prescribed in Schedule A of this Code in the final report.

9.3.3. An ANA must submit the final report to the Department of Customer Service electronically by email to SecurityofPayment@customerservice.nsw.gov.au.

9.3.4. Failure to comply with any sub-clause of clause 9.3 is an offence.

9.4. Annual Reports

9.4.1. An ANA must submit an annual report for the period up to 30 June each year. This must be submitted by 31 July and contain:

- a) the name and qualifications of each adjudicator nominated by the ANA,
- b) details of any training provided to adjudicators,
- c) details of any changes to policies and procedures with respect to:
 - 9.4.1.c.1. administrative arrangements for processing and managing an adjudication application,
 - 9.4.1.c.2. quality assurance,
 - 9.4.1.c.3. complaint handling,
 - 9.4.1.c.4. adjudicator training and selection,
 - 9.4.1.c.5. nomination of adjudicators,
 - 9.4.1.c.6. identifying and managing actual or perceived conflicts of interest, and
 - 9.4.1.c.7. recording of adjudication data.

9.4.2. Failure to comply with any sub-clause of clause 9.4 is an offence.

9.5. Revision schedule

Revision	Date	Person	Notes

Schedule A Quarterly reporting requirements

NSW Fair Trading

Security of Payment

Address: PO Box 972, Parramatta NSW 2124

Phone: 13 32 20 | TTY 1300 723 404

For more information contact: SecurityofPayment@customerservice.nsw.gov.au

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