

Building and Construction Industry (Security of Payment) Act 2009

Information Note

Authorised Nominating Authorities - Applications

This information note provides information on making an application to the Minister for Industrial Relations to become an Authorised Nominating Authority (ANA) under section 31 of the ACT's *Building and Construction Industry (Security of Payment) Act 2009*.

An Authorised Nominating Authority can receive adjudication applications, nominate adjudicators and issue adjudication certificates.

Who may apply

Section 31 of the Act makes provision for a person to apply to the Minister to be authorised as a nominating authority. A person may be an individual or a corporation.

Suitability criteria for applicants is set out in Section 32 of the Act.

Making an application

An application must include:

- (a) the applicant's name, business address, telephone number, fax number, email and website address
- (b) where the applicant is a corporation, a recent historical company extract from the Australian Securities and Investments Commission (ASIC)
- (c) for each individual who will provide ANA services under the Act, a police check or other suitable documentary evidence that establishes if any of the criteria listed under section 32 of the Act apply to the individual
- (d) information about any particular section of the building and construction industry the applicant represents the interests of, including the name of the organisation and the details of those representations
- (e) information about the procedures the applicant has in place for determining if a person satisfies the eligibility criteria under the Act for adjudicators the applicant intends to refer adjudication applications to, including details about a relevant training course.

- (f) information about the procedures the applicant has in place for ensuring applications for adjudication that are being referred to an eligible adjudicator are dealt with efficiently, impartially and with probity.
- (g) information about the applicant's fees and fee structures for providing the services under the Act
- (h) details about how the applicant proposes to deal with complaints
- (i) details about how the applicant intends to record details of its activities in order to provide the Minister with reports as required under the Act
- (j) details about procedures the applicant has in place to detect conflict of interests between adjudicators, claimants and respondents
- (k) the background, experience and qualifications of the applicant and any other information the applicant considers may help the Minister determine if the applicant should be granted authorisation
- (l) a statement from the applicant that they have read and agree to abide by the Authorised Nominating Authority Code of Practice for the ACT.

Where to send an application

A paper copy of the application should be addressed to the Minister for Industrial Relations.

Post to:

The Manager
Construction Occupations Section
ACT Planning and Land Authority
GPO Box 1908
Canberra ACT 2601

Or, hand deliver to:

The Manager
Construction Occupations Section
ACT Planning and Land Authority
16 Challis Street
Dickson ACT 2602