

| Time | Details of presentations | About the presenters |
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| 9.30 am | <p>Introduction, overview and empirical data</p> <p><i>Scott Pettersson</i></p> <p>An overview of the day and the operation of the various legislative schemes from the point of view of an adjudicator, a preparer, a trainer and an Adjudication Nominating Authority</p> <p><i>Michael Brand</i></p> <p>An overview of research conducted between 2002 and 2007 which compares key performance indicators for the purpose of determining whether or not the Act produces the expected result of increasing security of payment, and whether the results are consistent with the reason for the Act</p> | <p>Scott Pettersson is a senior adjudicator in NSW Queensland and Victoria and has been involved in adjudication in Australia since its inception. He is or has been, an adjudicator, an educator and CEO an Authorised Nominating Authority. Presently he provides services in all those capacities (save the ANA role he has gratefully relinquished) and is involved in the training and professional development of adjudicators in the eastern states providing services through four nominating authorities to both adjudicators, preparers, claimants and respondents.</p> <p>Michael Brand is an adjudicator for NSW and Victoria and academic at UNSW. He has published widely in the field of statutory adjudication internationally. Michael has worked as a consultant to the NSW Department of Commerce on matters relating to the performance-based assessment of the NSW Act. Michael is the founding Coordinator of an International Task Group on Statutory Adjudication in Construction which operates within the International Council for Research and Innovation in Building and Construction based in the Netherlands</p> |
| 10:15 am | Morning Tea | |
| 10:45 am | <p>The judicial view</p> <p><i>The Honourable Justice Robert McDougall</i></p> <p>An examination of the role of natural justice in the adjudication process and the contents of the rules</p> | <p>The Honourable Justice Robert McDougall was sworn in as a judge of the Supreme Court of NSW on 21 August 2003. His Honour was appointed to the Equity Division of the Court and regularly sits in the Commercial List and Technology and Construction List. His Honour developed an extensive practice in the Equity and Commercial jurisdictions, appearing mainly in the Supreme Court and the Federal Court of Australia. He took silk in 1990, and thereafter until his appointment appeared in many long and complex commercial and construction cases.</p> |
| 11.20 am | <p>The Government view</p> <p><i>Andrew Wallace</i></p> <p>An overview of some possible amendments being considered in Queensland and how they will impact on associated building legislation</p> | <p>Andrew Wallace is a barrister with a strong building industry background and appears in construction matters in Queensland. He is also an experienced mediator of construction disputes and is also a senior adjudicator with a number of Authorised Nominating Authorities in Queensland and NSW. Andrew is also a consultant to the Queensland Government in Adjudication Matters. Andrew will be providing an overview of some possible amendments being considered in Queensland and how they will impact on associated building legislation.</p> |

11. 45 am **East meets West - views of Security of Payments**

Phil Loots

When does a 'Payment Dispute' arise, and when is an application under the Act out of time?

Lead us not into confusion - various aspects of the Victorian legislation

St John Frawley and Jeffrey Wilson

Discussion of various aspects of the Victorian legislation including case law and the impacts and accessibility of the legislation as it affects respondents and claimants

Phil Loots is a registered adjudicator in Western Australia and the Northern Territory. He is actively involved in major capital projects in Western Australia, principally in mining and energy, and maintains a keen interest in construction law and dispute resolution. He has also acted as mediator and arbitrator in engineering and construction disputes outside Australia

St John Frawley is a partner at Holding Redlich based in Melbourne. St John has over 17 years' experience as a construction and engineering and commercial disputes practitioner. He specialises in all aspects of construction and engineering law. He has also been involved in major adjudication hearings before the Supreme Court. He regularly presents at industry forums where he addresses current legal and commercial issues affecting industry participants.

and

Jeffrey Wilson is a legal practitioner with particular skills in construction and engineering disputes. His practice encompasses conventional building, civil engineering projects and infrastructure projects, alliance contracts, and rolling stock supply and long-term maintenance projects. Jeffrey practices in both the initial phases of these projects and dispute resolution (wherever possible by way of cost and time effective alternatives to court or arbitration such as expert determination, mediation, senior executive appraisal or mini trial) and adjudication under the Security of Payment legislation.

1.00 pm Lunch

2.00 pm **The adjudicator's view**

David Campbell-Williams and Toby Shnookal

Presentation on the adjudicators and the adjudication consultant's views of the NSW and Victorian legislation

David Campbell-Williams is a construction and engineering lawyer with significant expertise contractual dispute resolution. David is one of the most experienced adjudicators of security of payment claims in Australia, as well as a practitioner acting for claimants and respondents in adjudication applications and has acted for parties in a number of the seminal Supreme Court of New South Wales proceedings in respect of the operation of the Security of Payment Act. David serves on the Institute of Arbitrators and Mediators New South Wales Chapter Committee and on its National Adjudication Committee.

and

Toby Shnookal is a barrister at the Victorian Bar and a qualified civil engineer with significant experience as an adjudicator, arbitrator and expert determiner in which capacities he has published over 50 determinations. He is also a senior mediator. Mr Shnookal was a part time member of the Victorian Civil and Administrative Tribunal (VCAT) for 10 years hearing building disputes and is a co-author of the 4th edition of *Brooking on Building Contracts*.

2.45 pm **The judicial panel**
Justice Peter Vickery, Justice Robert McDougall, Judge Frank Shelton and Judge John McGill

Discussion moderated by *Michael Heaton* on issues that they face and on what they perceive as the strengths and weaknesses of the adjudication process

Michael D G Heaton QC (Panel moderator) is a senior member of the Victorian Bar with a broad range of expertise in law including building and construction. Mr. Heaton is a fellow of the Chartered Institute of Arbitrators (UK) and an Associate of the Institute of Arbitrators and Mediators Australia. He is also an accredited adjudicator under the Building and Construction Industry Security of Payment Act (2002) (Vic).

with

The **Honourable Justice Peter Vickery**; Justice of the Supreme court of Victoria and Chief Judge of the court's Construction and Technology Division: was admitted to practice in Victoria on 1st August 1973 and was appointed Queen's Counsel in December 1995. During his 30 years at the Bar His Honour has been involved in a cross section of cases including engineering and construction. In the course of his practice as a silk, Justice Vickery was briefed in a number of major cases in the field of engineering and construction. His Honour was appointed as a Justice of the Supreme Court of Victoria in 2008. He was soon appointed as Judge in Charge, Building Cases List and, until recently, has continued in that role. His Honour was instrumental in the formation of recently formed Technology and Construction List of the Supreme Court of Victoria as a result of his awareness of the peculiarities involved in construction matters. His Honour is the Chief Judge for that list.

and

The Honourable Justice Robert McDougall - please see above

and

His Honour Judge Frank Shelton, judge of the County Court of Victoria. His Honour was appointed to the County Court in September 1994 and was made Judge in Charge of the Building List in 1998. Prior to his appointment to the County Court His Honour was a partner in Minter Ellison, Solicitors. He holds or has held a number of honorary positions including Past President of IAMA (1989-1992), is a former Vice President of the Australian Centre for International Arbitration and is an Honorary Fellow of the Australian Property Institute, and the Building Dispute Practitioners Society.

and

His Honour Judge John McGill, judge of the District court of Queensland. Holds bachelor degrees in Arts, Law and Economics from the University of Queensland between 1968 and 1976, and a Master of Laws degree from the University of London in 1977. Appointed an acting District Court judge for four weeks in 1992 and was confirmed as a District Court Judge on 6 September 1996. In addition to his duties as a Judge, His Honour is also a member of the Rules Committee which supervises the Uniform Civil Procedure Rules, and other matters of procedure in state courts.

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| <p>3.45 pm 2350 Hours - the end is near The final wrap of the events of the day - some possible options for the future. <i>Scott Pettersson</i></p> | <p>Scott Pettersson – please see above</p> |
| <p>4.00 pm Adjudication Forum Meeting to approx Discussions regarding how the 4.30 pm forum can advance and where to from here. <i>Peter Sarlos</i></p> | <p>Peter Sarlos has particular skills in ADR in all phases of building and construction projects from domestic renovations through to major public works. With a background in architecture and law, Peter now practices as a mediator, adjudicator and arbitrator and also applies his building and construction knowledge as an expert witness and in delivering expert determinations. Peter Sarlos is a founder of the Adjudication Forum.</p> |
| <p>6.00 pm - Adjudicators Social Dinner whenever Location & other details to be announced</p> | <p>If you are interested in attending the dinner, please send an additional note with your registration form, and we will contact you with more details.</p> |