

IN THE MATTER of an Adjudication  
pursuant to the Construction Contracts  
(Security of Payments) Act (NT) ("The Act")

BETWEEN:

Applicant

and

Respondent

## **WITHDRAWAL OF APPLICATION**

### ***Introduction***

1. On 2 October 2014 I was appointed by the Law Society Northern Territory ("LSNT") to adjudicate a payment dispute between the Applicant and the Respondent.
2. On 3 October 2014 I took delivery of the application dated 30 September 2014.
3. On 5 October 2014 I wrote to the parties advising my appointment and declared no conflict of interest in the matter. I also sought submissions should either party object to the appointment. There were no objections to my appointment.
4. In my letter of 5 October 2014 I also requested both the Applicant and the Respondent confirm the date and method of service of the application documents. On 7 October 2014 by separate email, both the Applicant and

the Respondent confirmed the application documents were served by hand on 30 September 2014. On 9 October 2014 I accepted the application was served on 30 September 2014 and indicated that the response, if any, was due on or before 14 October 2014.

5. On 10 October 2014 I received an email from the Respondent advising that an agreement had been reached and the payment dispute would be settled by deed of settlement and release that same day. I then spoke with each of the parties and confirmed that a settlement had been reached and that the Applicant would be withdrawing the application under section 28A of the Act by written notice. Later that same day, 13 October 2014, I received from the Respondent a fully executed copy of the deed of settlement made between the parties.
6. On 13 October 2014 I received a written notice of withdrawal of the application from the Applicant under section 28A(2)(b) of the Act.
7. That same day, 13 October 2014, I wrote to the parties and confirmed that the Applicant wished to withdraw the application by way of written notice under section 28A(2)(b) of the Act and sought objections from the Respondent under section 28A(3) of the Act. The Respondent confirmed it had no objections to the withdrawal of the application.
8. On 14 October 2014 I wrote to the parties accepting the Applicant's notice of withdrawal of the Application under section 28A(2)(b) of the Act and I released the parties from the Adjudication of the payment dispute.

### **Costs**

9. In relation to my costs to date, these are to be paid in full by the Applicant as Costs of the Adjudication under section 46(b)(i) of the Act.
10. I make no decision under section 36(2) of the Act. The parties must bear their own legal costs.

***Confidential Information***

11. The following information is confidential:

- (a) the identity of the parties;
- (b) the identity of the principal; and
- (c) the location and nature of the works.

DATED: 11 November 2014

Rod Perkins

Adjudicator No. 26