

Our Reference: [REDACTED]
Your Reference:

11 June 2014

Research Director
Transport Housing and Local Government Committee
Parliament House
George Street
BRISBANE QLD 4000

By Email: thlgc@parliament.qld.gov.au

Dear Madam

Building and Construction Industry Payments Amendment Bill 2014

I am a qualified Adjudicator under the *Building and Construction Industry Security of Payment Act* in both New South Wales and Tasmania. I also recently completed training with Adjudicate Today in the hope of becoming a registered Adjudicator under the *Building and Construction Industry Payments Act 2004* (Qld). I accept appointments from two Authorised Nominating Authorities in New South Wales and one in Tasmania.

I am aware that the Government is intending to implement the majority of the recommendations contained in a report prepared by Mr Andrew Wallace of Counsel. I understand that the *Building and Construction Industry Payments Amendment Bill 2014*, authored to implement those recommendations and currently before Parliament, is also intended to abolish Authorised Nominating Authorities.

Mr Wallace's report identified a number of functions which Authorised Nominating Authorities, in my experience in both New South Wales and Tasmania, frequently carry out. In my experience, and in addition to the matters which Mr Wallace correctly identifies as being of benefit, Authorised Nominating Authorities are of considerable assistance and maintain a necessary separation between adjudicators on the one hand and the parties to a matter on the other.

For example, Authorised Nominating Authorities:

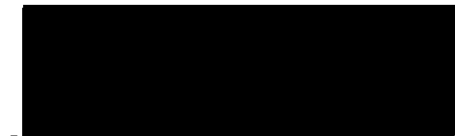
1. Issue correspondence from, and accept documentation for, adjudicators without parties directly corresponding with the adjudicator at his or her place of work or residence;
2. Are able to direct parties to sources of information, and respond to procedural queries, which an adjudicator cannot enter into. In my view procedures are more frequently complied with, and my task as adjudicator improved by, procedural assistance such as this;
3. Perform administrative services such as proof reading for typographical errors, fee collection, and related tasks; and

4. Conduct ongoing training of adjudicators, including both informal information dissemination and formal seminars and training sessions.

In my submission the objects of the report prepared by Mr Wallace can be met by the *Building and Construction Industry Payments Amendments Bill 2014*, without that Bill also abolishing Authorised Nominating Authorities and without removing the beneficial processes which in my experience Authorised Nominating Authorities provide.

I respectfully request that the Committee reconsider removing that part of the amendment Bill which would abolish Authorised Nominating Authorities, with the intention that the Bill be amended so that Authorised Nominating Authorities assume a role under which adjudicators are chosen by the Registrar, but many or all of the remaining current functions are retained for the benefit of participants.

Yours faithfully



M+K Dobson Mitchell Allport
CHRIS GROVES
Senior Associate

