

From: Ian Wright [REDACTED]

Sent: Sunday, 15 June 2014 7:27 PM

To: Transport Housing and Local Government Committee

Subject: Submissions for the Hearings into Building and Construction Industry Payments Bill 2014

The Research Director
Transport, Housing and local Government Committee
Parliament House
George Street
Brisbane Qld 4000

16th June 2014

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

Dear Research Officer

Re: Hearings into Building and Construction industry Payments Bill 2014;

I am an active adjudicator and avid supporter of the Queensland Building and Construction Industry Payments Legislation and have been so since its inception in Queensland.

I support the general thrust of the Wallace Report recommendations to amend the Building and Construction Industry Payments Act 2004 and the information contained in the Minister's media release of 9th April 2014.

However, I am concerned that the amendment Bill goes further than either the recommendations of the Wallace Report or the Minister's media release, particularly as the Bill abolishes ANAs. The Wallace report identifies many valuable statutory functions fulfilled by ANAs. Of those functions, it only recommends that the appointment of adjudicators be transferred to the Adjudication Registrar.

In my work as an adjudicator, I am familiar with the operation of Adjudicate Today. I know that it invests substantial resources to providing advice and assistance to industry participants in ensuring applications comply with the sometimes complex provisions of the Act. Adjudicate Today is well resourced to manage the fluctuating case loads and the staff are very well trained, professional and helpful.

I am concerned that the limited resources available to government will mean that the service and support available to potential users of the Act will be compromised when compared to the current operating regime. This could have a detrimental effect on its ongoing use and support within the industry.

There are many services undertaken by ANAs which will be lost to industry participants should ANAs be abolished, including:

- a. The information and guidance provided in their websites, including forms and templates;

- b. Telephone assistance in complying with the strict timeframes of the Act;
- c. The convenient receipt of documents whether it be in hardcopy or electronically. In the case of Adjudicate Today, they have arrangements to receive documents 24 hours a day;
- d. Selecting adjudicators on the basis of suitability for resolving the dispute;
- e. A subsidy of the costs for smaller value adjudication applications.
- f. A full range of adjudicator mentor support through its varied panel of expert adjudicators

Importantly, ANAs provide a point of separation between parties and adjudicators. I am most concerned that parties will ring me to make submissions without the other side's knowledge and capacity to respond. I understand that the Registrar is thinking of ensuring adjudicators appoint agents to prevent this happening. However, unless these agents are licenced there will be no constraint on adjudicators appointing whoever they choose e.g. preparers of adjudication applications, colleague adjudicators, family member, staff in their own business etc.

After the Register is tasked with the appointment of adjudicators, there are many more functions that need to be performed in the interest of the proper operation of the Act. I understand the Registrar does not intend to provide these services. I am concerned that if ANAs lose their statutory role, these valuable services will cease altogether and this will be to the detriment of industry participants and contribute to an increased rate of insolvency in the building and construction industry.

I recommend the Bill be amended so that ANAs continue all their statutory functions other than the appointment of adjudicators. To keep costs down, ANAs should compete through the provision of information and quality of service to receive adjudication applications. The only difference will be that ANAs supply the Registrar with their nominations for appointment.

Please contact me if I can be of further assistance.

Yours sincerely

Ian Wright

Adjudication Registration Number [REDACTED]