

The Research Director
Transport, Housing and local Government Committee
Parliament House
George Street
BRISBANE QLD 4000

15 June 2014

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

Dear Research Officer

Re: Hearings into Building and Construction Industry Payments Bill 2014

My name is [REDACTED] and I am adjudicator through Adjudicate Today's panel since 2010. I have undertaken more than 100 adjudications albeit in other jurisdictions.

Following the issue 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 9 April 2014, I am not in support of the recommendation for Registry appointment of adjudicators and the prospect of a decision to consider abolishing ANAs.

As acknowledged in the Wallace Report, the ANAs perform many valuable statutory functions. I note this report however only recommends that the appointment of adjudicators be transferred to the Adjudication Registrar.

In my work as an adjudicator, I am thoroughly familiar with the operation of Adjudicate Today. I am also a building industry practitioner and I have stood in the position of both Claimant and Respondent on many occasions.

Adjudicate Today is an extremely professional and helpful organisation that enables the lodgement of applications and the production of decisions to be managed efficiently through what can be sometimes complex provisions of the Act. I am aware that this particular ANA invests a lot of resources into ensuring their staff are very well trained.

Some of the things that this particular ANA offers which may be lost should ANA's be abolished includes:

- a. The information and guidance provided in their websites, including forms and templates,
- b. Telephone assistance in complying with the strict time frames 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, and
- e. A subsidy of the costs for smaller value adjudication applications.

From the perspective of an adjudicator however, the ANAs are important to people like myself. They provide a point of separation between parties and adjudicators. Of greatest concern is the prospect that parties will want to contact the adjudicator directly. The current practice is that the ANAs provide a service that effectively filters unsolicited communication from the parties but allows that communication to be seen with complete transparency. It also enables the adjudicator have a single point of contact. Not only is this convenient but also assists in ensuring that separation to the parties. If the adjudicator had to take on these administrative functions, the cost of adjudications could only increase.

I understand that the Registrar is “thinking” of ensuring adjudicators appoint agents to prevent this happening. As an adjudicator I do not want to have to find an “agent.” Adjudicate Today ensures I am properly trained and undertake on-going development training. They provide a substantial resource service that is invaluable.

I would like to further add that as a building industry practitioner having been exposed to both sides, that being Claimant and Respondent, and notwithstanding I have not always been on the receiving end of a favourable decisions, the process as it stands at present is fair, transparent, honest, and arm’s length. I would not like to have to search out adjudicators or have one appointed by a registrar without regard to the suitability of the appointment, or by an outfit that does not know its adjudicators. The range of issues extend from highly technical matters to matters of legal significance and ANAs like Adjudicate Today know the adjudicators and are able to ensure suitable adjudicators are appointed. This provides for consistency and a high standard which will be at risk under the proposed changes.

Please contact me on [REDACTED] if I can be of further assistance.

Yours sincerely

[REDACTED]