



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 a qualified adjudicator under the *Building and Construction Industry Security of Payment Act 1999 NSW* and the *Building and Construction Industry Payments Act 2004 QLD*. I am currently applying for registration in QLD and accept referrals from Adjudicate Today. My practice involves Contract and Commercial Management and dispute resolution. My clients include mid tier contractors, consultants and many small trades persons.

I support the general recommendations of the Final Report prepared by Andrew Wallace Barrister at Law titled *Discussion Paper - Payment Dispute Resolution in the Queensland Building and Construction Industry - May 2013 "the Wallace Report"* 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 understand however, that the *Building and Construction Industry Payments Amendment Bill 2014* currently before the parliament intends to abolish the role of Authorised Nominating Authorities (ANA's). 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 at Question 8.

I am familiar with the operations of Adjudicate Today. I am aware that ANA's invest substantial resources to provide advice and assistance to industry participants to ensure applications comply with the provisions of the Act. The staff of Adjudicate Today are very well trained, professional and helpful.

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

1. The information and guidance provided in their websites, including forms and templates
2. Telephone assistance in complying with the strict timeframes of the Act
3. The convenient receipt of documents whether it be in hardcopy or electronically. I
 - A. In the case of Adjudicate Today, they have arrangements to receive documents 24 hours a day

4. Selecting adjudicators on the basis of suitability for resolving the dispute
5. A subsidy of the costs for smaller value adjudication applications

Importantly, ANAs provide a point of separation between parties and adjudicators. Of concern is that parties to an Adjudication may make unsolicited communication or submissions which will compromise the integrity of the process.

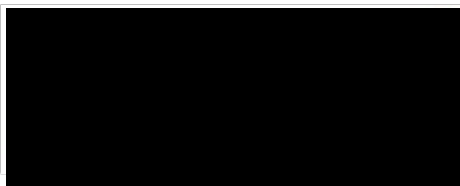
No reasoning has been given as to why the ANA's are to be abolished other than a brief mention in the explanatory speech on 21 May 2014 by the Hon TL MANDER (Everton - LNP) which refers to their role changing to that of a potential document service agent. This is quite a change from the value added service to the industry that the ANA's currently provide. It is submitted that this will result in a vast confusion to claimants and respondents as well as added costs as adjudicators will now factor in clerical and or support time to adjudication applications, as well as the cost of information technology infrastructure which the ANA's already provide.

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 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.

It is submitted that 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



G&A

Samuel Gobrael | Director

