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The Research Director
Transport, Housing and Local Government Committee
Parliament House
George Street
Brisbane 4000
Queensland

16 June 2014

Dear Madam/Sir

Hearings into *Building and Construction Industry Payments Bill* 2014 (“the Bill”)

By way of background, I am a barrister in practice in Sydney and a registered adjudicator under the *Building and Construction Industry Payments Act* 2004 (“the Act”). I have been a registered adjudicator under the Act since 2006. I am also an adjudicator pursuant to the equivalent “security of payment” legislation enacted in New South Wales, Victoria, South Australia, Tasmania and the Australian Capital Territory. I am a Senior Adjudicator on the Adjudicate Today panel. Over the years I have made hundreds of determinations/decisions across the various jurisdictions.

I write to express my concern that the Bill empowers the Adjudication Registrar to abolish Authorised Nominating Authorities (“ANA”). This was not a recommendation of the Wallace Report. I have not seen or heard any reasons, cogent or otherwise, for the government’s proposal to abolish ANA.

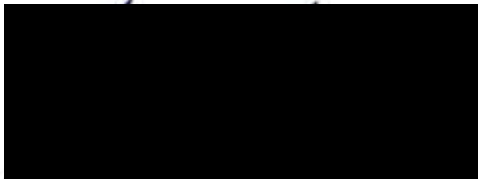
The fact is that adjudicators and industry participants will tell you that the services provided by ANA are essential to the efficient and transparent disposition of the adjudication process. The staff of Adjudicate Today are highly efficient and professional and, without exception, knowledgeable about the processes and timeframes contained in the Act. They take their role as an impartial point of separation between the parties to a dispute and the appointed adjudicator extremely seriously. I know of many unrepresented claimants and respondents who have received enormous assistance with the various timeframes and processes of the Act

from Adjudicate Today staff. I know of many legal representatives of parties to a dispute who have benefited from the guidance of Adjudicate Today staff on matters of procedure. The various services that ANA provide significantly “free up” adjudicators to concentrate on their statutory function, namely, valuing payment claims. This results in better quality adjudication decisions.

You will appreciate also that some adjudication applications and adjudication responses are very large and can run to many thousands of pages. The speed and efficiency with which Adjudicate Today receives these large documents (both in soft copy and hard copy form), documents their receipt and provides them to adjudicators is exceptional. Precisely what material a party to a dispute includes in their adjudication application and response is obviously very important and can be an important question in any court proceedings that might arise following an adjudication decision. It is a source of great comfort to an adjudicator, and no doubt the parties themselves, to know that an impartial third party has received, and documented precisely what was received in the adjudication application and adjudication response, in the event of such litigation.

In my opinion, the abolition of ANA can only adversely affect industry participants and frustrate the purpose of the Act. As I say I have not heard a single argument, cogent or otherwise, explaining the reasoning behind this proposal. From a personal point of view, if ANA are abolished I have serious reservations about continuing as an active adjudicator in Queensland. I urge you to amend the Bill to allow ANA to maintain all of their statutory functions other than the appointment of adjudicators.

Yours faithfully,

A large black rectangular box redacting the signature of Thomas Jones.

Thomas Jones