

Tom Silk

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

Dear Research Director

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

I am an Adjudicator in NSW with intentions of also becoming an Adjudicator in Queensland.

I am deeply concerned with the prospect that ANA's are going to be abolished under this Bill and request that the Bill be amended so this does not happen. In my opinion the Wallace report outlines the many valuable statutory functions that ANA's fulfil, it does not recommend the abolition of ANA's. The Bill for unknown reasons has gone much further than the recommendations of the Wallace Report in this regard. My reading of the report, only recommends that the appointment of adjudicators be transferred to the Adjudication Registrar.

My adjudication training was done through the excellent training course offered by Adjudicate Today. Since then it has become abundantly clear that ANA's such as Adjudicate Today are an essential part of the Adjudication process as they invest substantial resources to providing advice and assistance to the very parties that the Act has been set up to protect. The personnel that Adjudicate Today employ, are highly trained and effective.

Should ANAs be abolished there are many services undertaken by ANAs which will be lost to industry participants, 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.

I understand the Registrar does not intend to provide these services, so it is unclear why the government intends on removing access to 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.

Furthermore, ANAs provide a point of separation between parties and adjudicators' I understand that the Registrar is considering ensuring adjudicators appoint agents to prevent this happening and whilst this is fraught with danger why would the government seek to reinvent the wheel when the systems and services which ANA's offer are already effective.

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

Tom Silk
Adjudicator