

**From:** Terry Simmons [REDACTED]

**Sent:** Monday, 16 June 2014 1:02 PM

**To:** Transport Housing and Local Government Committee; [REDACTED]

**Subject:** Call for submissions - Building and Construction Industry Payments Bill 2014

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**Building and Construction Industry Payments Bill 2014**

Dear Research Officer

and

Dear Minister

I am an adjudicator registered under the Building and Construction Industry Security of payment Act 1999 NSW and have recently applied for registration with the QLD Building and Construction Industry Payments Act 2004, after successfully achieving a certificate in Adjudication from Adjudicate Today Pty Ltd , dated 5<sup>th</sup> May 2014.

I support your government's decision to accept the majority of recommendations made in that report.

However, **I am most concerned at the manner by which the recommendation for the Registrar to appoint adjudicators to determine adjudication applications is being implemented.**

The Bill before Parliament both empowers the Adjudication Registrar to appoint adjudicators and also abolishes Authorised Nominating Authorities (ANAs). The Wallace report did not recommend the abolition of ANAs.

ANAs provide many valuable statutory functions in addition to the appointment of adjudicators. Wallace identified these additional duties at page 129 of his report where he said:

"Other ANA duties include:

- (1) Accept adjudication applications from claimants;
- (2) Provide advice and assistance to parties regarding the adjudication process;
- (3) Issue Adjudication Certificates to claimants upon request;119
- (4) Where approved to do so by the Adjudication Registrar, conduct courses for adjudicators in the prescribed adjudication qualification and upon successful completion, issue a Certificate in Adjudication to the adjudicator."

In addition, most ANA provide website and other information to industry participants which promote the legislation and also extensive administrative resources to adjudicators including:

- (1) Acting as a buffer between adjudicators and parties
- (2) Providing a Queensland address for service of documents
- (3) Responding to party queries re the process and what they need to do next
- (4) Communicate with parties any adjudicator requests e.g. requests for further submissions
- (5) Arrange conferences, if required
- (6) Receive adjudicator decisions
- (7) Proof read decisions for typographical errors
- (8) Collect the fees
- (9) Provide the parties with the decision
- (10)Forward decision to Registrar
- (11)Provide adjudicator with slip rule requests.

As a new adjudicator currently being mentored by Adjudicate Today, the additional support, assistance, and knowledge being made available by the ANA has been most valuable and allowing me to provide, clear and precisely detailed written adjudication decisions. Without their ongoing support the adjudication process would become more complicated and detailed, requiring extra resources and time on my behalf adding to the cost of adjudication.

I also strongly believe the ANA provides an important point of separation between the parties in dispute and is a major factor to avoid parties contacting me directly and jeopardizing decisions being made.

**I request government reconsider its decision to abolish ANAs as they fulfill many valuable functions for industry participants and adjudicators.**

Regards

Terry Simmons  
Adjudicator

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