

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

6/186 Main Road
Blackwood SA 5051 Australia

T ([REDACTED])
F ([REDACTED])

www.nationalprecast.com.au

ABN 83 051 987 181

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

Dear Research Officer

Re: Hearings into Building and Construction industry Payments Bill 2014

National Precast Concrete Association of Australia is the peak body representing the precast concrete industry in Australia. Our mission is to influence, to connect people and knowledge and to facilitate solutions for the construction industry.

National Precast has been made aware 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 9th April 2014. Whilst we support the general thrust of the report, we are deeply concerned that the amendment Bill goes much further than either the recommendations of the Wallace Report or the Minister's media release. The Bill also abolishes ANAs. The Wallace report identifies many valuable functions fulfilled by ANAs. Of those functions, it only recommends that the appointment of adjudicators be transferred to the Registrar.

We are familiar with the operations of Adjudicate Today and other ANAs. Our members rely on the assistance and advice of ANAs in ensuring applications comply with the sometimes complex provisions of the Act. There are many services undertaken by ANAs which will be lost to our members should ANAs be abolished, 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;
- d. Selecting adjudicators on the basis of suitability for resolving the dispute;
- e. A subsidy of the costs for smaller value adjudication applications.

Importantly, ANAs provide a point of separation between parties and adjudicators. We are most concerned parties will ring the adjudicator to make submissions without our knowledge and capacity to respond. We are told that the Registrar is "thinking" of ensuring adjudicators appoint agents to prevent this happening. However, unless these agents are licenced there will be no constraint on the adjudicator appointing whoever they choose e.g. preparers of adjudication applications (a huge concern), colleague adjudicators, family member and staff in their own business etc.

We do not understand why government would want to abolish ANAs. 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. We understand the Registrar does not intend to provide these services, so why is government removing access to the services? We are concerned that if ANAs lose their statutory role, these valuable services will cease altogether and this will be to the detriment of our members and contribute to an increased rate of insolvency in the building and construction industry.

APCAA recommends 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



Sarah Bachmann
CEO

