

From: Brett Wilson [REDACTED]
Sent: Monday, 16 June 2014 4:41 PM
To: Transport Housing and Local Government Committee
Subject: Hearings into Building and Construction industry Payments Bill 2014

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 an adjudicator in NSW and South Australia. I have been an adjudicator for over 5 years. I am also qualified to apply as an Adjudicator in Queensland, but have not to date applied to the Adjudication Registrar.

I support the general thrust of the Wallace Report recommendations to amend the Building and Construction Industry Payments Act 2004. However, I consider that the recommendations for Registry appointment of adjudicators and the abolishment of ANAs are appalling, and ill-considered.

I am deeply concerned that the amendment Bill goes much further than either the recommendations of the Wallace Report. The Bill also abolishes ANAs. 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.

In my work as an adjudicator, I am familiar with the operation of Adjudicate Today. I know that ANA invests substantial resources to providing advice and assistance to industry participants in ensuring applications comply with the sometimes complex 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:

- 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.

Importantly, ANAs provide a point of separation between parties and adjudicators. I am most concerned if the proposed amendments go through, that parties will ring me to make submissions without the other side's knowledge and capacity to respond. I would also be very concerned about disgruntled parties having my various contact details and address.

Why does government would want to abolish ANAs? No reason has been given. 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 understand the Registrar does not intend to provide these services, so why is government removing access to the 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.

I recommend the Bill be amended so that ANAs continue all their current statutory functions.

To my mind, if the proposed amendments are introduced, this will lead to the beginning of the end of security of payment in Queensland. Perhaps that is what some people within government with vested interests want, rather than protecting the life blood of the construction industry. Unless the Bill are significantly amended, I do not propose to waste my time in registering to become an Adjudicator in Queensland. The Act will be fatally flawed.

Please contact me if I can be of further assistance.

Yours sincerely
Brett Wilson
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