

By email

16 June 2014

The Hon. Mr Howard Hobbs MP  
Chairperson  
The Transport, Housing and Local  
Government Committee  
Parliament House  
Brisbane, Queensland, 4000

Email: thlgc@parliament.qld.gov.au

Dear Mr Hobbs,

**Call for submissions on the *Building and Construction Industry Payments Bill 2014***

We are solicitors who regularly act on behalf of both claimants and respondents in matters falling within the operation of the *Building and Construction Industry Payments Act 2004 (Act)*.

We are writing to you in response to the call, by the Transport, Housing and Local Government Committee (**Committee**) on 27 May 2014, for submissions on the *Building and Construction Industry Payments Bill 2014 (Bill)*. Our submission is set out below.

**Transitional arrangements**

The proposed transitional provisions found in new section 114 are limited to providing that adjudication applications already made to authorised nominating authorities are to be decided under the terms of the existing Act.

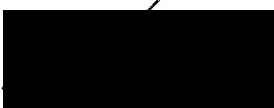
This means that the Bill will apply upon commencement to payment claims delivered before the Bill commences but the payment schedule or adjudication application is due after commencement. The Bill is silent as to what is to happen in such cases, e.g. the Bill does not deal with:

- (a) the status of such a payment claim, where the claimant has not specified whether it is a standard or a complex claim; nor
- (b) the timing regime that is to apply to the subsequent procedures under the Act.

If this was felt to be a concern, the Bill could be amended to include express transitional provisions in respect of payment claims delivered before the Bill commences where the adjudication application can be made after the Bill commences.

We thank you for the opportunity to comment on the Bill.

Yours faithfully,

  
**Stephen Fall, Partner**  
