



Queensland

*Building and Construction Industry Payments Act 2004*

# **Building and Construction Industry Payments Regulation 2004**

**Reprinted as in force on 1 July 2007**

**Reprint No. 2A**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 1 July 2007. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Building and Construction Industry Payments Regulation 2004

## Contents

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	Page
1 Short title .....	3
2 Commencement .....	3
3 Adjudication qualification—Act, s 111 .....	3
4 Fees .....	3
<b>Schedule 1 Adjudication qualification .....</b>	<b>4</b>
<b>Schedule 2 Fees .....</b>	<b>6</b>
 <b>Endnotes</b>	
1 Index to endnotes .....	7
2 Date to which amendments incorporated .....	7
3 Key .....	7
4 Table of reprints .....	8
5 List of legislation .....	8
6 List of annotations .....	9



# **Building and Construction Industry Payments Regulation 2004**

[as amended by all amendments that commenced on or before 1 July 2007]

## **1 Short title**

This regulation may be cited as the *Building and Construction Industry Payments Regulation 2004*.

## **2 Commencement**

This regulation commences on 1 July 2004.

## **3 Adjudication qualification—Act, s 111**

For section 111(2)(b) of the Act, the following are prescribed for an adjudication qualification—

- (a) the name of the qualification is Certificate in Adjudication;
- (b) a body mentioned in schedule 1, part 1 may issue the qualification;
- (c) the name of the adjudication competency to be achieved is Building and Construction Industry Payments Adjudication;
- (d) the elements that must be successfully completed are the elements mentioned in schedule 1, part 2.

## **4 Fees**

The fees payable under the Act are stated in schedule 2.

## **Schedule 1      Adjudication qualification**

section 3(b) and (d)

### **Part 1                      Bodies that may issue certificate in adjudication**

**Name of body**

- 1 Adjudicate Today Pty Limited ACN 109 605 021
- 2 Australian Solutions Centre Pty Ltd ACN 085 917 219
- 3 The Institute of Arbitrators & Mediators Australia ACN 008 520 045
- 4 LEADR ACN 008 651 232
- 5 Queensland Law Society ABN 33 423 389 441
- 6 RICS Australasia Pty Ltd ACN 089 873 067

### **Part 2                      Elements for building and construction industry payments adjudication**

<b>Element code</b>	<b>Name of element</b>
1 BCIPA-01	The object of the <i>Building and Construction Industry Payments Act 2004</i>
2 BCIPA-02	How does the Act compare with the NSW <i>Building and Construction Industry Security of Payments Act 1999</i>
3 BCIPA-03	Relationship between an Adjudicator, Authorised Nominating Authority and Adjudication Registry
4 BCIPA-04	Relationship between Authorised Nominating Authorities and Adjudicators

**Schedule 1 (continued)**

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|----|----------|--|
| 5  | BCIPA-05 | Role and functions of an Authorised Nominating Authority   |
| 6  | BCIPA-06 | Registration, suspension, cancellation or conditions of registration relevant for an Authorised Nominating Authority |
| 7  | BCIPA-07 | Role and functions of an Adjudicator   |
| 8  | BCIPA-08 | Registration, suspension, cancellation or conditions of registration relevant for an Adjudicator                     |
| 9  | BCIPA-09 | Language of adjudication   |
| 10 | BCIPA-10 | Analysis of the Act  |
| 11 | BCIPA-11 | Appointment of the Adjudicator/relevant issues   |
| 12 | BCIPA-12 | Conduct of the adjudication by Adjudicator   |
| 13 | BCIPA-13 | The NSW experience (significant Supreme Court considerations)  |
| 14 | BCIPA-14 | How an Adjudicator writes a decision   |
| 15 | BCIPA-15 | After Adjudicator makes decision   |
| 16 | BCIPA-16 | Adjudication certificates  |
| 17 | BCIPA-17 | Assessment–Examination   |
| 18 | BCIPA-18 | Assessment 2–Assignment  |

## **Schedule 2      Fees**

section 4

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1	Application for registration as an authorised nominating authority . . . . .	1 086.35
2	Application for registration as an adjudicator . . . . .	543.20
3	Application for renewal of registration as an authorised nominating authority . . . . .	1 086.35
4	Application for renewal of registration as an adjudicator . . . . .	543.20



## Endnotes

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated. . . . .	7
3	Key . . . . .	7
4	Table of reprints . . . . .	8
5	List of legislation . . . . .	8
6	List of annotations . . . . .	9

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2007. Future amendments of the Building and Construction Industry Payments Regulation 2004 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

*Building and Construction Industry Payments  
Regulation 2004*

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## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Notes
1	none	1 July 2004	
1A	2004 SL No. 203	1 October 2004	
1B	2005 SL No. 6	11 February 2005	
1C	2005 SL No. 96	27 May 2005	
1D	2005 SL No. 96	1 July 2005	
1E	2006 SL No. 93	1 July 2006	R1E withdrawn, see R2
2	—	1 July 2006	
2A	2007 SL No. 94	1 July 2007	

## 5 List of legislation

### **Building and Construction Industry Payments Regulation 2004 SL No. 92**

made by the Governor in Council on 24 June 2004

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Building and Construction Industry Payments Amendment Regulation (No. 1) 2004 SL No. 203**

notfd gaz 1 October 2004 pp 393–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 October 2004 (see s 2)

### **Building and Construction Industry Payments Amendment Regulation (No. 1) 2005 SL No. 6**

notfd gaz 11 February 2005 pp 515–16

commenced on date of notification

### **Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2005 SL No. 96 pts 1–2**

notfd gaz 27 May 2005 pp 308–11

s 5 commenced 1 July 2005 (see s 2)

remaining provisions commenced on date of notification

**Queensland Building Services and Other Legislation Amendment Regulation (No. 1)  
2006 SL No. 93 pts 1–2**

notfd gaz 26 May 2006 pp 340–3  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2006 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment  
Regulation (No. 1) 2007 SL No. 94 pts 1–2**

notfd gaz 1 June 2007 pp 582–4  
ss 1–2 commence on date of notification  
remaining provisions commenced 1 July 2007 (see s 2)

## **6 List of annotations**

**Adjudication qualification—Act, s 111**

s 3 ins 2004 SL No. 203 s 6

**Fees**

s 4 (prev s 3) amd 2004 SL No. 203 s 4  
renum 2004 SL No. 203 s 5

**SCHEDULE 1—ADJUDICATION QUALIFICATION**

ins 2004 SL No. 203 s 7  
amd 2005 SL No. 6 s 3; 2005 SL No. 96 s 4

**SCHEDULE 2—FEES**

sub 2004 SL No. 203 s 7; 2005 SL No. 96 s 5; 2006 SL No. 93 s 4; 2007 SL  
No. 94 s 4