



Queensland

*Building and Construction Industry Payments Act 2004*

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

**Current as at 6 July 2012**

# Information about this reprint

This regulation is reprinted as at 6 July 2012. 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.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

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



Queensland

# Building and Construction Industry Payments Regulation 2004

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# Building and Construction Industry Payments Regulation 2004

[as amended by all amendments that commenced on or before 6 July 2012]

## 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
- 7 Able Adjudication Pty Ltd ACN 134 663 933

### **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 <i>NSW Building and Construction Industry Security of Payments Act 1999</i> |
| 3 | BCIPA-03            | Relationship between an Adjudicator, Authorised Nominating Authority and Adjudication Registry                |

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- |    |          |  |
|----|----------|--|
| 4  | BCIPA-04 | Relationship between Authorised Nominating Authorities and Adjudicators  |
| 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 determination  |
| 15 | BCIPA-15 | After Adjudicator makes decision   |
| 16 | BCIPA-16 | Adjudication certificates  |
| 17 | BCIPA-17 | Assessment 1–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 (Act, s 42) . . . . .	1 296.35
2	Application for registration as an adjudicator (Act, s 56) . . . . .	648.15
3	Application for renewal of registration as an authorised nominating authority (Act, s 70) . . . . .	1 296.35
4	Application for renewal of registration as an adjudicator (Act, s 70) . . . . .	648.15



## Endnotes

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### 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 6 July 2012. 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		

## 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 included	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	
2B	2008 SL No. 140	1 July 2008	R2B withdrawn, see R3
3	—	1 July 2008	
3A	2009 SL No. 70	1 July 2009	
3B	2009 SL No. 243	6 November 2009	
3C	2010 SL No. 96	1 July 2010	
3D	2011 SL No. 100	1 July 2011	
3E	2012 SL No. 97	6 July 2012	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **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)

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 140 pts 1–2**

notfd gaz 30 May 2008 pp 674–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2009 SL No. 70 pts 1, 3**

notfd gaz 29 May 2009 pp 409–10

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 2) 2009 SL No. 243 s 1, pt 2**

notfd gaz 6 November 2009 pp 728–30

commenced on date of notification

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 96 pts 1–2**

notfd gaz 28 May 2010 pp 290–2

ss 1–2 commenced on date of notification

Endnotes

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remaining provisions commenced 1 July 2010 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2011 SL No. 100 pts 1–2**

notfd gaz 17 June 2011 pp 430–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 (see s 2)

**Housing and Public Works Legislation Amendment Regulation (No. 1) 2012 SL No. 97 pts 1, 4**

notfd gaz 6 July 2012 pp 759–60

commenced on date of notification

## 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; 2009 SL No. 243 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; 2008 SL No. 140 s 4; 2009 SL No. 70 s 12; 2010 SL No. 96 s 4;

2011 SL No. 100 s 4; 2012 SL No. 97 s 7

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