



Queensland

*Building and Construction Industry Payments Act 2004*

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

**Current as at 1 July 2013**

## Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at [www.legislation.qld.gov.au/Leg\\_Info/information.htm](http://www.legislation.qld.gov.au/Leg_Info/information.htm).
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



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 1 July 2013]

## 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
	\$
1 Application for registration as an authorised nominating authority (Act, s 42(2)(c)) . . . . .	1 341.70
2 Application for registration as an adjudicator (Act, s 56(2)(c)) . . . . .	670.85
3 Application for renewal of registration as an authorised nominating authority (Act, s 70(2)(c)) . . . . .	1 341.70
4 Application for renewal of registration as an adjudicator (Act, s 70(2)(c)) . . . . .	670.85



## Endnotes

### 1 Index to 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 1 July 2013. 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 version
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

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

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	

Current as at 1 July 2013	Amendments included 2013 SL No. 128	Notes
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## 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)

Endnotes

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**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  
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

**Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 128 pts 1, 4**

notfd gaz 28 June 2013 pp 739–47  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2013 (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; 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; 2013 SL No. 128 s 8

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