



Building and Construction Industry Payments Act 2004

Building and Construction Industry Payments Regulation 2004

Current as at 1 July 2018

Reprint note

This is the last reprint before lapse. Lapsed on 17 December 2018 by 2017 Act No. 43 s 202(1).

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Queensland

Building and Construction Industry Payments Regulation 2004

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Building and Construction Industry Payments Regulation 2004

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.

2A Approval of Queensland Building and Construction Board's policies—Act, s 101(2)

For section 101(2) of the Act, the policies stated in schedule 1 are approved.

3 Adjudication qualification—Act, s 111(2)(b)

The following are prescribed for an adjudication qualification—

- (a) the name of the qualification is Certificate in Adjudication;
- (b) a body mentioned in schedule 1A, 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 1A, part 2.

3A Lodgement of adjudication applications—Act, s 111(2)(c)(i)

- (1) For section 111(2)(c)(i) of the Act, an adjudication application must be lodged between 8a.m. and 5p.m. on a business day.
- (2) An application lodged after 5p.m. is taken to be lodged on the following business day.

3B Mandatory transition training and cost of training—Act, s 120(1)

- (1) For section 120(1) of the Act—
 - (a) the mandatory transition training is the ‘Mandatory Transitional Training Course’ approved by the commission and notified by the commission on the commission’s website; and
 - (b) the cost of the training is \$650.
- (2) To remove any doubt, it is declared that an adjudicator who has completed the Mandatory Transitional Training Course before the commencement of this section is taken to have complied with the condition imposed under section 120(1) of the Act.

4 Fees

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

5 Transitional provision for Building and Construction Industry Payments Amendment Regulation (No. 1) 2014

- (1) Despite their repeal by the amending regulation, section 3 and schedule 1, as in force immediately before the commencement, continue to apply in relation to a current adjudication qualification.
- (2) In this section—

amending regulation means the *Building and Construction Industry Payments Amendment Regulation (No. 1) 2014*.

current adjudication qualification means a certificate that—

- (a) is held by an individual; and
- (b) was issued to the individual before the commencement;
and
- (c) was, immediately before the commencement, an
adjudication qualification.

Schedule 1 Approved policies

section 2A

- 1 Adjudicator Grading and Referral Policy 2015 made by the Queensland Building and Construction Board on 6 May 2015
- 2 Adjudicator Responsibilities Policy 2015 made by the Queensland Building and Construction Board on 6 May 2015

Schedule 1A Adjudication qualification

section 3(b) and (d)

Part 1 Bodies that may issue certificate in adjudication

Name of body

- 1 Contract Administration Group Pty Limited ACN 052 986 544

Part 2 Elements for building and construction industry payments adjudication

Element code	Name of element
1 BCIPA-01	Role and functions of an Adjudicator
2 BCIPA-02	Role and functions of the Adjudication Registry
3 BCIPA-03	Analysis of the <i>Building and Construction Industry Payments Act 2004</i>
4 BCIPA-04	Practical Aspects of Adjudication
5 BCIPA-05	Ethics, Natural Justice and Good Faith
6 BCIPA-06	Decision making and Decision writing
7 BCIPA-07	Legal concepts for Adjudicators
8 BCIPA-08	Technical concepts for Adjudicators
9 BCIPA-09	Assessment–Examination

	Element code	Name of element
10	BCIPA-10	Assessment 2–Assignment: Mock Adjudication Decision

Schedule 2 Fees

section 4

	\$
1 Adjudication application (Act, s 21(3)(e))—	
(a) if the claimed amount is \$10,000 or less	57.35
(b) if the claimed amount is more than \$10,000 but not more than \$50,000	172.10
(c) if the claimed amount is more than \$50,000 but not more than \$100,000	286.85
(d) if the claimed amount is more than \$100,000 but not more than \$250,000	401.65
(e) if the claimed amount is more than \$250,000 but not more than \$500,000	516.35
(f) if the claimed amount is more than \$500,000 but not more than \$750,000	631.10
(g) if the claimed amount is more than \$750,000 but not more than \$1,065,600	745.85
(h) if the claimed amount is more than \$1,065,600	0.07% of the claimed amount but not more than 5,737.60
2 Application for registration as an adjudicator (Act, s 56(2)(c))	796.80
3 Application for renewal of registration as an adjudicator (Act, s 70(2)(c))	796.80
4 Issuing an adjudication certificate—	

Schedule 2

	\$
(a) if the claimed amount is \$25,000 or less	57.35
(b) if the claimed amount is more than \$25,000	114.70