



Queensland

*Building and Construction Industry Payments Act 2004*

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

**Current as at 29 January 2016**





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.

*Editor’s note—*

The commission’s website is at <[www.qbcc.qld.gov.au](http://www.qbcc.qld.gov.au)>.

- (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

	<b>Element code</b>	<b>Name of element</b>
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	51.75
(b) if the claimed amount is more than \$10,000 but not more than \$50,000	155.25
(c) if the claimed amount is more than \$50,000 but not more than \$100,000	258.75
(d) if the claimed amount is more than \$100,000 but not more than \$250,000	362.25
(e) if the claimed amount is more than \$250,000 but not more than \$500,000	465.75
(f) if the claimed amount is more than \$500,000 but not more than \$750,000	569.25
(g) if the claimed amount is more than \$750,000 but not more than \$1,000,000	672.75
(h) if the claimed amount is more than \$1,000,000	0.07% of the claimed amount but not more than 5175.00
2 Application for registration as an adjudicator (Act, s 56(2)(c))	718.65
3 Application for renewal of registration as an adjudicator (Act, s 70(2)(c))	718.65
4 Issue of an adjudication certificate—	

Schedule 2

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	\$
(a) if the claimed amount is \$25,000 or less	51.75
(b) if the claimed amount is more than \$25,000	103.50

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

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

Key	Explanation	Key	Explanation
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 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 3003 9601 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.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	1 July 2004	
1A	2004 SL No. 203	1 October 2004	

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
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	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 July 2013	2013 SL No. 128	
1 July 2014	2014 SL No. 121	
15 December 2014	2014 SL No. 311	
1 June 2015	2015 SL No. 29	
1 July 2015	2015 SL No. 64	
29 January 2016	2016 SL No. 5	

## 4 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 31 August 2016 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)

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

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)

**Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 121 pts 1, 4**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 20 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

**Building and Construction Industry Payments Amendment Regulation (No. 1) 2014 SL No. 311**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 12 December 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 15 December 2014 (see s 2)

**Queensland Building and Construction Commission and Other Legislation Amendment Regulation (No. 1) 2015 SL No. 29 pts 1–2**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 29 May 2015  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 June 2015 (see s 2(2))

**Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 64 pts 1, 4**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 26 June 2015  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2015 (see s 2)

**Queensland Building and Construction Commission and Other Legislation Amendment Regulation (No. 1) 2016 SL No. 5 s 1, pt 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 29 January 2016  
commenced on date of notification

## 5 List of annotations

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

s 2A ins 2014 SL No. 311 s 4  
sub 2015 SL No. 29 s 4

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

s 3 prev s 3 ins 2004 SL No. 203 s 6  
om 2014 SL No. 311 s 5  
pres s 3 ins 2016 SL No. 5 s 6

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

s 3A ins 2014 SL No. 311 s 6

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

s 3B ins 2015 SL No. 29 s 5

**Fees**

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

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

s 5 ins 2014 SL No. 311 s 7

**SCHEDULE 1—Approved policies**

prev sch 1 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  
om 2014 SL No. 311 s 8  
pres sch 1 ins 2015 SL No. 29 s 6

**SCHEDULE 1A—ADJUDICATION QUALIFICATION**

sch 1A ins 2016 SL No. 5 s 7

**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; 2014 SL No. 121 s 8; 2014 SL No. 311 s 9; 2015 SL No. 64 s 8

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