



# winchester young + maddern

S O L I C I T O R S

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## In Brief”

Newsletter

Issue 3

August 2005

The information contained in this newsletter is current as at August 2005

## BCIPA: Construction industry payments in Queensland

On 11 May 2004 State Parliament passed the Building and Construction Industry Payments Act 2004.

The Act aims to entitle people who carry out construction work, or who supply related goods and services, to prompt payment for that work or goods and services. This is achieved through the creation a dispute resolution process that allows contractors alleging they are owed monies under a construction contract to promptly obtain payment on an interim basis.

The statutory based system allows independent and appropriately qualified adjudicators, to assess claims on their merits to allow for payments to flow quickly down the contractual chain. The Act does not purport to finally determine rights between parties but will result in money being paid at an earlier stage to contractors.

The Act covers all forms of Contracts, both oral and written and broadly defines those persons who may make progress claims under the Act, including:

- contractors against clients (except homeowners);
- subcontractors against contractors;
- suppliers of building components against purchasers;
- architects, engineers, and others providing advice against clients,
- plant and equipment hirers against clients.

The process is rapid with the Adjudicators decision required within 10 business days. Once the adjudicator has determined the amount due, the Act provides an expedited means of obtaining a Court judgement for payment of the amount due, whereby judgement is granted automatically without the need for a hearing or a summons.

To take advantage of the Act, a claimant must ensure that a payment claim includes the notice: **“This is a payment claim made under the Building and Construction Industry Payments Act 2004 Qld”** or words to that effect. On consideration of their situation, claimants may want to print this notice on all invoices thereby ensuring all payment claims arise under the Act.

### **WINCHESTER YOUNG + MADDERN NEWS**

Winchester, Young and Maddern have extensive experience in building and construction law.

The new payment legislation will require precise construction contracts and detailed and diligent assessment of claims.

We can assist you with the drafting of your contracts and the preparation or assessment of claims to assist you with your compliance with the legislation.

Our Litigation team is lead by Glendon Young supported by Rajesh Gopal and Shanna Seamark who deal with the building and construction, commercial, corporate and contract law areas.

If you would like to discuss BCIPA or any legal issues affecting your business please make an appointment to see Glendon Young of our office.

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