



Certificate in Adjudication  
Training Course  
19, 20 and 21 August 2019

Contract Administration Group Pty Ltd  
ABN 39052 986 544  
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Course Email: BIFAttraining@contractadmin.net

### ***Building Industry Fairness (Security of Payment) Act 2017 (Queensland)***

#### **Certificate in Adjudication – Course Outline**

- Course Content:** Course content is directed to the Elements set out in Schedule 1, Part 2 of the *Building Industry Fairness (Security of Payment) Regulation 2018*. The course will consider such things as:
- Role and functions of the adjudicator
  - Role and functions of the Adjudication Registry, including Registrar, procedural aspects, referral process, administration, reporting, adjudication certificates
  - Overview and analysis of the *Building Industry Fairness (Security of Payment) Act 2017*, language of adjudication and related statutes
  - Practical aspects of adjudication including standard claim adjudication processes and complex claim adjudication processes, service of documents, communication, counting time, definitions, submissions, inspections, conference, withdrawal, use of an agent, getting paid
  - Ethics, natural justice, good faith
  - Decision-making and Decision writing, release of Decision
  - Legal concepts for adjudicators, including contracts, other legal rights and obligations, case law, proof and onus, estoppel, submissions, basic and essential requirements, more detailed requirements, void Decisions
  - Practical and legal consideration of payment claims, payment schedules, adjudication applications, adjudication responses, replies, notices, timelines, interest, due date for payment
  - Technical concepts for adjudicators including variations, defects, time-related matters, valuation
  - Pre-course work, examinations, assignment – Mock Adjudication Decision

**Course Workload:** Applicants should consider their availability carefully before applying to attend the course. The course will include Pre-Course Work, Course Attendance (including written Examinations) and a Mock Adjudication. The time required for Candidates will vary due to each individual's previous training, particular knowledge, experience and approach to the task.

Candidates will need to commit significant time to complete each phase of the training including those for Option 1 and Option 2 as referred to in the Application Form. The Course Attendance will be on 19 and 20 August 2019 from 8:30 to 17:00 and 8:30 to 14:00 on 21 August 2019. Examinations will be held on 19 and 20 August 2019. A third set of Examination questions will be provided at the end of the face-to-face training on 21 August 2019. Candidates are to complete the Examination and submit their answers as an email attachment by 18:00 on 22 August 2019. **Late submission of answers will not be accepted.**

Documents for the Mock Adjudication will be provided on 21 August 2019. The Mock Adjudication is to be completed and submitted by email attachment on or before 6 September 2019.

The time required for the Mock Adjudication will vary significantly between Candidates but as a guide, Candidates in previous courses have advised that similar Mock Adjudication exercises have taken from 20 to 40 hours to complete a reasoned Decision, but some Candidates have spent considerably more time. It is a matter for Candidates how long they spend on the Mock Adjudication provided that the Decision is submitted within time.

Candidates attending the course for the purpose of professional development or learning only (Option 2) and who do not wish to attempt to qualify for a Certificate in Adjudication will be required to carry out the Pre-Course Work as a pre-condition to attending presentations, but they will not sit the Examinations or have a Mock Adjudication marked.

- Course Material:** Course material will be available to download from Dropbox once course fees are paid and funds cleared. For Candidates not able to access Dropbox, course material will be provided on a thumb drive (USB stick) if requested. Please allow time for post if relying on receipt of a USB stick.
- Reference material will be provided in the same way. Candidates may have a copy of all material on their computer during the course, during the Examinations and for the Mock Adjudication. During Examinations, Candidates may access any material on their computer or any hard copy material.
- Pre-Course Work:** Completion of Pre-Course Work is mandatory for all Candidates. **Candidates (both Option 1 and Option 2) will not be able to attend the face-to-face presentations until the Pre-Course Work is completed and handed up in hard copy. Candidates who present to attend the Course will be required to remain outside the training area until the Pre-Course Work is completed and handed up in hard copy.**
- The Pre-Course Work is designed so that it can be completed within about 10 hours, although most Candidates will benefit from additional reading. Candidates should read the *Building Industry Fairness (Security of Payment) Act 2017* (plus the associated Regulation) and at least two Supreme Court judgments which will be nominated for the Pre-Course Work.
- Computers:** Computers will not be provided to Candidates. Charging facilities for electronic devices during the training are very limited. Candidates who wish to use a computer must bring their own laptop computers to use during the course. Candidates must run a virus scan on the computer and have anti-virus software installed on the computer. As printing facilities will not be available during the course, Candidates should print any material they need before the course.
- There are no restrictions on material that Candidates may have on their laptops and use during the course. It may also facilitate transfer of information to and from Candidates if the Candidate's computer has Wi-Fi capability, but work-around solutions are in hand for those without Wi-Fi. Barring technical or ISP issues, a Wi-Fi network will be available for Candidates to log onto during the course.
- Any Candidate who cannot, or who does not wish to, use a computer during the course should raise this by email to [BIFAttraining@contractadmin.net](mailto:BIFAttraining@contractadmin.net) before applying to attend the course. Work-around solutions will be arranged but Candidates must ensure that any course material or other material they wish to use is printed and brought to the course by the Candidate.
- Candidates who wish to access the Internet for information during the course may do so but must not communicate with anyone else (electronically or otherwise) during the Examination. Any Candidate found to be communicating with others to obtain or provide assistance during the Examination will have their Examination paper endorsed as "Competence Not Demonstrated" and a "Nil" mark will be awarded to the Candidate for the Examination. Note that in addition to demonstrating competency in the Mock Adjudication, a minimum mark of 75% must be achieved in the Examination to successfully complete the course.
- As a minimum, Candidates should ensure that they have hard copies of the *Building Industry Fairness (Security of Payment) Act 2017* and Regulation. They should also have hard copies of relevant parts of related or other legislation. A calendar covering relevant dates will be included in the course material.
- Mobile Phones:** Mobile phones must be silent and must not be used at all in the training room. Any Candidates receiving or making phone calls (except by prior arrangement where there are exceptional circumstances) will be required to leave the training room. For those who need mobile phone contact, there will be morning tea, lunch and afternoon tea breaks.
- Examinations:** For those Candidates attending the course for the purpose of attempting to qualify for a Certificate in Adjudication, there will be three compulsory examinations. As the examinations address required elements of training, a 75% mark is to be achieved in each Examination. Candidates will be issued with a Candidate number. Completed Examination papers and the Mock Adjudication Decision must identify Candidates ***only*** by their Candidate number.
- Candidates attending the course for the purpose of professional development or learning only and who do not wish to attempt to qualify for a Certificate in Adjudication will not be required to complete the Examination or the Mock Adjudication.

**Mock Adjudication:** For those Candidates attending the course for the purpose of attempting to qualify for a Certificate in Adjudication, there will be a Mock Adjudication for which the Candidate is required to complete an adjudicator's Decision. Documentation for the Mock Adjudication will be provided to Candidates on 21 August 2019. The completed Decision must be emailed to [BIFAttraining@contractadmin.net](mailto:BIFAttraining@contractadmin.net) on or by 6 September 2019.

The period allowed for the Candidates to complete the Decision already exceeds the time under the BIFA. Candidates will not be granted any extension of time for making the Decision.

Decisions submitted after the permitted time will be marked as "Competence Not Demonstrated" and will receive a "Nil" mark.

Candidates may email their completed Decision earlier if they wish, but this will not attract more favourable marking than Decisions sent up to the latest time permitted. Candidates should not sacrifice quality for speed in completing the Decision.

**Markers will assume that the quality of the Decision handed up is equivalent to the quality of the Decision that the Candidate would produce and provide to the claimant and the respondent in a real adjudication. Markers will assume that the Decision has been proofed and edited.**

Extra time spent by the Candidate in writing and re-writing the Decision for the Mock Adjudication before it is submitted for marking may improve the quality of the Decision.

Even though Candidates are encouraged to have the Decision proof read by another person before it is submitted, the Decision will be treated as entirely the Candidate's own work.

**Marking:** A Candidate who is dissatisfied with the mark given by the first marker for the Examination or the Mock Adjudication Decision has the right to request in writing that the mark be ignored and that the Examination or Decision be marked by a different marker. In such cases, the first mark will not be taken into account in assessing the Candidate and the final mark will be the mark given by the second marker regardless of whether it is the same as, lower than or higher than the first mark. In no circumstances will the Candidate be entitled to revert to and rely on the first mark where the Candidate has requested that the first mark be ignored. In all cases the second marker's mark shall prevail.

**Payment:** Payment must not be included with the Application to Attend Training Course. Places (if available) will be offered to applicants in the order of receipt of properly completed application forms. It is the policy of Contract Administration Group Pty Ltd to provide equal opportunity to all applicants without regard to race, colour, religion, national origin, gender, sexual preference, age, disability or beliefs.

The offer of a place will be accompanied by an invoice from Contract Administration Group Pty Ltd. Payment may be made by EFT or by one of the Nominated Credit Cards (MasterCard, Visa or American Express).

Payment must be made within 7 days from the date that the invoice is emailed to the applicant. If the applicant does not wish to accept the offer of a place on the course, or if payment is not received by Contract Administration Group Pty Ltd within 7 days from the date that the invoice is emailed to the applicant, the invoice will be cancelled, the application will be taken to have lapsed and the offer of a place will also lapse. The place will be offered to the next applicant in order of receipt of applications.

**Refund Policy:** Course fees are refundable in full if the course is cancelled or postponed by Contract Administration Group Pty Ltd. Candidates may only withdraw by notifying Contract Administration Group Pty Ltd by email to [BIFAttraining@contractadmin.net](mailto:BIFAttraining@contractadmin.net). If a Candidate's withdrawal is received by Contract Administration Group Pty Ltd before 29 July 2019 the course attendance fee will be refunded in full. If a Candidate's withdrawal is received by Contract Administration Group Pty Ltd on or after 29 July 2019 but on or before 5 August 2019 an amount equal to 50% of the course attendance fee will be refunded. If a Candidate's withdrawal is received by Contract Administration Group Pty Ltd on or after 5 August 2019, no refund will be provided. .

**Registration:** A person wishing to become an adjudicator must become registered as an adjudicator and for this the person must meet specific suitability requirements. Applications for registration must be made to the Registrar. Contract Administration Group Pty Ltd has no part to play in registration of adjudicators.

The Certificate in Adjudication, if attained at this course, will meet the requirements of section 201 of the BIFA, but there are other requirements which an applicant for registration as an adjudicator will need to satisfy.

For more information, read the BIFA and associated Regulation or contact the Adjudication Registry on 139 333.

Fees are payable for registration as an adjudicator and for renewal of registration. These fees are not included in or covered by the course attendance fee.

After registration, an adjudicator may be eligible to decide adjudications upon referral by the Registrar. The adjudicator's qualifications, skill and experience are matters that the Registrar considers in selecting the person to whom an adjudication application is referred. There are no guarantees that the Registrar will refer adjudication applications to every person who attains a Certificate in Adjudication and who becomes a registered adjudicator, but the Registrar will not refer adjudication applications to persons who do not meet the requirements of section 201 of the BIFA.

Registration as an adjudicator can be suspended or cancelled if:

- the person is not, or is no longer a suitable person to hold registration;
- the person has contravened a condition of registration; or
- the registration was issued because of a materially false or misleading representation or declaration.

**Obligation:** Submission of an application to attend the training does not oblige the applicant to proceed with the training. The obligation will only arise if the applicant accepts an offer of a place on the course.

**Further Information:** If further information is required, please email [BIFAttraining@contractadmin.net](mailto:BIFAttraining@contractadmin.net).



Certificate in Adjudication  
 Application to Attend Training Course  
 19, 20 & 21 August 2019

**Please email Completed Application to:**  
[BIFAtesting@contractadmin.net](mailto:BIFAtesting@contractadmin.net)

Contract Administration Group Pty Ltd  
 ABN 39052 986 544  
 Level 23, Pipe Networks House  
 127 Creek Street, BRISBANE QLD 4000  
 Ph: (612) 4659 6200 Fax: (617) 3221 9438

**Building Industry Fairness (Security of Payment) Act 2017 (Queensland)**

**Applicant's Details**

Family Name: \_\_\_\_\_ Other Names: \_\_\_\_\_  
 Preferred Name for Badge: \_\_\_\_\_  
 Postal Address: \_\_\_\_\_  
 Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**Course Workload Commitment**

I will be available to undertake **compulsory Pre-Course Work** which requires 10-20 hours of my time. .... Yes/No  
 I will be available 8:30-17:00 on each of 19 and 20 August 2019 and 8:30-14:00 on 21 August 2019 to attend the course in Brisbane. .... Yes/No  
 I will be available to complete a written examination of 3 hours duration between 14:00 on 21 August 2019 and 18:00 on 22 August 2019 to submit my answers by email before 18:00 on 22 August 2019. .... Yes/No  
 Documents for a Mock Adjudication will be provided to Candidates on or by 21 August 2019. I will be available to complete the Mock Adjudication on or before 6 September 2019 without any extension of time. .... Yes/No  
 I am computer literate..... Yes/No  
 I understand that I must supply a laptop computer if I want it for my own use in the training sessions and the examinations..... Yes/No

**Profession and Experience**

*This information is optional. Its purpose is to inform trainers about the level of knowledge that can be anticipated in particular sessions. Responses to these questions will not be considered in relation to acceptance of the application for course attendance.*

My Profession/Trade is: \_\_\_\_\_  
 Approximate years working in Profession/Trade: <3 <5 <10 >10  
 Approximate proportion of construction-related work in Profession/Trade: 0% 25% 50% 75% 100%  
 I have prepared or assisted with approximately \_\_\_\_\_ adjudication applications and/or adjudication responses under the BCIPA, BIF or equivalent legislation from other jurisdictions.  
 I am/have been an adjudicator under the *Building and Construction Industry Payments Act 2004* (BCIPA) Yes/No  
 I have conducted \_\_\_\_\_ BCIPA adjudications and \_\_\_\_\_ adjudications under legislation similar to the BCIPA.

**Course Material**

Course material and reference documents will be made available in soft copy.  
 Examinations will be provided in hard copy only. Answers are to be provided as an attachment by email.  
 The Mock Adjudication documentation will be provided in soft copy only. The Mock Adjudication is to be emailed as a PDF attachment to [BIFAtesting@contractadmin.net](mailto:BIFAtesting@contractadmin.net) when completed.  
 I understand that the Certificate in Adjudication will not be issued unless I achieve a minimum of 75% in each and every examination (other than the Pre-Course assignment) and demonstrate competency in the Mock Adjudication..... Yes/No

**Course Fees**

**Option 1**

I understand that the course attendance fee for the Certificate in Adjudication Training is \$2,888 incl GST per Candidate ..... Yes/No

**Option 2**

Depending on number for the Certificate in Adjudication Training, places may be available for professional Development and learning only (Non-Certificate Training). I understand that the course attendance fee for the Non-Certificate Training will be \$2,588 including GST per Candidate. This option does not include any examinations or the Mock Adjudication..... Yes/No

I understand that if I do not attend or do not complete the course or do not demonstrate competency in any Elements of the course, no part of the course attendance fee is refundable other than in accordance with the Refund Policy set out in the Certificate in Adjudication Course Outline..... Yes/No

I understand that there are a limited number of places available on the course to be held on 19, 20 and 21 August 2019..... Yes/No

I understand that if a place is available on the course, an invoice for the course fee will be sent to the email address provided in this completed application. I understand that the invoice must be paid within 7 calendar days from the date of invoice and that if the invoice is not paid in full within that time the invoice will be cancelled, my application will be taken to have lapsed and the offer of a place will lapse. .... Yes/No

The invoice for the course fee is to be issued in the name of the following entity:

Name: \_\_\_\_\_

ABN: \_\_\_\_\_

Address: \_\_\_\_\_

I hereby apply to attend the Certificate in Adjudication Training on 19, 20 and 21 August 2019 for the purpose of attempting to qualify for the Certificate in Adjudication (**Option 1** above)..... Yes/No

I hereby apply to attend the Certificate in Adjudication Training on 19, 20 and 21 August 2019 for the purpose of learning only without attempting to qualify for the Certificate in Adjudication (**Option 2** above). .... Yes/No

**Particular Needs (if any)**

Dietary Needs/Allergies: \_\_\_\_\_

Mobility Needs: \_\_\_\_\_

Any other Special Needs: \_\_\_\_\_

**Applicant’s Comments or Questions (if any)**

\_\_\_\_\_  
\_\_\_\_\_

**Agreement and Signature**

By submitting this application, I acknowledge that I have read the “Certificate in Adjudication Course Outline”. I acknowledge that it is not yet confirmed that a Certificate in Adjudication Course will be held in August 2019. I acknowledge that submission of this application does not assure me of a place at the training on 19, 20 and 21 August 2019.

\_\_\_\_\_  
(signature)

Email completed application to: [BIFAttraining@contractadmin.net](mailto:BIFAttraining@contractadmin.net)

Do not include payment with this application.