

South Australia

# Building and Construction Industry Security of Payment Regulations 2011

under the *Building and Construction Industry Security of Payment Act 2009*

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### 1—Short title

These regulations may be cited as the *Building and Construction Industry Security of Payment Regulations 2011*.

### 2—Commencement

These regulations will come into operation on the day on which the *Building and Construction Industry Security of Payment Act 2009* comes into operation.

### 3—Interpretation

In these regulations—

*Act* means the *Building and Construction Industry Security of Payment Act 2009*.

### 4—Recognised financial institutions

Each person or body that is a body regulated by the Australian Prudential Regulation Authority under the *Australian Prudential Regulation Authority Act 1998* of the Commonwealth is prescribed for the purposes of the definition of **recognised financial institution** in section 4 of the Act.

### 5—Related goods and services

Services of the following kind are prescribed for the purposes of section 6(1) of the Act:

- (a) project management services in relation to construction work;
- (b) contract management services in relation to construction work;
- (c) consultancy services in relation to construction work.

## 6—Eligibility criteria for adjudicators

Pursuant to section 18(1)(b) of the Act, a natural person is eligible to be an adjudicator in relation to a construction contract if—

- (a) the person has successfully completed a formal course of training of at least 2 days duration in adjudication of payment disputes in the building and construction industry that required the person to pass a written examination; and
- (b) the person—
  - (i) holds a degree, diploma or other qualification in—
    - (A) architecture; or
    - (B) building surveying; or
    - (C) building; or
    - (D) construction; or
    - (E) law; or
    - (F) project management; or
    - (G) quantity surveying,from a university; or
  - (ii) is, or is eligible to be, a member (other than a student member) of any 1 or more of the following professional bodies:
    - (A) The Royal Australian Institute of Architects;
    - (B) Engineers Australia;
    - (C) Australian Institute of Building Surveyors;
    - (D) The Institute of Arbitrators and Mediators Australia;
    - (E) The Australian Institute of Building;
    - (F) Australian Institute of Project Management; or
  - (iii) holds registration as a building work supervisor under the *Building Work Contractors Act 1995* that authorises the person to supervise construction work of a kind carried out, or to be carried out, under the construction contract.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2011	251	<i>Gazette 1.12.2011 p4785</i>	10.12.2011: r 2