



Certificate in Adjudication & Continuing Professional Development
Application to Attend Training Course
11, 12 & 13 May 2021

Please email Completed Application to:
BIFAtesting@contractadmin.net

Contract Administration Group Pty Ltd
ABN 39 052 986 544
Level 23, Pipe Networks House
127 Creek Street, BRISBANE QLD 4000
Ph: (612) 4659 6200
Course Email: BIFAtesting@contractadmin.net

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

APPLICATIONS CLOSE ON 3 MAY 2021

Applicant's Details

Family Name: _____ Other Names: _____

Preferred Name : _____ Adjudicator Registration # (if registered) : _____

Postal Address: _____

Email Address: _____



Options referred to in this application are Option 1 and Option 2. Option 1 is for the Certificate in Adjudication Training. Option 2 is for Continuing Professional Development (CPD) or learning only.

Course Workload Commitment

I will be available to undertake compulsory Pre-Course Work which may require 10-20 hours of my time. **Yes/No**

I will be available 8:30-17:00 (Brisbane Time) on each of 11, 12 & 13 May 2021 to attend scheduled on-line sessions via Zoom **Yes/No**

If my application is for Option 1, I will be available to complete 2 written examinations totalling 4 hours duration. The 1st Examination will be 1.5 hours duration on 12 May 2021. The 2nd will be 2.5 hours duration on 13 May 2021. I acknowledge that to pass each exam I must submit my answers by email before 17:00 Brisbane time on 12 & 13 May 2021 respectively. **Yes/No**

If my application is for Option 1, I acknowledge that I have to demonstrate my competence write a reasoned Decision under the *Building Industry Fairness (Security of Payment) Act 2017*. Documents for the Mock Adjudication will be provided to candidates on or by 12 May 2021. I acknowledge that I must submit my Decision for the Mock Adjudication by 3 June 2021. I acknowledge that the maximum extension of time for making my Decision will be 5 business days provided that I apply for the extension before 3 June 2021. **Yes/No**

I confirm that I am computer literate and I will provide my own computer with microphone and camera (or plug in microphone and web-cam). I do not expect to receive any hard copy of documents for the course. **Yes/No**

Course Material

Course material and reference documents will be made available on line only.

Examinations for those applying for Option 1 will be provided by email or on-line and are to be submitted by email by the deadline for each exam. It is preferred that answers are provided as an attachment to an email but may be included in the body of an email.

The Mock Adjudication documentation for those applying for Option 1 will be provided in soft copy only. The Mock Adjudication Decision is to be emailed as a PDF attachment to BIFAttraining@contractadmin.net when completed and must be submitted by the deadline.

I understand that the Certificate in Adjudication will not be issued unless I achieve a minimum of 75% in the examinations (other than the Pre-Course assignment) and demonstrate competency in the Decision for 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**

I understand that if I don't attend or 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 if I am issued with a Certificate in Adjudication it is only one of the requirements that the Adjudication Registrar considers in granting registration as an adjudicator. **Yes/No**

I understand that as a registered adjudicator I will be unlikely to have continuity of referrals from the Adjudication Registrar. **Yes/No**

Option 2

I understand that the course attendance fee for the Non-Certificate Training will be \$1,588 including GST per candidate. I understand that these places will be available for Continuing Professional Development (CPD) or learning only (Non-Certificate and Non-Examination Training). A certificate of attendance will be issued for Pre-Course work for a pre-course assignment submitted on or before 10 May 2021 and for sessions attended on 11, 12 & 13 May 2021. The total available will be 20 CPD points – all core CPD units will be covered. **Yes/No**

I understand that the fee for Option 2 is only refundable as set out in the Refund Policy in the Certificate in Adjudication Course Outline. **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: _____

Profession and Experience

The purpose of having the following information is to inform trainers about the level of knowledge that can be anticipated in particular sessions or what (if any) additional assistance each candidate may need. Responses to these questions will not be considered in relation to acceptance of the application for course attendance.

My Profession/Trade is _____. Years working in Profession/Trade: _____

Percentage of construction-related work in Profession/Trade: _____

I have prepared or assisted with approximately _____ adjudication applications and/or adjudication responses under the BCIPA, BIFA or equivalent legislation from other jurisdictions.

Strike through whatever is inapplicable in the following:

I am/have been an adjudicator under the *Building and Construction Industry Payments Act 2004* (BCIPA) or the *Building Industry Fairness (Security of Payment) Act 2017*. **Yes/No**

I am/have been a Security of Payment adjudicator in: **NSW, VIC, SA, ACT, TAS, WA, or NT.**

I have conducted approximately _____ BCIPA adjudications, _____ BIFA adjudications, and _____ adjudications under legislation similar to the BCIPA or BIFA.

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Applications close on 3 May 2021

Option 1 above - I hereby apply to attend the Certificate in Adjudication Training on 11, 12 & 13 May 2021 for the purpose of attempting to qualify for the Certificate in Adjudication. **Yes/No**

Option 2 above - I hereby apply to attend the Certificate in Adjudication Training on 11, 12 & 13 May 2021 for the purpose of CPD or learning only without attempting to qualify for the Certificate in Adjudication **Yes/No**

Applicant's Comments or Questions (if any)

Please attach any questions or comments to your application.

Agreement and Signature

By submitting this application, I acknowledge that I have read the "Certificate in Adjudication Course Outline" and I acknowledge that submission of this application does not assure me of a place at the training in May 2021.

Course dates may be changed by Contract Administration Group Pty Ltd. If this happens a full refund will be offered.

I have read and I understand the information in the Course Outline attached. I have signed each page of the Course Outline and have submitted it with this application.

(signature)

Email completed application to: BIFAttraining@contractadmin.net

Do not include payment with this application.



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

Applications close on 3 May 2021

Certificate in Adjudication and Continuing Professional Development – 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, giving reasons, 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 and Course Attendance for all applicants – both Option 1 and Option 2. For Option 1 there will also be a written Examinations (in two parts) 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 on-line will be on 11, 12 & 13 May 2021 between 8:30 to 17:00 (Brisbane Time). Examination questions for Option 1 will be provided on 12 & 13 May 2021 immediately before the exams on those days. Candidates are to complete the examinations and submit their answers as an email or email attachment by 17:00 (Brisbane Time) on each of 12 & 13 May 2021.
- For Option 1 candidates documents for the Mock Adjudication will be provided on 12 May 2021. The Mock Adjudication is to be completed and submitted by email attachment on or before 3 June 2021. Candidates may apply before 3 June 2021 for up to 5 business days extension of time.
- The time required for the Mock Adjudication will vary significantly between candidates but as a guide, Option 1 candidates in previous courses have advised that similar Mock Adjudication exercises have taken from 15 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.

I have read and understood the information above: _____

Candidates attending the course for the purpose of Continuing Professional Development or learning only (Option 2) 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. CPD points for pre-course work will only apply if the completed Pre-Course Assignment is handed up on or before **10 May 2021**.

Course Material: Course material will be available to download from Dropbox once course fees are paid and funds cleared.

Reference material will be provided in the same way. Candidates may have a copy of all material on their computer during the course, including during the Examinations and 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. Pre-course work must be emailed to BIFTraining@contractadmin.net no later than close of business on **10 May 2021**.

Candidates (both Option 1 and Option 2) will not be able to attend the presentations on line until the Pre-Course Work is completed and submitted by email. CANDIDATES WILL NOT BE GIVEN ACCESS PERMISSIONS TO ONLINE SESSIONS UNTIL THE PRE-COURSE WORK IS HANDED UP. CPD POINTS WILL NOT BE GIVEN FOR ANY SESSIONS NOT ATTENDED.

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 two Supreme Court judgments which will be nominated for the Pre-Course Work.

Computers: Candidates will need to use a computer and have internet access. Lessons will be delivered via Zoom. A test session will be held before the course so that candidates who wish to become familiar with how the training is planned to work can do so. Do not rely on any of the training sessions being recorded by the course provider for later access. Candidates should have virus protection software on their computer because they will be sending and receiving documents. Some documents may be uploaded by other candidates.

Inevitably there may be technical issues. We will work with candidates to sort this out if it happens. The 2020 Certificate in Adjudication Course and CPD events have been conducted successfully on-line. We are open to suggestions and feedback (positive or negative) to help us to improve the training platform.

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 and a calendar for 2021.

On-line attendance: You will be seen online on Zoom during the course. Please dress appropriately, put the dog away for the duration of the session and stop your partner mowing the lawn during sessions. Switch phones to silent mode. Leave the room to make or take calls. **MUTE YOUR MICROPHONE AT ALL TIMES WHEN YOU ARE NOT SPEAKING AS PART OF THE COURSE.** This will raise the comfort level for others and save you from possible embarrassment. The platform administrator can mute your microphone remotely but this will preclude you from speaking when you might wish to.

For those who need mobile phone contact, there will be a morning tea, lunch and afternoon tea breaks and short reading breaks between presentations.

Examinations: For those candidates attending the course for the purpose of attempting to qualify for a Certificate in Adjudication, i.e. for Option 1, there will be a compulsory examination which will be conducted in two parts. As the examination addresses the required elements of training, a 75% mark is to be achieved in each examination.

Candidates attending the course for the purpose of CPD or learning only and who do not wish to attempt to qualify for a Certificate in Adjudication under Option 2 will not be provided with Examination material or the Mock Adjudication material.

I have read and understood the information above: _____

Mock Adjudication: For Option 1 candidates 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 12 May 2021. The completed Decision must be emailed to BIFATraining@contractadmin.net within the time set out in the instructions for the Mock Adjudication.

The period allowed for the Candidates to complete the Decision already exceeds the time under the BIFA. Candidates will not be granted more than 5 Business Days extension of time for making the Decision provided that a request for an extension is made before 3 June 2021

Decisions submitted after the permitted time will be marked as "Competence Not Demonstrated".

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.

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.

Candidates are encouraged to have the Decision proof read by another person before it is submitted but the Decision will be treated as entirely the candidate's own work. Plagiarism of other candidate's work may result in both candidates involved being marked as 'Not Competent'.

Marking: An Option 1 candidate who is dissatisfied with the mark given by the first marker for an Examination or the Mock Adjudication has the right to request in writing that the mark be ignored and that the Examination 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 remarking. In all cases the second marker's mark shall prevail.

Payment: **Payment must not be included with the Application to Attend the 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, nationality or national origin, gender, sexual preference, age, or disability. If an intending applicant expects to have financial constraints, a discussion with Contract Administration Group at an early stage may be in order.

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). Card transaction fees are not passed on to applicants.

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.

I have read and understood the information above: _____

Refund Policy: This Refund Policy applies for both Option 1 and Option 2.

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.

If a candidate's withdrawal is received by Contract Administration Group Pty Ltd on or before 3 May 2021 the course attendance fee will be refunded in full. If a candidate's withdrawal is received by Contract Administration Group Pty Ltd after 3 May 2021, but on or before 7 May 2021 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 after 7 May 2021 no refund will be provided. Any refund made will be credited to the account or to the debit/credit card used to pay for the course.

Registration: For Option 1 applicants please be aware that 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 Adjudication 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. **Registered adjudicators do not have a continuous stream of referrals from the Adjudication Registrar. Referrals are spasmodic and are made in accordance with the Registrar's referral policy.**

It is unlikely that the cost of attaining the Certificate in Adjudication and Registration as an Adjudicator will be justified by the income from fees as an Adjudicator in at least the first few years after registration.

After registration, an adjudicator may be eligible to decide adjudications upon referral by the Registrar. The adjudicator's availability, conflicts, 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. 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.

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.

Further Information: If further information is required, please email BIFAttraining@contractadmin.net.

I have read and understood the information above: _____