

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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Legislative history

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.

Principal regulations

Year	No	Reference	Commencement
2011	251	<i>Gazette 1.12.2011 p4785</i>	uncommenced