

Request for an Adjudication Certificate

Section 30 of the Building and Construction Industry Payments Act 2004 (Qld) states that an Adjudication Certificate can be issued "if the respondent fails to pay the whole or any part of the adjudicated amount to the claimant under section 29."

Fees: The fee to issue an Adjudication Certificate is dependent on the Adjudicated Amount, as follows:

Adjudicated Amount	Up to \$15 000	\$15 001 to \$40 000	\$40 001 to \$750 000	over \$750 000
Fee (inc GST)	\$110	\$330	\$550	\$825

The fee **must** accompany this request and is recoverable from the Respondent in the same proportion as the Adjudicator decided is payable by the Respondent.

The Claimant requests Adjudicate Today to provide an Adjudication Certificate under section 30 of the Building and Construction Industry Payments Act 2004 (Qld). Adjudicate Today is the Authorised Nominating Authority to whom the Adjudication Application was made.

Section 1

Adjudication Application Number: _____

Claimant Name: _____

Claimant Address: _____

Claimant ACN: _____ ABN: _____

Respondent Name: _____

Respondent Address: _____

Respondent ACN: _____ ABN: _____

Adjudicator: _____

Date of Adjudication Decision: _____/_____/_____

Date the progress payment became payable as decided by the Adjudicator: _____/_____/_____

Adjudicate Today serves a copy of the Adjudication Decision on both Parties. The Claimant may also opt to serve a copy of the Decision on the Respondent.

If you served a copy, what is the date of receipt of the Decision by the Respondent? _____/_____/_____

(Note: if served by ordinary post, as a matter of caution we suggest you allow 4 business days for delivery.)

Note: A request for an Adjudication Certificate **cannot be validly made** until after 5 full business days have elapsed from the date the Decision was served on the Respondent or if the Adjudicator decided a later date, that later date. Adjudicated Amount determined by Adjudicator: \$ _____

Amount of the Adjudicated Amount which is still unpaid: \$ _____

Section 2 (Optional)

The Claimant MAY request Adjudicate Today to specify in the Adjudication Certificate the amount of interest payable (if any) arising from the Decision of the Adjudicator. The Claimant must provide:

In respect of the Adjudicated Amount, the Claimant has received these amounts on these dates:

(If no payment has been received – insert "NIL") \$ _____ on _____/_____/_____

\$ _____ on _____/_____/_____

The rate of interest decided by the Adjudicator is: (Refer to Page 3, Section 2 of this form) _____%

The amount of interest due at the date of this application is: \$ _____

The amount of interest due daily is: \$ _____

[Please attach a schedule demonstrating how you calculated the interest amount. An example calculation appears on page 3.]

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Section 3 (Optional)

The Claimant is entitled to recover the Respondent's share of any adjudication fee paid by the Claimant but not reimbursed by the Respondent ("the unpaid share"). In order to recover the unpaid share, please provide the following particulars.

Fees and expenses payable

To the Adjudicator: (adjudication fee) \$ _____
To Adjudicate Today: (fee payable to issue the Adjudication Certificate) \$ _____
Total fees and expenses payable: \$ _____
Proportion which the Adjudicator decided must be paid by the Respondent: _____%

Fees and expenses that the Claimant has paid

To the Adjudicator: (adjudication fee) \$ _____
To Adjudicate Today: (fee payable to issue the Adjudication Certificate) \$ _____
Total fees and expenses that the Claimant has paid: \$ _____

Fees and expenses that the Claimant has paid on behalf of the Respondent

(Refer to *Proportion which the Adjudicator determined must be paid by the Respondent* above.)

To the Adjudicator: (adjudication fee) \$ _____
To Adjudicate Today: (fee payable to issue the Adjudication Certificate) \$ _____
Total fees and expenses that the Claimant has paid on behalf of the Respondent: \$ _____
Amount, if any, reimbursed by the Respondent: \$ _____
The unpaid share to be certified: \$ _____

Payment

Was the Adjudication Application both (A) lodged on or prior to 1 June 2010 **AND** (B) processed as a \$1,100 Fixed Fee application? **Yes** **No** . If **Yes**, then further payment is not required for the Adjudication Certificate. If **No**, then payment is required for the Adjudication Certificate in accordance with the fee schedule on page 1 of this form. If payment is required please complete the section below. Please note that the required payment must **clear in the Adjudicate Today bank account** before the certificate can be issued.

Please select:

- A cheque for \$ _____ will be posted to Adjudicate Today's head office at:
Adjudicate Today, Suite 2, Mona Vale Business, 90 Mona Vale Road, MONA VALE NSW 2103.
- The funds will be transferred via electronic transfer into the following account:
BSB : 082 294 Account number: 571 500 017 Account name: Adjudicate Today Pty Limited
The transfer receipt will be either faxed to 1300 760 220 or emailed to qld@adjudicate.com.au
- Please bill \$ _____ to the following credit card. Please select: MasterCard VISA

Cardholder Name (as it appears on the card): _____

Card Number: _____

Expiry date: _____ Signature: _____

The address that the Adjudication Certificate should be express posted to

Should the Adjudication Certificate be sent to the address shown on page 1 of the application? Yes No

If **No**: Please provide the address that the Adjudication Certificate should be sent to:

Company name: _____ Contact name: _____

Phone: _____ Address: _____

Suburb: _____ State: _____ Postcode: _____

Declaration

Please select: I am the Claimant an authorised representative of the Claimant

I am authorised to make this application on behalf of the Claimant. I certify that the particulars provided in this application and attachments are correct and that copies attached are true copies of the original documents.

Signature: _____ Date: ____/____/____

Print name: _____ Ph: _____ Title: _____

Notes for the Guidance of Persons making a Request for an Adjudication Certificate

Section 1

- 1 The request must be lodged with the Authorised Nominating Authority which nominated the adjudicator.
- 2 The request cannot be made before the expiration of both 5 business days after the Adjudicator's Decision was served on the Respondent and the date (decided by the Adjudicator) as the date on which the progress payment became payable.
- 3 The request cannot be made unless the whole or part of the Adjudicated Amount remains unpaid at the date of the request.
- 4 The request must be accompanied by the fee charged by the Authorised Nominating Authority for issue of the Adjudication Certificate. If the Adjudication Application was processed as a \$1,100 Fixed Fee application (available for applications with claimed amounts under \$15,000 only) the fee payable for the Adjudication Certificate is \$0.00.
- 5 Completion of Sections 2 and 3 of the Application Form is optional.

Section 2

- 1 Interest **will not** be included in the Adjudication Certificate unless the Claimant completes Section 2.
- 2 Interest must be calculated at the rate decided by the Adjudicator in the Adjudication Decision. Interest is simple interest unless the Adjudicator has decided otherwise.
- 3 In calculating interest, the date upon which the progress payment became payable (as decided by the Adjudicator) should not be included but the date of this application should be included.
- 4 Interest should be calculated only on unpaid amounts. If an amount has been paid, interest is not payable from the date upon which payment was received.
- 5 The interest rate decided by the Adjudicator does not apply to adjudication fees.
- 6 The formula which may be used to calculate simple interest payable is as follows:

$$I = A \times \frac{\text{Days} \times \text{Rate of interest}}{365}$$

Where:

I = Interest due

A = Adjudicated Amount as shown on the Adjudication Decision

Days = Number of full days which have elapsed since the Due Date for Payment.

The Due Date for Payment is shown on the Adjudication Decision.

Rate of interest = Rate of interest as shown on the Adjudication Decision

Rate under 67P of the Queensland Building Services Authority 1991	For information and assistance on calculations using this rate of interest, please refer to www.bicrs.com.au .
Rate prescribed under s.15(3) of the Act means the rate prescribed under 67P of the Queensland Building Services Authority 1991 (please see above).	

Supreme Court rate	Adjudicate Today understands the Supreme Court rate is currently 10% per annum. To confirm that this is correct, please refer to section 48(1) of the Supreme Court Act 1995 (Qld).
Rate prescribed under s.15(2)(a) of the Act means the Supreme Court rate (please see above).	

* In all cases, the claimant **MUST** make its own enquiries to satisfy itself of the relevant rate of interest.

Example only:	Calculation:	Interest due:
If A = \$100, 000 Days = 31 Rate = 10% pa	then I = \$100,000 x $\frac{31}{365}$ x 10%	I = \$849.32

* Be sure to refer to points 1-6 of Section 2, when calculating interest.

Section 3

- 1 If the Claimant has paid the Respondent's share (or part of the Respondent's share) of the fees of the Authorised Nominating Authority or the Adjudicator, the Claimant should complete Section 3 and provide the Authorised Nominating Authority with proof of payment.
- 2 Proof of payment may be by receipts, a statement by the Claimant's accountant, a statutory declaration or a statement by a person who is able to certify as to payment and non reimbursement.

Declaration

- 1 The Claimant or its authorised representative must complete the declaration at the foot of the Application Form. If the Claimant is a company then an officer duly authorised by the company should complete the Application Form.
- 2 This Application can be made by post, fax or email.