

Date Received:

File No.:

ACT ADJUDICATION APPLICATION FORM
 Building and Construction Industry (Security of Payment) Act 2009 (ACT)

The claimant hereby applies for adjudication under the Act of the referenced payment claim.
 The documents attached to or submitted with this application form part of this application.

The Claimant must ensure all details are correct and complete.

Claimant's Details –

Name of Claimant:							
Trading Name (if different):							
ABN:		Claimant Contact:					
ACN:			Title	First Name	Last Name		
Business Address:							
Suburb:		State:		Postcode:			
Telephone:	Area Code	Fax:	Area Code				
Mobile:		Email:					

Respondent's Details -

Name of Respondent:							
Trading Name (if different):							
ABN:		Respondent Contact:					
ACN:			Title	First Name	Last Name		
Business Address:							
Suburb:		State:		Postcode:			
Telephone:	Area Code	Fax:	Area Code				
Mobile:		Email:					

Contract Details –

Contract date:		Project Location Postcode:					
Project Location Address:							
Project Name:		Contract number	(One construction contract only to be adjudicated under each application.)				
Claimant's Business Type	Consultant Contractor	Subcontractor Supplier	Respondent's Business Type:	Client Consultant Contractor	Head contractor Subcontractor Supplier		
Type of construction work / related goods and services	Eg: Concreting, plumbing, electrical engineering etc.		Reference date: (Refer to https://www.adjudicate.com.au/act/start/claimant-prepares-payment-claim)				
Payment Claim Date: (Date claim served on respondent)			Payment Due Date:				
Payment Claim Amount: (incl. GST)			Payment Schedule date: (Date schedule received by claimant)	(If provided)			
Payment Schedule amount: (incl. GST)	(If provided)		Application Fee:	\$ NIL			
If no Payment Schedule was received – what date was the notice under Section 19(2) notice received by the respondent?							

The claimant acknowledges and agrees to provide two certified hard copies of the adjudication application (including all attachments) at the time of lodgment with Adjudicate Today. Should the claimant not provide the required copies, Adjudicate Today will copy the adjudication application (including all attachments) as necessary at commercial printing rates and will charge the claimant those commercial rates.*

Please confirm whether hard copies of the application will be provided:

To which state office:

This application form is provided to assist a claimant to make an adjudication application under the Building and Construction Industry (Security of Payment) Act 2009 (ACT). The use of this form is not mandatory to make an adjudication application.

Date

Print name of claimant
or claimant representative

Signature of claimant
or claimant representative

	Adjudicate Today Pty Ltd	Phone: 1300 760 297	Fax: 1300 760 220	ABN 39 109 605 021	www.adjudicate.com.au	
NSW	QLD	VIC	ACT	TAS	SA	WA
Suite 2	Level 18	Level 27	Level 1	Level 6	Level 30	Level 28
Mona Vale Business	324 Queen Street	101 Collins Street	The Realm	Reserve Bank Building	Westpac House	AMP Tower
90 Mona Vale Road	Brisbane City Qld 4000	Melbourne Vic 3000	18 National Circuit	111 Macquarie Street	91 King William Street	140 St Georges Terrace
Mona Vale NSW 2103			Barton ACT 2600	Hobart Tas 7000	Adelaide SA 5000	Perth WA 6000
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DOCUMENT	Tab/Page #
Adjudication Application Form	
Written Submissions <i>See 1 in Guidance Notes below.</i>	
Payment Claim <i>See 2 in Guidance Notes below.</i>	
Payment Claim evidence of service <i>Confirmation of the date and method by which the claimant served the Payment Claim on the respondent.</i>	
Section 19(2) Notice (if applicable) <i>See 3 in Guidance Notes below.</i>	
Section 19(2) evidence of service <i>Confirmation of the date and method by which the claimant served the Section 19(2) Notice on the respondent.</i>	
Payment Schedule (if served) <i>See 4 in Guidance Notes below.</i>	
Payment Schedule evidence of service <i>Confirmation of the date and method by which the claimant received the Payment Schedule from the respondent.</i>	
Construction Contract <i>See 5 in Guidance Notes below.</i>	
Supporting Documents <i>See 6 in Guidance Notes below.</i>	

Use of this index template is not mandatory, but may assist both the compilation and processing of an adjudication application.

Adjudication Application Guidance Notes

This information is necessarily brief. Further details regarding preparation of the Adjudication Application may be reviewed at <https://www.adjudicate.com.au/act/served/claimant-disputes-payment-schedule-prepares-adjudication-application>.

The claimant should not rely upon this information, but should study the Act and if necessary, consider seeking expert advice. A copy of the Act is available at http://www.adjudicate.com.au/pdf/act_2009_Act.pdf.

1. **Written Submissions**

This is an opportunity for the claimant to demonstrate an entitlement to payment. A written submission by the claimant may evidence the following:

- (a) that the claimant carried out under the construction contract work or provided related goods and services for which payment is claimed;
- (b) that the amount claimed is due and unpaid and how it is calculated; and
- (c) the value of the work or related goods and services for which payment is claimed.

The submission should also respond to the reasons, if any, given by the respondent for withholding payment and should provide evidence or arguments to refute the respondent's reasons for withholding payment.

2. **Payment Claim**

A full copy of the Payment Claim must be provided within the adjudication application.

Refer to section 15 of the Act for clarification of the meaning of the term "Payment Claim".

Further details may be reviewed at: <https://www.adjudicate.com.au/act/start/claimant-prepares-payment-claim>

Payment Claim evidence of service

Written confirmation of the date and method by which the claimant served the Payment Claim on the respondent. For example, a facsimile transmission report, copy of email message, postal details including postal address, etc.

3. **Section 19(2) Notice (if applicable)**

If the section 19(2) Notice (Notice) was served on the Respondent, a full copy of the Notice must be provided within the adjudication application.

Further details may be reviewed at: <https://www.adjudicate.com.au/act/not-served/respondent-prepares-payment-schedule>

Section 19(2) Notice evidence of service

Written confirmation of the date and method by which the claimant served the Section 19(2) Notice on the respondent. For example, a facsimile transmission report, copy of email message, postal details including postal address, etc.

4. **Payment Schedule (if served)**

Refer to section 16 of the Act for clarification of the meaning of the term "Payment Schedule".

Full details regarding Payment Schedules may be reviewed at: <https://www.adjudicate.com.au/act/served/respondent-serves-payment-schedule-within-time>

Payment Schedule evidence of service

Written confirmation of the date and method by which the claimant received the Payment Schedule from the respondent. For example, a facsimile transmission report, copy of email message, postal details including postal address, etc.

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5. **Construction Contract**

Attach a copy of the contract. If the contract or agreement is wholly or partly oral, set out the precise terms of the oral agreement, when it was made and the named person who entered the contract on behalf of the respondent. Attach a copy of any emails, correspondence or paid invoices supporting the oral agreement.

6. **Supporting Documents**

If possible, obtain witness statements or other technical reports, test results, photographs, invoices (from suppliers, quality assurance statements, if applicable, evidence of payment(s) to subcontractors) or other documentation which supports the claim, attach these as numbered attachments. This is particularly important for larger claims. These attachments should show that the work was properly done and completed in line with the contract and/or that related goods and services were provided as per the progress claim. Statutory declarations are not necessary, because an adjudicator cannot test the contents of a statutory declaration, they are given no greater weight than unsworn witness statements.

7. **Other important information**

Timeframes provided by the Act

The times provided in the Act for service of documents are strict. If the times are not observed exactly, the adjudication application may result in an Adjudicator not having jurisdiction to decide the value of the Payment Claim. The Act's Dictionary states that **business day** does not include 27, 28, 29, 30 or 31 December.

Common Pitfalls

Adjudicate Today has managed thousands of adjudication applications and we have learnt many lessons. For a list of issues that claimants must get right, please visit our website at <https://www.adjudicate.com.au/act/start/common-claimant-pitfalls>

Further Submissions

Unless invited by the Adjudicator (see s.23(4)(a) of the Act), the claimant and the respondent have no right to make further submissions after lodging their respective adjudication application and adjudication response. Consequently, it is most important that the initial submissions are complete.

Documents submitted in hard copy

The Act does not provide a requirement for adjudicators to make documents submitted available for return to claimants at the close of an adjudication. As it is ultimately at the adjudicator's discretion whether documents lodged are made available for return to the claimant, claimants are advised not to rely upon the adjudication documents being made available for return. In any instance, any party lodging adjudication documents is generally advised to both:

1. as a matter of caution retain a copy of any documents lodged with Adjudicate Today; and
2. consider submitting copies of documents to the adjudicator rather than originals unless absolutely necessary.

If a claimant does hope to have documents returned, it is encouraged to include a note to the adjudicator expressing interest in having the documents returned at the close of the adjudication.

****Disclaimer re printing of hard copy of adjudication application***

You acknowledge and agree to provide to Adjudicate Today two (2) hard copies of any electronic files uploaded to Adjudicate Today within one (1) business day. If hard copies are not provided and Adjudicate Today determines in its absolute discretion to print the files, we will take reasonable care to ensure accurate printing of electronic files. However, we make no warranty or representation, express or implied that the printing will be accurate or complete. Therefore, Adjudicate Today shall not be liable in any manner whatsoever for direct, indirect, incidental, consequential or punitive damage resulting from errors in the printing of the electronic files. Adjudicate Today shall not be liable in any way for possible errors or omissions in the contents of the printing. The cost of the printing will be charged to you at commercial printing rates plus staff time at the hourly rate of \$55.00 (incl. GST) for all time necessary and incidental to the printing. The hard copies of this adjudication application may be lodged with any Adjudicate Today state office.

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