

**REQUEST FOR AN ADJUDICATION CERTIFICATE**  
*Building and Construction Industry Security of Payment Act 2009 (Tas)*

The Claimant requests Adjudicate Today to provide an Adjudication Certificate under Section 26(2) of the *Building and Construction Industry Security of Payment Act 2009 (Tas)*.

**The Claimant must ensure all details are correct and complete.  
 Full payment of the applicable fee is required prior to Adjudicate Today processing this request.**

| Adjudicated amount | Up to \$15 000 | \$15 001 to \$40 000 | \$40 001 to \$750 000 | Over \$750 000 |
|--------------------|----------------|----------------------|-----------------------|----------------|
| Fee (incl GST)     | \$110          | \$330                | \$550                 | \$825          |

| Section 1  |  |   |  |
|--|--|---|--|
| Adjudication Application No.:  |  |   |  |
| Claimant Name:   |  |   |  |
| Claimant Address:  |  |   |  |
| Claimant ACN:  |  | Claimant ABN:   |  |
| Respondent Name:   |  |   |  |
| Respondent Address:  |  |   |  |
| Respondent ACN:  |  | Respondent ABN:   |  |
| Adjudicator:   |  | Date of Determination:  |  |
| Due Date for Payment:<br><small>(as shown on Determination)</small>  |  |   |  |
| Adjudicated Amount:<br><small>(as shown on Determination)</small>  |  | Amount of Adjudicated Amount unpaid:<br><small>(as at today's date)</small> |  |
| Adjudicate Today serves a copy of the Determination on both Parties. The Claimant may also opt to serve a copy of the Determination on the Respondent. If the Claimant served a copy, what is the date of receipt of the Determination by the Respondent?<br><small>(Note: If served by ordinary post, delivery shall be deemed to be effected at the time when the letter would be delivered in the ordinary course of post (see section 30 of the Acts Interpretation Act 1931 (Tas)).</small> |  |   |  |

| Section 2  |  |
|--|--|
| <i>The Claimant MAY request Adjudicate Today to specify in the Adjudication Certificate the amount of interest payable (if any) arising from the Determination of the Adjudicator.</i> |  |
| <input type="checkbox"/> I do not wish to include interest<br><input type="checkbox"/> I wish to include interest and all sections below have been completed                           |  |
| In respect of the Adjudicated Amount, the Claimant has received these amounts on these dates:<br><br><small>(if no payment was received – insert "Nil")</small>                        | \$ _____ on ____/____/____<br>\$ _____ on ____/____/____ |
| The rate of interest determined by the Adjudicator is:<br><small>(see Section 2 Guidance Notes)</small>  | %  |
| The total amount of interest due at the date of this application is*:  | \$   |
| The amount of interest due daily is:   | \$   |
| <b>*Please attach a schedule demonstrating how you have calculated the interest amount. An example calculation appears on Page 3.</b>  |  |

**Section 3**

The Claimant is entitled to recover the Respondent's share of any adjudication fee paid by the Claimant. In order to recover the Respondent's share, please provide the following particulars.

I do not wish to include the Adjudicator's fees  
 I wish to include the Adjudicator's fees and all sections below have been completed

**Fees and expenses payable**

|   |    |
|---|----|
| Adjudicator fees and expenses:  | \$ |
| Adjudication Certificate fees:  | \$ |
| Total fees and expenses payable:  | \$ |
| Total fees and expenses paid by Claimant:                                   | \$ |
| Proportion which the Adjudicator determined must be paid by the Respondent: | %  |

**Payment**

Payment is required for the adjudication certificate in accordance with the fee schedule on page 1 of this form. Please note that payment **must clear in the Adjudicate Today bank account** before the certificate can be issued.

Please select:

The funds will be transferred via electronic transfer into the following account:  
**BSB : 082 057 Account number: 57150 0017 Account name: Adjudicate Today Pty Limited**  
 The transfer receipt will be emailed to tas@adjudicate.com.au

I will call Adjudicate Today on 1300 760 297 to pay by credit card.  
**\*Please note that a surcharge will be applied to payments made by credit/debit card.**

**The address that the Adjudication Certificate should be express posted to**

To be sent to address on page 1 of this form  
 To be sent to the address indicated below

|               |  |               |  |
|---------------|--|---------------|--|
| Company Name: |  | Contact Name: |  |
| Address:      |  | Suburb:       |  |
| State:        |  | Postcode:     |  |

**Declaration**

I am:  
 the Claimant  
 an authorised representative of the Claimant

|             |  |        |  |
|-------------|--|--------|--|
| Signature:  |  | Date:  |  |
| Print Name: |  | Phone: |  |

**Please refer to Section 1 of the Guidance Notes for information regarding when a Request for an Adjudication Certificate may be made**

|  |  |  |  |   |   |  |
|--|--|--|--|---|---|--|
| Adjudicate Today Pty Ltd   |  | Phone: 1300 760 297  | Fax: 1300 760 220  | ABN 39 109 605 021  | www.adjudicate.com.au   |  |
| <b>NSW</b>   | <b>QLD</b>   | <b>VIC</b>   | <b>ACT</b>   | <b>TAS</b>  | <b>SA</b>   | <b>WA</b>  |
| Suite 2<br>Mona Vale Business<br>90 Mona Vale Road<br>Mona Vale NSW 2103 | Level 18<br>324 Queen Street<br>Brisbane City Qld 4000           | Level 27<br>101 Collins Street<br>Melbourne Vic 3000             | Level 1<br>The Realm<br>18 National Circuit<br>Barton ACT 2600   | Level 6<br>Reserve Bank Building<br>111 Macquarie Street<br>Hobart Tas 7000 | Level 30<br>Westpac House<br>91 King William Street<br>Adelaide SA 5000 | Level 28<br>AMP Tower<br>140 St Georges Terrace<br>Perth WA 6000 |
| <a href="mailto:nsw@adjudicate.com.au">nsw@adjudicate.com.au</a>         | <a href="mailto:qld@adjudicate.com.au">qld@adjudicate.com.au</a> | <a href="mailto:vic@adjudicate.com.au">vic@adjudicate.com.au</a> | <a href="mailto:act@adjudicate.com.au">act@adjudicate.com.au</a> | <a href="mailto:tas@adjudicate.com.au">tas@adjudicate.com.au</a>            | <a href="mailto:sa@adjudicate.com.au">sa@adjudicate.com.au</a>          | <a href="mailto:wa@adjudicate.com.au">wa@adjudicate.com.au</a>   |

# Request for an Adjudication Certificate Guidance Notes

## Section 1

1. The request must be lodged with the Nominating Authority which nominated the Adjudicator.
2. The request cannot be made before the expiration of either 5 business days after the Adjudicator's Determination was served on the Respondent or immediately after a later date (determined 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 Nominating Authority for issue of the Adjudication Certificate.

## 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 determined by the Adjudicator in the Adjudication Determination. Interest is simple interest unless the Adjudicator has determined otherwise.
3. In calculating interest, the date upon which the progress payment became payable (as determined by the Adjudicator) should not be included but the date of this application should be included.
4. In respect of the amount determined by the Adjudicator, interest should be calculated only on unpaid amounts as at the date of the Request for an Adjudication Certificate.
5. The interest rate determined by the Adjudicator **does not** apply to adjudication fees.
6. Any interest calculation which covers two or more periods, must be shown as separate interest calculations.
7. The formula which may be used to calculate simple interest payable is as follows:

### Formula

$$\begin{array}{ccccccc} \text{Adjudicated} & \times & \text{Number of days since} & \div & 365^* & \times & \text{Rate of} \\ \text{Amount (incl any} & & \text{due date for} & & & & \text{Interest} \\ \text{GST)} & & \text{payment} & & & & = & \text{Interest} \\ & & & & & & & \text{Due} \end{array}$$

### Example

$$\begin{array}{ccccccc} \$100,000 & \times & 31 & \div & 365 & \times & 10.35\% & = & \$879.04 \end{array}$$

\* 366 for leap year calculations

### Rate Prescribed under the Supreme Court Civil Procedure Act 1932

The *Supreme Court Civil Procedure Act 1932* at 165 states:

*"Every such judgment and order as is mentioned in section 164 (1) shall carry interest at the rate of 5 per centum per annum, or such other rate as may be prescribed by the Rules of Court, from the time of the trial or inquiry, or, if there has been no trial or inquiry, from the time of signing or entering up judgment; and the amount of such interest shall be stated in the body of, and may be levied under, a writ of execution on such judgment."*

The Rules of the Court is a reference to the Supreme Court Rules 2000, which specifies:

*"(3) For the purpose of section 165 of the Supreme Court Civil Procedure Act 1932 and rule 887A(1)(b), the prescribed rate of interest for a calendar year, or for part of a calendar year, is a rate equal to 6% plus –*

| 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<br>Mona Vale Business<br>90 Mona Vale Road<br>Mona Vale NSW 2103 | Level 18<br>324 Queen Street<br>Brisbane City Qld 4000           | Level 27<br>101 Collins Street<br>Melbourne Vic 3000             | Level 1<br>The Realm<br>18 National Circuit<br>Barton ACT 2600   | Level 6<br>Reserve Bank Building<br>111 Macquarie Street<br>Hobart Tas 7000 | Level 30<br>Westpac House<br>91 King William Street<br>Adelaide SA 5000 | Level 28<br>AMP Tower<br>140 St Georges Terrace<br>Perth WA 6000 |
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- (a) for the period commencing on 1 January in a calendar year and ending on 30 June in that year, or for part of that period, the last cash rate published by the Reserve Bank of Australia before that 1 January; and
- (b) for the period commencing on 1 July in a calendar year and ending on 31 December in that year, or for part of that period, the last cash rate published by the Reserve Bank of Australia before that 1 July.”

Therefore, the rate prescribed under the *Supreme Court Civil Procedure Act 1932* varies as the cash rate changes. The Claimant may consider reviewing the Reserve Bank of Australia website at [www.rba.gov.au/](http://www.rba.gov.au/) to satisfy itself of the relevant rate of interest. The following table provides what Adjudicate Today understands is the relevant interest rate under the *Supreme Court Civil Procedure Act 1932* for certain periods:

| <b>PERIOD</b>       | <b>INTEREST RATE (%)*</b> |
|---------------------|---------------------------|
| 1/01/21 to 30/06/22 | 6.10                      |
| 1/07/22 to 31/12/22 | 6.85                      |
| 1/01/23 to 30/06/23 | 9.10                      |
| 1/07/23 to 31/12/23 | 10.10                     |
| 1/07/24 to date     | 10.35                     |

**\* In all cases, the Claimant MUST make its own enquiries to satisfy itself of the relevant rate of 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 Nominating Authority and/or the Adjudicator, the Claimant should complete Section 3.
2. Adjudication fees **will not** be included in the Adjudication Certificate unless the Claimant completes Section 3.

### **Declaration**

1. The Claimant must complete the declaration on Page 2 of the Application Form.
2. If the Claimant is a company then an officer duly authorised by the company should complete the Application Form.