

Date Received:

Review File No.:



REVIEW ADJUDICATION APPLICATION BY CLAIMANT

Building and Construction Industry Security of Payment Act 2002 (Vic)

The Claimant applies for review of an adjudication determination under section 28C of the Act and authorizes Adjudicate Today to organise the review adjudication. 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 ('Review Applicant')

Claimant Company Name: (or sole trader, partnership or trustee name)						
Trading Name (if different):						
Claimant Contact:	Title		First name		Last Name	
ABN:				ACN:		
Business Address:						
Suburb:				State:		Postcode:
Telephone:	Area Code		Fax:	Area Code		
Mobile:				Email:		

Respondent's Details ('Review Defender')

Respondent Company Name: (or sole trader, partnership or trustee name)						
Trading Name (if different):						
Respondent Contact:	Title		First name		Last name	
ABN:				ACN:		
Business Address:						
Suburb:				State:		Postcode:
Telephone:	Area Code		Fax:	Area Code		
Mobile:				Email:		

Determination Details –

Adjudication Application Reference No.:	
Adjudicator:	
Date of Adjudication Determination:	
Date Adjudication Determination served on Respondent:	
Adjudicated Amount:	
Relevant amount Adjudicator wrongly excluded in the Determination:	
Application Fee:	\$2,200.00

The Claimant is to **provide a hard copy of the review application only if requested by Adjudicate Today**. Should the Claimant not provide the requested hard copy, Adjudicate Today may print the review application (including all attachments) as necessary at commercial printing rates and will charge the Claimant those commercial rates.*

This application form is provided to assist a Claimant to make a review application under the *Building and Construction Industry Security of Payment Act 2002 (Vic)*. The use of this form is not mandatory to commence a review application.

IMPORTANT: A copy of the review application (including all attachments) must be served on the Respondent.

Date

Print name of Claimant
or Claimant representative

Signature of Claimant
or Claimant representative

Review Adjudication Application by Claimant Guidance Notes

(Guidance Notes do not form part of the Review Application)

This information is necessarily brief. Further details regarding preparation of the Review Application may be reviewed at www.adjudicate.com.au/vic/adjudication/review-adjudication.

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 www.adjudicate.com.au/pdf/vic_act_20070330.pdf.

1. A review application can **only** be made if:
 - the adjudicated amount exceeds \$100,000.00 (section 28A); and
 - the Claimant claims that the Adjudicator failed to take into account a relevant amount because the Adjudicator wrongly decided that it was an 'excluded amount' [s.28C]; and
 - the Review Application is accompanied by the Adjudicate Today review application fee of \$2,200.00; and
 - the Review Application is received by Adjudicate Today no later than five (5) business days after the Claimant received a copy of the adjudication determination; and
 - the Review Application contains the Claimant's submission in support of the application.

Each of the above is a pre-condition to a valid adjudication review application by the Claimant.

2. The Review Application must be made to the Authorised Nominating Authority to which the originating adjudication application was made.
3. The Claimant must give a copy of the Review Application to the Respondent within one (1) business day after the application is made to Adjudicate Today.
4. The Respondent may make a submission to Adjudicate Today in response to the Review Application within three (3) business days after being given a copy of the Review Application.
5. Other important information:

Timeframes provided by the Act

The times provided in the Act for service of documents are strict. The Act's Definition states that **Business Day** does not include a Saturday or Sunday, or a public holiday.

Documents submitted in soft copy

If possible, use word searchable PDF format documents for submissions, statutory declarations, etc.

Documents submitted in hard copy

The Act does not provide a requirement for Review Adjudicators to make documents submitted available for return at the close of a review application. As it is ultimately at the Review Adjudicator's discretion whether documents lodged are made available for return, parties should consider submitting copies of documents rather than originals.

*Disclaimer re printing of hard copy of Review Application

If a hard copy is requested and not provided by the Claimant, Adjudicate Today may be required to print the Review Application. Adjudicate Today 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 copy of this Review Application may be lodged with any Adjudicate Today state office.

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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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