

REQUEST BY CLAIMANT FOR REVIEW ADJUDICATION CERTIFICATE

Section 28Q of the Building and Construction Industry Security of Payment Act 2002 (Vic) ('the Act') refers to the issuance of an Adjudication Certificate if the Respondent fails to pay the whole or any part of an adjudicated amount. The Claimant requests Adjudicate Today to provide a Review Adjudication Certificate under section 28Q of the Act. Adjudicate Today is the Authorised Nominating Authority to whom the Review Adjudication Application was made.

The fee to issue a Review Adjudication Certificate is dependent on the determined amount.

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

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

Section 1 (Mandatory)

Review Adjudication Application Reference Number: _____

Claimant's Name: _____

Claimant's ACN: _____ or ABN: _____

Claimant's Address: _____

Respondent's Name: _____

Respondent's ACN: _____ or ABN: _____

Respondent's Address: _____

Review Adjudicator: _____

Date of Review Adjudication: _____/_____/_____

Date when Review Adjudicated Amount became payable: _____/_____/_____

Date when Review Determination was served on the Respondent: _____/_____/_____

Adjudicated amount: \$ _____

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

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	
Suite 2	Level 18	Level 23	Level 1	Level 6	Level 30	
Mona Vale Business	333 Ann Street	HWT Tower	The Realm	Reserve Bank Building	Westpac House	
90 Mona Vale Road	Brisbane QLD 4000	40 City Road	18 National Circuit	111 Macquarie Street	91 King William Street	
Mona Vale NSW 2103		Southbank VIC 3006	Barton ACT 2600	Hobart TAS 7000	Adelaide SA 5000	
nsw@adjudicate.com.au	qld@adjudicate.com.au	vic@adjudicate.com.au	act@adjudicate.com.au	tas@adjudicate.com.au	sa@adjudicate.com.au	

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 determination of the Review Adjudicator. In order to make this request, please provide the following particulars:

In respect of the determination amount, the Claimant has received these amounts on these dates:
(If no payment has been received – insert "NIL") \$ _____ on ___/___/___

\$ _____ on ___/___/___

The rate of interest determined by the Review Adjudicator is: _____%

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

The amount of interest due daily is: \$ _____

[A schedule should be attached demonstrating how you calculated the interest amount]

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

To the original Adjudicator: \$ _____

To the Review Adjudicator: \$ _____

Please note that the fee payable to issue the Adjudication Certificate cannot be included in the Certified Amount.

Total: \$ _____

Proportion which the Review Adjudicator determined must be paid by the Respondent: _____%

Amount paid by the Claimant

To the original Adjudicator: \$ _____

To the Review Adjudicator: \$ _____

Total: \$ _____

Amount paid by the Claimant on account of the Respondent’s share of the adjudicator fees

To the original Adjudicator: \$ _____

To the Review Adjudicator: \$ _____

Total: \$ _____

Amount, if any, reimbursed by the Respondent: \$ _____

The unpaid share to be certified: \$ _____

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Payment

Please complete the section below to indicate how your payment will be made. Please note that payment **must clear in the Adjudicate Today bank account** before the certificate can be issued.

Please select:

- A cheque for \$ _____ will be posted to the Adjudicate Today head office at: Suite 2, MVB, 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 vic@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 Review Adjudication Certificate should be express posted to

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

If **No**: Please provide the correct postal address:

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 true and correct and that copies attached are true copies of the original documents.

Signature: _____ Date: ____/____/____

Print name: _____ Ph: _____ Title: _____

Contact phone number of person who completed this form: _____

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REVIEW ADJUDICATION CERTIFICATE

Notes for guidance of the Claimant

Section 1

- 1 The request must be lodged with Adjudicate Today.
- 2 The request cannot be made before the expiration of 5 business days after the Review Adjudicator's Review Determination was served on the Respondent or if the Review Adjudicator determines a later date, that later date (see s.28M of the Act). When a Review Adjudication Application is made, the request for a Review Adjudication Certificate cannot be made until the date for payment decided by the Review Adjudicator (see s.28N of the Act).
- 3 The request cannot be made unless the whole or part of the Review Determination amount or interest or adjudication fees 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 Review Adjudication Certificate.

Section 2

- 1 Interest **WILL NOT** be included in the Review Adjudication Certificate unless the Claimant completes Section 2.
- 2 Interest must be calculated at the rate determined by the Review Adjudicator in the Review Adjudication Determination. Interest is simple interest unless the Review Adjudicator has determined otherwise.
- 3 In calculating interest, the date upon which the determined amount became payable (as determined by the Review 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 for the date upon which payment was received.
- 5 Do not calculate interest on adjudication fees.
- 6 The formula which may be used to calculate simple interest payable is as follows:

$$I = A \times \frac{\text{Days}}{366} \times \text{Rate of interest}$$

Where: **I** = Interest due

A = Adjudicated Amount including any gst, as shown on the Review Adjudication Determination

Days = Number of full days which have elapsed since the due date for payment. The due date for payment is shown on the Review Adjudication Determination.

Rate of interest = If the rate of interest under section 2 of the Penalty Interest Rates Act 1983 is determined by the Adjudicator, we understand that as at 1 February 2010, the Penalty Interest Rate is 10.5%. However, the claimant **MUST** make its own enquiries to satisfy itself of the relevant rate.

EXAMPLE ONLY	Calculation	Interest due
If A = \$100, 000 including any gst Days = 31 and Rate = 10.5%	then I = \$100,000 x $\frac{31}{366}$ x 10.5%	I = \$889.34

* 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 Adjudication or Review Adjudication fees, the Claimant should complete Section 3 and provide the Adjudicate Today with proof of payment.
- 2 Proof of payment may be the Adjudicate Today receipt, 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 must complete the declaration at the foot of the application form.
- 2 If the Claimant is a company then an officer duly authorised by the company should complete the application form.
- 3 This application can be made by post, fax or electronically.

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