

Date Received:

Review File No.:

**REVIEW ADJUDICATION APPLICATION BY RESPONDENT***Building and Construction Industry Security of Payment Act 2002 (Vic)*

The Respondent applies for review of an adjudication determination under section 28B 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 Respondent must ensure all details are correct and complete.

Respondent's Details ('Review Applicant')

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:	

Claimant's Details ('Review Defender')

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:	

Determination Details –

Adjudication Application Reference No.:	
Adjudicator:	
Date of Adjudication Determination:	
Date Adjudication Determination served on Respondent:	
Adjudicated Amount:	
Excluded amount included in the Determination:	
Has the Respondent paid the Claimant the adjudicated amount (other than the alleged excluded amount)?	
Has the Respondent paid the alleged excluded amount into a designated trust account? If so, please provide remittance advice or bank receipt.	
Application Fee:	\$2,200.00

The Respondent is to **provide a hard copy of the review application only if requested by Adjudicate Today**. Should the Respondent 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 Respondent those commercial rates.*

This application form is provided to assist a Respondent 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 Claimant.

Date

Print name of Respondent
or Respondent representative

Signature of Respondent
or Respondent representative

NSW	QLD	VIC	ACT	TAS	SA	WA
Suite 2 Mona Vale Business 90 Mona Vale Road Mona Vale NSW 2103	Level 18 324 Queen Street Brisbane City Qld 4000	Level 27 101 Collins Street Melbourne Vic 3000	Level 1 The Realm 18 National Circuit Barton ACT 2600	Level 6 Reserve Bank Building 111 Macquarie Street Hobart Tas 7000	Level 30 Westpac House 91 King William Street Adelaide SA 5000	Level 28 AMP Tower 140 St Georges Terrace Perth WA 6000
nsw@adjudicate.com.au	qld@adjudicate.com.au	vic@adjudicate.com.au	act@adjudicate.com.au	tas@adjudicate.com.au	sa@adjudicate.com.au	wa@adjudicate.com.au

Review Adjudication Application By Respondent 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 Respondent 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 respondent provided a payment schedule within 10 business days after receiving the payment claim or 2 business days after receiving the s.18(2) notice; and
 - the respondent claims that the adjudicator wrongly included an excluded amount in the adjudicated amount; and
 - in the payment schedule or the adjudication response, the respondent identified that excluded amount as an excluded amount; and
 - the respondent has paid the claimant all the adjudicated amount except the alleged excluded amount; and
 - the respondent has paid the alleged excluded amount into a designated trust account; and
 - the respondent has given the claimant notice of that payment and particulars identifying the account and the recognised financial institution with which the account is kept; and
 - the application is accompanied by the Adjudicate Today review application fee of \$2,200.00; and
 - the review adjudication application is received by Adjudicate Today no later than five (5) business days after the respondent received a copy of the adjudication determination; and
 - the review application contains the respondent's submission in support of the application.

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

2. The Review Application must be made to the Authorised Nominating Authority to which the originating adjudication application was made.
3. The Respondent must give a copy of the Review Application to the Claimant within one (1) business day after the application is made to Adjudicate Today.
4. The Claimant 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 Respondent, 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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