

**REVIEW ADJUDICATION APPLICATION
 BY RESPONDENT**

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

The Respondent hereby applies for review of an adjudication determination under section 28B of the above Act and authorises Adjudicate Today to organise the review adjudication. The documents listed in the checklist overleaf form part of this application and are attached. **The Respondent must ensure all details are correct and complete.**

RESPONDENT'S DETAILS ('Review Applicant'):

Name of Respondent Company: (if any)			
Trading Name: (if different)		Contact:	
ACN:		ABN:	
Business Address:			
Suburb:		State:	PC:
Telephone:		Fax:	
Mobile:		Email:	

CLAIMANT'S DETAILS ('Review Defender'):

Name of Claimant Company: (if any)			
Trading Name: (if different)		Contact:	
ACN:		ABN:	
Business Address:			
Suburb:		State:	PC:
Telephone:		Fax:	
Mobile:		Email:	

DETERMINATION DETAILS:

Adjudication Application Reference No:			
Adjudicator:			
Date of Adjudication Determination:		Date Adjudication Determination served on Respondent:	
Adjudicated Amount:	\$		
Excluded amount Adjudicator wrongly 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 details:			
Application Fee:	\$ 2,200.00		

The Respondent should serve a copy of this review adjudication application (including all attachments) on the Claimant on the same day as it is lodged with Adjudicate Today or within one (1) business day after the review adjudication application is lodged with Adjudicate Today. The Respondent must confirm the date and method of service of the application on the Claimant.

 Claimant's Signature

 Print Name

____/____/____
 Date

This application form is provided to assist the Respondent make an application for a review of a determination under the Building and Construction Industry Security of Payment Act 2002 (Vic). The use of this form is not mandatory to commence a review of an adjudication application. The review adjudication application **MUST** be served on and received by Adjudicate Today within five (5) business days after the Respondent receives a copy of the adjudication determination. A copy of the review adjudication application and attachments **MUST** be served on the Claimant.

VIC REVIEW OF ADJUDICATION

Notes for the guidance of the Respondent (Review Applicant) All documents **MUST** be attached to the review adjudication application form.

1. A review adjudication application can only be made if the adjudicated amount exceeds the higher of \$100,000 or the amount prescribed for the purposes of the section of the Act.
2. A Respondent may apply for a review of an adjudication determination only if:
 - a. The Respondent provided a Payment Schedule to the Claimant within the time specified in s.15(4) or s.18(2).
 - b. The adjudicated amount included an excluded amount.
 - c. The Respondent has previously identified that amount as an excluded amount in its Payment Schedule or the adjudication response.
 - d. The Respondent has paid to the Claimant the adjudicated amount other than the amounts alleged to be excluded amounts.
 - e. The Respondent has paid the alleged excluded amount into a designated trust account and provided details of the account to the Claimant.
3. The application to review a determination must be made to the Authorised Nominating Authority to which the originating adjudication application was made.
4. The Respondent cannot make a review adjudication application later than five (5) business days after the Respondent received a copy of the adjudication determination.
5. A review adjudication application **MUST**:
 - a. be in writing in the prescribed form (if any); and
 - b. contain the prescribed information (if any); and
 - c. be accompanied by Adjudicate Today's application fee of \$2,200.00.
6. A review adjudication application must contain the Respondent's submission in support of its application.
7. The Respondent must give a copy of the review adjudication application to the Claimant within one (1) business day after the application is made to Adjudicate Today.
8. The Claimant may make a submission to Adjudicate Today in response to the review adjudication application within three (3) business days after being given a copy of the review adjudication application.
9. This review adjudication application may be returned to any State office:

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	

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