

WA APPLICATION FOR ADJUDICATION FORM

Construction Contracts Act 2004 (WA) (the Act)

The Applicant hereby applies for adjudication under the Act of the referenced payment claim. The documents attached to or submitted with this application form part of this application. Pages 1 and 2 are the application form. Pages 3 to 4 are not part of the application form.

The Applicant must ensure all details are correct and complete.

Prescribed Appointer Details

Name of Prescribed Appointer:	Adjudicate Today Pty Ltd				
ABN:	39 109 605 021	Phone:	1300 760 297		
ACN:	109 605 021	Fax:	1300 760 220		
Business Address	Level 28, 140 St Georges Terrace				
Suburb:	PERTH	State:	WA	Postcode:	6000
Email:	wa@adjudicate.com.au	Web:	www.adjudicate.com.au		

Applicant's Details

Name of Applicant:					
Trading Name: (if different)					
ABN:		Applicant Contact:			
ACN:			Title	First name	Last name
Business Address:					
Suburb:		State:		Postcode:	
Telephone:		Fax:			
Email:			Mobile:		
Applicant's representative (if applicable):	Company/Name:				
	Contact:				
	Email:				

Respondent's Details

Name of Respondent:					
Trading Name: (if different)					
ABN:		Respondent Contact:			
ACN:			Title	First name	Last name
Business Address:					
Suburb:		State:		Postcode:	
Telephone:		Fax:			
Email:			Mobile:		
Respondent's representative (if applicable):	Company/Name:				
	Contact:				
	Email:				

Adjudicator Appointment (please tick only one of the following three options)

I have no preference (leave name field below blank)

The parties to the contract have agreed to an adjudicator (name below)

I request that Adjudicate Today facilitate the appointment of an adjudicator (name below)

Adjudicate Today adjudicators are available at this link www.adjudicate.com.au/wa/adjudicators

Name of Adjudicator:					
ABN:		ACN:			
Address:	C/- Adjudicate Today Pty Ltd, Level 28, 140 St Georges Terrace				
Suburb:	PERTH	State:	WA	Postcode:	6000
Telephone:	1300 760 297	Fax:	1300 760 220		
Email:	wa@adjudicate.com.au				

Business Activity

Applicant Business Activity: (Please select one) Principal Head Contractor Subcontractor Supplier Consultant	Respondent Business Activity: (Please select one) Principal Head Contractor Subcontractor Supplier Consultant
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Construction Contract Details

Project Location Suburb:		Project Location Postcode:	
Project Location Address:			
Project Name:		Contract number <small>(Only one construction contract may be adjudicated under each application.)</small>	<small>(If applicable:)</small>
Type of construction work/related goods & services:	<small>Eg: Concreting, plumbing, electrical engineering etc.</small>	Date the construction contract was entered into between the Applicant and the Respondent:	
Is a copy of the of the construction contract attached?	Yes	No	<small>(If no, please explain why in submission)</small>

Payment Claim

Payment Claim Date: <small>(Date claim served on Respondent)</small>		Payment Due Date:	
Payment Claim Amount: <small>(inc GST)</small>		Amount proposed to be paid by Respondent: <small>(inc GST)</small>	
Is a copy of the of the payment claim attached?	Yes	No	<small>(If no, please explain why in submission)</small>

Notice of Dispute

Notice of Dispute issued:	Yes	No	Amount not paid at time of commencing application for adjudication:	
Notice of Dispute Date:				
Is a copy of the of the notice of dispute attached?	Yes	No	<small>(If no, please explain why in submission)</small>	

Application / Appointment Fee:	\$ NIL
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Pursuant to section 31(2) of the Act, an Adjudicator must dismiss an application under certain circumstances. Complete the following checklist to confirm the Adjudicator's jurisdiction to determine the merits of the notice of dispute the subject of this Application.

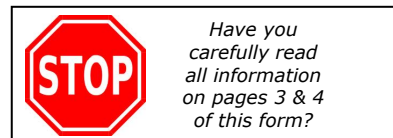
Has the application been served within 90 business days of due date for payment (if no notice of dispute received) or 90 business days from receipt of a notice of dispute? Yes No

Was this exact application previously determined by an adjudicator, court, arbitrator or other body? Yes No

If this is a further application because a previous adjudicator dismissed it, is the application made within 20 business days of that dismissal? Yes No

A copy of the application for adjudication and all attachments or other things accompanying it should be served on Adjudicate Today and the Respondent at the same time. If it is not served on the Respondent on the same day, the Applicant will immediately provide written notification to Adjudicate Today confirming the date of service on the Respondent. This application form is provided to assist an Applicant to make an application for adjudication under the Construction Contracts Act 2004 (WA). The use of this form is not mandatory to make an adjudication application.

_____/_____/_____
 Date Print name of Applicant or Applicant representative Signature of Applicant or Applicant representative





You acknowledge and agree to provide to Adjudicate Today one (1) hard copy of any electronic files uploaded to Adjudicate Today within one (1) business day. If a hard copy is not provided and Adjudicate Today determines in its absolute discretion to print the files, we will take reasonable care to ensure accurate printing of electronic files. The cost of the printing will be charged to you at commercial printing rates plus staff time at \$55 per hour (incl. GST).

Please confirm whether a hard copy of the application will be provided: Yes/No To which 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	WA
Suite 2	Level 18	Level 27	Level 1	Level 6	Level 30	Level 28
Mona Vale Business	324 Queen Street	101 Collins Street	The Realm	Reserve Bank Building	Westpac House	AMP Tower
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
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

Application for Adjudication Index

The Application for Adjudication is arranged as follows, with key documents found behind the indicated tabs .

DOCUMENT	TAB No. 
This Application for Adjudication form	Tab No. _____
Written submissions Refer to section 2a of attached checklist	Tab No. _____
Payment Claim Refer to section 2c of attached checklist	
i. The Payment Claim	Tab No. _____
ii. Written confirmation of date and method by which the Applicant served the Payment Claim on the Respondent	Tab No. _____
Notice of Dispute (if served) Refer to section 2d of attached checklist	
i. The Notice of Dispute	Tab No. _____
ii. Written confirmation of date and method of Applicant's receipt of the Notice of Dispute from the Respondent	Tab No. _____
Construction Contract Refer to sections 2e and of attached checklist	
The Construction Contract / record of oral agreement	Tab No. _____
Any supporting documents Refer to sections 2f and of attached checklist	
Other supporting documents (may be over various tabs)	Tab No. _____

Use of this index template is not mandatory, but may assist in both the compilation and processing of an application for adjudication. The Applicant may prefer to refer to page numbers instead of inserting tabs.

Notes for the guidance of the Applicant and the Respondent.
All documents **MUST** be attached to the application form.

Following the timeframes provided by the Act

If the times provided in the Act for service of documents are not observed exactly, the application for adjudication may be invalid. Times are in business days. Section 3 of the Act states that **business day** means any day other than: (a) a Saturday, Sunday or public holiday, or (b) a day in the period beginning on 25 December in a year and ending on 7 January in the following year.

1. Under section 26 of the Act, the time for lodging an application for adjudication is:
 - a. Within 90 business days after the dispute arises or;
 - b. if applicable, within the period provided for by section 37(2)(b).
 - A copy of the Act is available at: www.adjudicate.com.au/pdf/Construction_Contracts_Act_2004.pdf

Demonstrating an entitlement to the debt

2. The Applicant may attach to the application for adjudication copies of:
 - a. A written submission by the Applicant evidencing: (i) that the Applicant carried out under the contract the work or provided the goods or services for which payment is claimed; (ii) that amount claimed is due and unpaid and how it is calculated; and (iii) the value of the work, goods or services for which payment is claimed. The submission should also respond to the reasons, if any, given by the Respondent for not paying and should provide evidence or arguments to refute the Respondent's grounds for withholding payment.
 - b. **IMPORTANT:** Submissions are essentially arguments in support of the Applicant's case. The Adjudicator cannot be expected to assume that something said by the Applicant in a letter or minutes of a meeting or other supporting document, is true. As supporting documents usually do not speak for themselves, in the written submissions, the Applicant should state what each supporting document is and how the Applicant contends that the supporting document supports the Applicant's case. The written submissions may include legal arguments, arguments on the interpretation of the contract or other arguments. If the Applicant wants to contend that something in a supporting document is true, the Applicant should say so in the written submissions. If the Applicant fails to do so the Adjudicator might draw the inference that the Applicant is not prepared to argue that the statement is true.
 - c. The Payment Claim should be accompanied by written confirmation of the date and method by which the Applicant served the Payment Claim on the Respondent (eg; email delivery receipt, facsimile transmission report, postal details including postal address, etc).
 - d. The Notice of Dispute, if any, should be accompanied by written confirmation of the date and method of the Applicant's receipt of the Notice of Dispute from the Respondent (eg; email delivery receipt, facsimile, post etc).
 - e. The construction contract (which may be a formal contract document, an exchange of letters, a quotation and acceptance or a record of an oral agreement) under which the payment claim is made.
 - f. Any other supporting documents (eg; certificates, test results, delivery dockets, invoices, photographs, expert reports, written statements, etc.).
 - g. The Application for Adjudication Index (see page 3) or alternatively, a list of all attachments.

Other important information

3. A complete copy of the application for adjudication and all attachments and other things accompanying it must be served on the Respondent at the same time as it is served upon Adjudicate Today or as soon as possible thereafter. Please note that the Adjudicator may request that the Applicant provide written confirmation of the date and method of service of the application for adjudication on the Respondent.
4. A response from the Respondent must be served on the Applicant and the Adjudicator within 10 business days of it being served with an application for adjudication.

The notes above concerning submissions and attachments apply equally to the adjudication response.

5. **Please retain a copy of any documents submitted in hard copy**
The Act does not provide a requirement for adjudicators to make documents lodged available for return to the parties at the conclusion of an adjudication. If the Adjudicator has for example entered markings onto documents submitted, the Adjudicator may decide to withhold the documents from return to the parties so as not to allow sight of working comments.

As it is ultimately at the Adjudicator's discretion whether documents lodged are made available for return to the parties, parties are advised not to rely upon the adjudication documents being made available for return.

In any instance, any party lodging adjudication documents is generally advised to both:

1. as a matter of caution retain a copy of any documents lodged with Adjudicate Today AND
2. consider submitting copies of documents to the Adjudicator rather than originals unless absolutely necessary.

If a party does hope to have documents returned it is encouraged to include a note to the Adjudicator expressing interest in having the documents returned at the conclusion of the adjudication.

General

This information is necessarily very brief. The Applicant and the Respondent should not rely upon it but should study the Act and perhaps obtain expert advice.

DISCLAIMER: Adjudicate Today Pty Ltd cannot guarantee the accuracy, completeness or currency of this template. Adjudicate Today does not provide legal advice and this template must not be taken as a substitute for obtaining legal advice. Adjudicate Today does not invite reliance upon, nor accept responsibility for the information on this template.