

Respondent's Adjudication Response

Adjudicator: _____

Prescribed Appointer (PA):

Adjudicate Today Pty Ltd
Level 28, 140 St Georges Terrace
PERTH WA 6000
Ph: 1300 760 297; Fax: 1300 760 220
Email: wa@adjudicate.com.au
ABN: 39 109 605 021 ACN: 109 605 021

Adjudication Reference Number: _____

Name of Respondent: _____

Respondent's ABN: _____

Respondent's ACN: _____

Respondent's address: _____

Name of Applicant: _____

Applicant's ABN: _____

Applicant's ACN: _____

Applicant's address: _____

Description of project: _____

**Date of Applicant's service of
Payment Claim on Respondent:** _____

Claimed Amount:

\$ _____

**Date of Respondent's service of
Notice of Dispute on Claimant
(if applicable):** _____

Disputed Amount:

\$ _____

**Date of Applicant's service of
Adjudication Application on
Respondent:** _____

**Date on which the Respondent
received notification of the
Adjudicator's acceptance of the
Application for Adjudication:** _____

Submissions: NB: Provide submissions to support the reasons for the claim being rejected either in whole or part. If lengthy, list and attach submissions as a referenced document.


List of attachments: NB: List and attach all the referenced documents

Date

Print name of Respondent or Respondent
representative

Signature of Respondent or Respondent
representative

Adjudication Response Index

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

DOCUMENT

TAB No.

Notice of Dispute (if applicable)

Refer to section **4a** of attached checklist

- i. The Notice of Dispute Tab No. _____
- ii. Written confirmation of the date and method by which the Applicant received the Notice of Dispute from the Respondent Tab No. _____

Payment Claim

Refer to section **4b** of attached checklist

- i. The Payment Claim Tab No. _____
- ii. Written confirmation of the date and method by which the Applicant served the Payment Claim on the Respondent Tab No. _____

Any supporting documents

Refer to sections **4c and 4d** of attached checklist

- i. The Construction Contract / details of oral agreement made Tab No. _____
- ii. Other supporting documents Tab No. _____

Written submissions

Refer to sections **4e** of attached checklist

Tab No. _____

Use of this index template is not mandatory but may assist both the compilation and processing of an Adjudication Response. The Respondent may prefer to refer to page numbers instead of inserting tabs.

Adjudication Response Checklist

Notes for guidance of the Respondent

1. The Respondent may lodge a submission with the Adjudicator (the Adjudication Response) within 10 business days after the Respondent is served with an application for adjudication.
2. The Adjudicator cannot consider an Adjudication Response made by the Respondent if it is served after 10 business days from when the Respondent is served with an application for adjudication.
3. The Respondent's Adjudication Response must:
 - a) be written;
 - b) be addressed to the Adjudicator and be received by the Adjudicator within time;
 - c) at the same time be served on the Applicant and any other party that has been served with the application; and
 - d) identify the Application for Adjudication to which it relates.
4. The Respondent's Adjudication Response may contain:

Notice of Dispute

- a) The Notice of Dispute accompanied by written confirmation of the date and method by which the Applicant received the Notice of Dispute from the Respondent (e.g. email delivery receipt, facsimile transmission report, postal details, etc).

Payment Claim

- b) The Payment Claim accompanied by written confirmation of the date and method by which the Respondent received the Payment Claim from the Applicant (e.g. email delivery receipt, facsimile, postal details, etc).

Supporting documents

- c) A copy of the construction contract or details of an oral agreement made between the parties.
- d) Supporting documents necessary to evidence or support the reasons in (e) below may be attached. These may include, for example, expert reports and photographs evidencing defective work, statutory declarations from witnesses, letters and minutes from meetings.

Written submissions

- e) A written submission by the Respondent relevant to the Adjudication Response, providing full details of reasons for refusing to pay or withholding payment of any amount.

Important:

Submissions are essentially arguments in support of the Respondent's case. The Adjudicator cannot be expected to assume that something said by the Respondent 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 Respondent should state what each supporting document is and how the Respondent contends that the supporting document supports the Respondent's case. The written submissions may include legal arguments, arguments on the interpretation of the contract or other arguments. If the Respondent wants to contend that something in a supporting document is true, the Respondent should say so in the written submissions. If the Respondent fails to do so the Adjudicator might draw the inference that the Respondent is not prepared to argue that the statement is true.

General:

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

A copy of the *Construction Contracts Act 2004 (WA)*
is available at:
www.adjudicate.com.au/pdf/Construction_Contracts_Act_2004.pdf

Is the Adjudication Response being lodged via email, lockbox* or email?

If the Adjudication Response is being lodged via email, lockbox or fax AND is over 50 pages, the respondent is also requested to provide a hard copy of the Adjudication Response. If the application is over 50 pages and a hard copy is not provided, the cost of printing will be charged to the respondent at commercial printing rates. The hard copy of the Adjudication Response may be lodged at any of the state offices listed below.

Please confirm whether a hard copy will be provided: Yes No

If Yes, please indicate which state office the hard copy will be lodged with _____

* Adjudicate Today can accept electronic delivery of files up to 10GB via our secure digital Lockbox. If you require a Lockbox, please visit the following page on the Adjudicate Today website to establish your free Lockbox account: www.adjudicate.com.au/company/upload-your-files-to-adjudicate-today

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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				
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