

BCIPA Adjudication Application

Important information

Before completing the adjudication application form we suggest reading the information provided on our website outlining the evidence and documents needed to process your application. An interactive flowchart on the BCIPA process is also available to assist you with all steps required prior to lodging an adjudication application.

A fee schedule is provided on page 7 of this document. The fees charged by an adjudicator are separate to the adjudication application fee and are payable direct to the adjudicator. Once an adjudicator is appointed, adjudication fees can apply.

Any party lodging adjudication documents is advised to:

- retain a copy of any documents lodged with the QBCC and the adjudicator
- consider submitting copies of documents to the adjudicator rather than originals.

Deliver this form, the prescribed application fee and any submissions, addressed to adjudication registry:

- Post - GPO Box 5099 Brisbane QLD 4001
- Fax - 07 3247 5762
- Your nearest QBCC office - details available on our website.

Compliance with requirements

To obtain a full appreciation of your rights and obligations, it is recommended you obtain independent legal advice.

In accepting this application, the registrar acts only as an independent referral authority. Referral of this application by the registrar to an adjudicator for decision is not to be taken as verification by the registrar of compliance with the BCIPA.

Applicants should take care to comply with the procedural requirements of the BCIPA such as acting within prescribed time limits, correct service of documents and proof of service of documents. Adjudication applications may fail on technical grounds if procedural requirements are not met. This form should be completed with reference to the BCIPA. Information about the BCIPA is also available on the QBCC website.

An application lodged after 5pm Queensland time will be taken to be lodged on the following business day in accordance with the Building and Construction Industry Payments Regulation 2004, section 3A.

Information in writing

If required to give information in writing the QBCC, including the adjudication registry, may provide this by electronic communication (e.g. email). By making this application you consent to information being provided in this way.

Privacy Notice

By making this application, you agree and acknowledge that the information provided by you in and with this application may be used by the registrar and staff in the performance of their functions under the Act.

You further agree and acknowledge that the information provided by you in and with this application may be used by the QBCC for law enforcement purposes, in accordance with the Information Privacy Principles and QBCC's Privacy Policy.



COMPLETING THIS FORM

- Use BLACK pen only
Print clearly in BLOCK LETTERS
DO NOT use correction fluid - any amendments should be crossed out and initialled

Please complete all details of this application where applicable. All items marked with an * asterisk must be completed before submitting.

You are to serve a full copy of this application and submissions on the respondent after it is lodged with the registry. Proof of service of the application and all submissions on the respondent should be provided to the adjudicator.

1. CLAIMANT CONTACT DETAILS

Form fields for claimant contact details including Title, Name, ABN, ACN, Claimant type, business type, QBCC lic. no., Postal address, Business address, contact numbers, and email.

*Preferred method of receiving correspondence [] Postal address [] Email [] Agent address [] Agent email

Table with 3 rows and 4 columns: Date lodged, Time lodged, Office location, Received by, Total pages/folders/boxes, Fee amount, Receipt no., Application emailed to Registry, Date & time.

2. CLAIMANT AGENT DETAILS (if applicable)

*Title Mr Miss Ms Mrs Other (if 'Other', provide details)

Name business/individual

Address

State Postcode

Business ph

Mobile ph Fax

Email

Contact person

3. RESPONDENT DETAILS - as contracted or invoiced

Note: The 'Name' field is to be completed as per name of the party to the contract. If no written contract exists, please list the individual's name or company name that you agreed to carry out work or supplied related goods and services to.

*Title Mr Miss Ms Mrs Other (if 'Other', provide details)

*Name (Company/individual)

ABN ACN

*Respondent type Head contractor Consultant Client Subcontractor Owner Builder

*Respondent business type (type of work undertaken/ QBCC lic. class)

QBCC lic. no. (if applicable) QBCC Owner Builder permit (if applicable)

* Postal address

State Postcode

Business address: (This cannot be a PO Box)

State Postcode

Business ph

Mobile ph Fax

Email

Contact person

4. RESPONDENT AGENT DETAILS (if applicable)

*Title Mr Miss Ms Mrs Other (if 'Other', provide details)

Name business/individual

Address

State Postcode

Business ph

Mobile ph Fax

Email

Contact person

5. CONTRACT AND PROJECT DETAILS

Project name (what project is referred to)

*Project type e.g. building units or bridge design (what is being built not type of work)

*Contract date - - Date contract/agreement was formed

Reference date - - (i.e. payment date under contract. If no contract or contract silent, the last day of the month that work was undertaken, or related goods and services were first supplied; and the last day of each month after this)

Project address

Postcode

6. PAYMENT CLAIM DETAIL (sections 17 & 17A)

*Payment claim date - - Date payment claim relevant to application was served on the respondent. ATTACH COPY.

*Payment claim due date - - Date payment claim due for payment.

*Payment claim amount

Claim amount excluding GST \$ _____

GST (if applicable) \$ _____

Total amount claimed \$ _____

7. NOTICE OF INTENTION TO APPLY (section 20A notice, if applicable)

*Date Notice of Intention to Apply served - - Date notice of intention to apply for adjudication was served on respondent (must be served if you have not received a payment schedule and not been paid by due date for payment of the claim)

8. PAYMENT SCHEDULE DETAIL (section 18 and 18A, if applicable)

*Has respondent served you with a payment schedule? Yes, ATTACH COPY. No, (if 'No' ensure that you have served a notice of intention to apply before proceeding with the application)

*Payment schedule date - - Date payment schedule relevant to application was served on the claimant ATTACH COPY

*Payment schedule amount Schedule amount excluding GST \$ _____
 GST (if applicable) \$ _____
 Total amount claimed \$ _____

9. SERVICE OF THIS APPLICATION

Date application served - - If not yet served, date application to be served on respondent

10. ATTACHMENTS TO THIS APPLICATION

You must prove that you and the respondent are parties to a construction contract/agreement, that you have complied with the requirements of the BCIPA and that you have an entitlement under the contract to payment.

An adjudicator will make a decision based on the submissions put before them. If there are no submissions or the submissions are unclear, it may be hard for them to make a decision in your favour.

Are any submissions attached to the application? YES NO

11. CHECKLIST

Please ensure your application includes the following items:

A copy of the relevant contract. If a written contract does not exist, a document referring to/ demonstrating the terms of the verbal agreement	YES <input type="checkbox"/>
A copy of the payment claim	YES <input type="checkbox"/>
A copy of the notice of intention to apply for adjudication - if applicable	YES <input type="checkbox"/>
A copy of the payment schedule - if applicable	YES <input type="checkbox"/>
Submissions proving your entitlement to the claimed amount (e.g. submissions explaining the claim, statutory declarations, emails, previous invoices, expert reports, faxes, purchase orders, photos, other relevant communications)	YES <input type="checkbox"/>

12. FEES

(A copy of the fee schedule can be found on page 7)

I will be paying

by cheque - please make all cheque and money orders payable to the **Queensland Building and Construction Commission**.

Cheque/money order number _____ Total \$ _____

by credit card (QBCC cannot accept American Express or Diners Club)

Credit card number

Expiry date / VISA Mastercard

Amount paid \$.

Cardholder's name

Cardholder's signature

13. DECLARATION

I, _____ the claimant or agent for the claimant, hereby apply for adjudication under section 21 of the *Building and Construction Industry Payments Act 2004* (BCIPA).

In applying for adjudication I agree that:

<input type="checkbox"/>	I have read and understand the application form and its attachments;
<input type="checkbox"/>	I am required to give a complete copy of the adjudication application (including all submissions and attachments) to the respondent in accordance with the BCIPA after I lodge this application.
<input type="checkbox"/>	I will also give the adjudicator proof that I have given a copy of the application and all submissions to the respondent.
<input type="checkbox"/>	If the application is not served on the respondent on the same day the application is made, I will immediately notify the adjudicator of the date of service upon the respondent and provide evidence of service.
<input type="checkbox"/>	I will pay the application fee in full at time of lodgement. Failure to pay the application fee will result in rejection of the application.
<input type="checkbox"/>	I acknowledge that I may be responsible for the adjudicator's fees in accordance with the BCIPA.

APPLICANT'S SIGNATURE:

DATE*:

/ /

An application lodged after 5pm Queensland time will be taken to be lodged on the following business day in accordance with the Building and Construction Industry Payments Regulation 2004, section 3A.

Adjudication Fees

from 1 July 2018 to 30 June 2019

Building and Construction Industry Payments Act 2004

Adjudication application	
Payment claim amount (excl. GST)	Fee
If claimed amount is \$10,000 or less	\$57.35
If claimed amount is more than \$10,000 but not more than \$50,000	\$172.10
If claimed amount is more than \$50,000 but not more than \$100,000	\$286.85
If claimed amount is more than \$100,000 but not more than \$250,000	\$401.65
If claimed amount is more than \$250,000 but not more than \$500,000	\$516.35
If claimed amount is more than \$500,000 but not more than \$750,000	\$631.10
If claimed amount is more than \$750,000 but not more than \$1,065,600	\$745.85
If claimed amount is more than \$1,065,600	0.07% of the claimed amount but not more than \$5,737.60

Adjudicator's fees

An adjudicator is entitled to payment for any work carried out, and expenses incurred in deciding the adjudication application. If the adjudication application is withdrawn or the adjudicator decides that they did not have jurisdiction to adjudicate the application, they are still entitled to be paid in accordance with section 35 of the BCIPA.

The adjudicator's fee and matters taken into account in determining the adjudicator best suited to decide your application is guided by the Adjudicator Grading and Referral Policy 2015 (the Policy), which is available on our website.

How fees are calculated

Both the claimant and respondent have equal responsibility for paying the adjudicator's fees. However, their share of the fees is dependent on how the adjudicator decides to apportion those fees in accordance with section 35A of the BCIPA.

Fees for claims up to \$25,000 excluding GST (reasonable fees)

These fees are dependent on the claimed value, however, it is expected that the adjudicator only charge what they feel is reasonable. In some instances e.g. issues in dispute or sizeable submissions, the fee deemed reasonable may be higher than the maximum fees listed below.

Adjudicator's fees for claims up to \$25,000 excluding GST (reasonable fees)	
Claimed amount (exc. GST)	Fee (including disbursements & GST)
If claimed amount is \$5,000 or less	\$610
If claimed amount is more than \$5,000 but not more than \$15,000	\$900
If claimed amount is more than \$15,000 but not more than \$20,000	\$1,800
If claimed amount is more than \$20,000 but not more than \$25,000	\$2,000

Fees for claims over \$25,000 excluding GST (reasonable hourly rate)

The maximum hourly rates we recommend are dependent on the claim value (exc. GST) and the grade of adjudicator deemed suitable under the Policy.

Adjudicator's fees for claims over \$25,000 (reasonable hourly rates)	
Adjudicator grade	Fee (including disbursements & GST)
Adjudicator	\$260
Advanced Adjudicator	\$325
Senior Adjudicator	\$385