

Form S79 - ADJUDICATION APPLICATION

IMPORTANT INFORMATION

Section 79 of the *Building Industry Fairness (Security of Payment) Act 2017* (the Act) requires this form to be used for lodging an adjudication application for a payment claim given on or after 17 December 2018.

NOTE:

- Before completing the Adjudication Application form we suggest reading the adjudication application guide in the Protecting Your Payment Rights booklet. Also read the checklist section of this form (see page 6, section 11)
- It is recommended that you understand the submission and supporting documents requirements. This is also detailed in the Protecting Your Payment Rights booklet.
- \$25k submission requirements: For applications where the Payment Claim is \$25k (Incl GST) or less your submission cannot be greater than 10 pages but may include supporting documents that are stated in the submission. Your submission if typed must have margins 2.54cm and a font size no less than 10 point.
- The fees charged by an adjudicator are payable directly to the adjudicator and are separate to the adjudication application fee. Once an adjudicator is appointed, adjudication fees may apply. A fee schedule is provided on the QBCC website and at the end of this form (see page 7).
- It is recommended that copies of documents and submissions are delivered to the registry and adjudicator. Please retain the original documents for your personal records.
- **Adjudication applications are to be delivered by 5pm AEST** (Queensland time) on any business day. An application delivered after 5pm will be taken to be delivered on the following business day.
- NOTE: If delivering in person to a QBCC regional office please allow enough time for the application to be received by the registrar. It is recommended that applications are delivered to a regional office no later than 4:30pm to be received by the Registrar on the same business day.

If sending to the Registrar by Mail - Sufficient time should be allowed to ensure the application and related documents are received by the Registrar prior to 5pm on the last business day for lodgement. Please check Australia post for general delivery times <https://auspost.com.au/sending/send-within-australia/delivery-speeds-and-coverage>.

- Take care to comply with the requirements of the Act including acting within prescribed time limits. Adjudication applications may fail on technical grounds if requirements are not met.
- If you are unsure of your rights and obligations, it is recommended you obtain independent legal advice.
- 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.

You must give a full copy of this application and submissions to the respondent after it is delivered to the registry. Proof of service of the application, all submissions and documents given to the respondent should be provided to the adjudicator.

The Registrar is responsible for referring this application to an adjudicator. 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 Act.

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. The claimant name, the construction site as stated on the adjudication application form and the adjudication application number will be provided to the respondent by the registry.

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
- Take particular care to correctly identify the business details of the respondent and the contract in dispute.

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

Return your fully completed form and ALL required documents by:

Post: GPO Box 5099, Brisbane QLD 4001
 Fax: (07) 3247 5762

in person: [QBCC Service Centres](#) are listed on our website

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1. CLAIMANT DETAILS

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 has carried out work or supplied related goods and services.

*Name (Company/ business/ individual)	<input type="text"/>																												
*ABN	<input type="text"/>														<input type="text"/>														
*Claimant	<input type="checkbox"/> Subcontractor	<input type="checkbox"/> Consultant	<input type="checkbox"/> Supplier	<input type="checkbox"/> Client	<input type="checkbox"/> Head contractor																								
*Type of work undertaken (e.g. Project Management, Building)	<input type="text"/>																												
QBCC no.	<input type="text"/>														QBCC owner-builder no.	<input type="text"/>													
*Postal address	<input type="text"/>																												
	<input type="text"/>																												
State	<input type="text"/>			Postcode	<input type="text"/>																								
*Business address	<input type="text"/>																												
	<input type="text"/>																												
State	<input type="text"/>			Postcode	<input type="text"/>																								
*Phone	<input type="text"/>														Mobile	<input type="text"/>													
*Email	<input type="text"/>																												
*Preferred contact method	<input type="checkbox"/> Post	<input type="checkbox"/> Agent's postal address	<input type="checkbox"/> Email	<input type="checkbox"/> Agent's email address																									

REGISTRY USE ONLY	Date received	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		Time received	<input type="text"/>	<input type="text"/>	:	<input type="text"/>	<input type="text"/>	Receipt number	<input type="text"/>							
	Received by	<input type="text"/>														Approx pages/ folders/boxes	<input type="text"/>										

2. CLAIMANT AGENT DETAILS (if applicable)

*Name (Company/business/individual)

Business name

Address

Suburb

State Postcode Business phone

Email

3. RESPONDENT DETAILS

(the other party to the contract/ the company or individual who you believe owes you money)

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 work was carried out for.

*Name (Company/business/individual)

ABN

*Respondant Subcontractor Consultant Supplier Client Head contractor

*Type of work undertaken (e.g. Project Management, Building)

QBCC no. QBCC owner-builder no.

*Postal address

State Postcode

*Business address (no P.O. box)

State Postcode

*Phone Mobile

*Email

*Preferred contact method Post Agent's postal address Email Agent's email address

4. RESPONDENT AGENT DETAILS (if applicable)

Name (Company/business/individual)

Business name

Address

Suburb

State Postcode Business phone

Email

Contact person

5. CONTRACT AND PROJECT DETAILS

*Project name (as per contract)

*Project type (i.e. Apartments/factory)

*Contract date or date agreement commenced / / (please provide a copy of your contract or agreement)

*Reference 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)

*Address

Suburb State Postcode

6. PAYMENT CLAIM DETAILS

*Payment claim date / / Date payment claim was given to respondent (attach a copy and proof of service)

*Payment claim due date / / Date the payment claim due for payment

*Payment claim amount \$ + \$ Claim amount excluding GST GST if applicable

\$ TOTAL claim amount including GST

ADJUDICATION FEES

FROM 17 DECEMBER 2018 – 30 JUNE 2019

There are two fees payable for having your claim decided. The first fee you pay when you deliver your application. The second amount is paid directly to the adjudicator for any work carried out, and expenses incurred, toward making a decision or if you withdraw your application after work has commenced.

Fee for lodgment of Adjudication application

Payment claim amount (including 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

HOW ADJUDICATOR'S 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 96 (2) of the Act.

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.

An adjudicator is entitled to be paid any fees and expenses even if the adjudication application is withdrawn or the adjudicator decided they did not have jurisdiction to adjudicate the application

Fees and expenses are dependent on the amount agreed between the adjudicator and the parties to the adjudication or the reasonable fees and expenses for the work done and expenses incurred by the adjudicator.

For adjudication application of **no more than \$25,000**, the maximum amount for fees and expenses an adjudicator can be paid are listed below. These fees are dependent on the claimed value, however, it is expected that the adjudicator only charge what they feel is reasonable.

Adjudicator's fees for claims up to \$25,000 including GST (reasonable fees)

Claimed amount (including GST)	Fee (including disbursements and GST)
If claimed amount is \$5,000 or less	\$620
If claimed amount is more than \$5,000 but not more than \$15,000	\$930
If claimed amount is more than \$15,000 but not more than \$20,000	\$1,860
If claimed amount is more than \$20,000 but not more than \$25,000	\$2,070