

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.

Guide for completing this application

- Before completing this form, please read the information about adjudication in the guide, 'Industry Guide to Security of Payment Laws', available on the QBCC website. Also ensure that you have completed the declaration at page 6 of this form.
- The Adjudication Registry provides an advisory service about the adjudication process and can assist with enquiries of this nature. The Adjudication Registry does not provide legal advice. You can contact the Adjudication Registry on 139 333. If you require specific legal advice, you should consult a legal practitioner.
- For applications where the payment claim is not more than \$25,000, your submission must not exceed 10 pages in total. Other limitations apply as set out in the Building Industry Fairness (Security of Payment) Regulation 2018 (the Reg) and more information is available in the guide, 'Industry Guide to Security of Payment Laws'.
- The Adjudication Registrar will refer your application to an independent registered adjudicator within 4 business days after the application is received.
- 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 will apply. A schedule of adjudication fees is provided on the QBCC website and on page 7 of this form.
- **An adjudication application must be lodged no later than 5pm on a business day. An application lodged after 5pm is taken to be lodged on the next business day.**
- It is imperative that all requirements of the Act are satisfied. Non-compliance with legislative requirements may affect the outcome of your application.

- It is suggested that you retain a copy of your completed application including all relevant documentation.
- **You MUST give a copy of this approved application form and all accompanying submissions to the respondent. You may be required to provide evidence to the Adjudicator that this has been done. The approved application form includes all seven (7) pages of this form.**

Withdrawing Application

Applications can be withdrawn by giving written notice of discontinuation to the adjudicator and the respondent. Written notice advising of the withdrawal must also be given to the Registrar as soon as practicable.

An adjudication application is taken to have been withdrawn if the respondent pays the amount that is the subject of the adjudication application before an adjudicator has decided the application. If this occurs the claimant must also give written notice of withdrawal due to payment to the adjudicator and the Registrar.

Failing to give notice of the withdrawal is an offence and may result in a penalty.

Note: A withdrawn application may still attract adjudication fees.

Privacy Notice

The Adjudication Registry is collecting personal information on this approved application form as authorised by the Act. This information will be used by the Adjudication Registry in processing your application and sent to the appointed adjudicator.

The information in this application may be used by the QBCC for a compliance purpose. Adjudication decisions are published on the QBCC website in accordance with 154(e) of the Act.

All information held by the QBCC may be subject to application for access under the Right to Information and Privacy legislation or as authorised or required by law. For further information visit the Privacy Statement on the QBCC website.

COMPLETING THIS FORM

This is an interactive PDF form that you may complete in Acrobat Reader, or the web browser this form is being viewed in. Please save this form to your device before printing and submitting.

If you are completing this form in hard copy:

- Print clearly in BLOCK LETTERS
- DO NOT use correction fluid – ~~cross-out~~ and initial amendments

RETURN YOUR FULLY COMPLETED FORM AND ALL REQUIRED DOCUMENTS BY:

Post: GPO Box 5099, Brisbane QLD 4001
In person: [QBCC Service Centres](#) are listed on our website

i Please complete all details of this application where applicable.

1. CLAIMANT DETAILS

The claimant is a person who is, or who claims to be, entitled to a progress payment.

| | | | | | | | | | |
|---|---------------|------------------------|----------|-----------------------|-----------------|-----------|---------------|--|--|
| <p>Name <small>(Company/business/ individual)</small></p> | | | | | | | | | |
| ABN | | ACN | | | | | | | |
| QBCC Lic no. | | QBCC owner-builder no. | | | | | | | |
| Contact person | | | | | | | | | |
| Claimant | Subcontractor | Consultant | Supplier | Client | Head contractor | Developer | Owner-Builder | | |
| Type of work undertaken <small>(e.g. Project Management, Building)</small> | | | | | | | | | |
| Postal address | | | | | | State | Postcode | | |
| Registered business address <small>(Cannot be a PO Box)</small> | | | | | | State | Postcode | | |
| Business phone | | | | | Mobile | | | | |
| Email | | | | | | | | | |
| Preferred contact method | Post | Agent's postal address | Email | Agent's email address | | | | | |

OFFICE USE ONLY

| | | | | | |
|---------------|--|--------------------------------|---|-----------------|--|
| Date received | <input type="text" value="D D"/> / <input type="text" value="M M"/> / <input type="text" value="Y Y Y Y"/> | Time received | <input type="text" value="H H"/> : <input type="text" value="M M"/> | Receipt number | <input style="width: 95%;" type="text"/> |
| Received by | <input style="width: 95%;" type="text"/> | Approx pages/ folders/boxes | <input style="width: 95%;" type="text"/> | Application fee | <input style="width: 95%;" type="text"/> |

2. CLAIMANT AGENT DETAILS (if applicable)

Name
(Company/business/
individual)

Contact person

Business name

Postal address

State

Postcode

Registered
business address
(Cannot be a PO Box)

State

Postcode

Business phone

Mobile

Email

3. RESPONDENT DETAILS

The respondent is a person who, under the relevant construction contract, is or may be liable to make payment to the claimant.

Name
(Company/business/
individual)

ABN

ACN

QBCC Lic no.

QBCC owner-
builder no.

Contact person

Claimant

Subcontractor

Consultant

Supplier

Client

Head contractor

Developer

Owner-Builder

Type of work
undertaken

(e.g. Project
Management, Building)

Postal address

State

Postcode

Registered
business address
(Cannot be a PO Box)

State

Postcode

Business 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

Postal address

State

Postcode

Business phone

Mobile

Email

Contact person

5. PROJECT DETAILS

Project name
(as per contract)

Project type
(i.e. apartments/
factory)

Project address

State

Postcode

6. CONTRACT DETAILS

Contract date or date
agreement commenced

D D M M Y Y Y Y

/ /

Reference date
under contract

D D M M Y Y Y Y

/ /

Please provide a copy of your contract or agreement

Refer to below

Construction Contract means a contract, agreement or other arrangement under which 1 party undertakes to carry out construction work for, or to supply related goods and services to, another party. It may be written or oral, or partly written and partly oral.

Payment Claim for a progress payment, is a written document that identifies the construction work or related goods and services to which the progress payment relates, states the amount of the progress payment that the claimant claims is payable by the respondent, and request payment of the claimed amount (the word 'invoice' is taken to satisfy this requirement). It may include an amount that was included in a previous payment claim.

Reference Date is the date on which a claim for a progress payment may be made for construction work carried out, or related goods and services supplied. It may be provided for in the construction contract. Otherwise, a reference date is the last day of the month that work was undertaken, or related goods and services were first supplied, and the last day of each later month. If the contract is terminated, the reference date may be the date that the contract is terminated. You cannot make more than 1 payment claim for each reference date under the construction contract.

Due Date of Payment may be provided for in the construction contract. If the construction contract does not provide for this, the Act provides that the due date of payment is 10 business days after the day a payment claim for the progress payment is made.

Payment Schedule is a response to the payment claim. It is a written document that identifies the payment claim to which it responds, states the amount of the payment that the respondent intends to make, and if the amount proposed to be paid is less, includes reasons for withholding any payment. If the respondent does not intend to pay the claimed amount by the due date of payment, they must give a payment schedule to the claimant no later than the time provided in their contract; or 15 business days after being given the payment claim - whichever period ends first.

More information is available in the 'Industry Guide to Security of Payment Laws', available on the QBCC website, or by contacting the Adjudication Registry on 139 333.

7. PAYMENT CLAIM DETAILS

Payment claim date
(attach a copy and proof of service)

D D / M M / Y Y Y Y

Payment claim due date

D D / M M / Y Y Y Y

Date payment claim was given to respondent
Attach a copy and proof of service.

Date the payment claim due for payment

Payment claim amount

\$

Claim amount excluding GST

+ \$

GST if applicable

TOTAL

\$

.

Total claim amount including GST

8. PAYMENT SCHEDULE DETAILS

Has the respondent given you a payment schedule within the timeframe of the Act, or your contract?

Yes, attach copy

No

Payment schedule date

D D / M M / Y Y Y Y

Payment schedule amount

\$

Schedule amount excluding GST

+ \$

GST if applicable

TOTAL

\$

.

Total schedule amount including GST

9. ATTACHMENTS

- A copy of the relevant construction contract
If a written contract does not exist, a document referring to/demonstrating the terms of the agreement
- A copy of the payment claim (and supporting statement if applicable)
- A copy of the payment schedule (if applicable)
- Submissions relevant to your application (e.g. submissions explaining the claim, statutory declarations, emails, previous invoices, expert reports, faxes, purchase orders, photos, other relevant communications)

There are limitations to the submissions you may provide for adjudication applications relating to payment claims of \$25,000 or less.
Submissions must be no more than 10 pages; and if typed, must be size 10 font or bigger with a margin of 2.54cm

Submissions may only be accompanied by the following documents:

- The payment claim to which the adjudication application relates;
- The construction contract to which the claim relates;
- The payment schedule given in response to the payment claim
- Any supporting document that was given to either party to support the payment claim or payment schedule
- Any document given by one party to the other, relating to the construction contract (for example, correspondence agreeing to a variation of the construction contract or extension of time, or a program of work)
- An expert report about a matter to which the payment claim relates, or
- A statutory declaration about a matter to which the payment claim relates.

There is no restriction to submissions for claims over \$25,000.

10. PAYMENT OPTIONS

I will pay at a QBCC office when returning this form in person

Credit card



Name of card holder

Credit card number

Expiry date M M / Y Y

Total Amount \$

11. DECLARATION

I,

(full name)

the claimant or agent for the claimant declare the following:

I have read the privacy notice (page 1)

I have read and understand the application form and its attachments.

My application is accompanied by the fee prescribed by regulation (in accordance with the attached fee schedule).

I am aware that the guide 'Industry Guide to Security of Payment Laws' is available on the QBCC website and provides critical information about the adjudication process.

I am aware that the Adjudication Registry provides an advisory service about the adjudication process.

I understand that any decision made by the adjudicator will be published as required by the Act.

I understand that an adjudication application must be made within the time-frames prescribed by section 79 of the Act.

I understand that I must give a full copy of this application form and all related submissions to the respondent.

I understand that the approved application form constitutes all seven (7) pages of this document.

I am authorised to make this adjudication application as, or on behalf of, the named claimant.

Signed by or on behalf
of the claimant

Date D D M M Y Y Y Y
 / /

ADJUDICATION FEES

EFFECTIVE 1 JULY 2023 – 30 JUNE 2024



The Acts Interpretation (Fee Unit) Amendment Regulation 2023 (the Regulation) was made on 11 May 2023 and commences 1 July 2023. The Regulation prescribes the value of a fee unit for a given Act pursuant to section 48B of the Acts Interpretation Act 1954 and provides for the indexation of the fee unit value for 2023-24.

There are two fees payable for having your claim decided. The first amount is an application fee, payable to the QBCC at the time of lodgment. The second amount is paid directly to the adjudicator for work carried out, and expenses incurred in deciding the application

Fee for lodgement of adjudication application

| TOTAL CLAIM AMOUNT | FEE |
|--|---|
| For a payment claim for a progress payment of no more than \$10,972.65 | \$64.34 |
| For a payment claim for a progress payment of more than \$10,972.65 but no more than \$54,863.45 | \$193.08 |
| For a payment claim for a progress payment of more than \$54,863.45 but no more than \$109,726.90 | \$321.82 |
| For a payment claim for a progress payment of more than \$109,726.90 but no more than \$274,317.25 | \$450.71 |
| For a payment claim for a progress payment of more than \$274,317.25 but no more than \$548,634.50 | \$579.40 |
| For a payment claim for a progress payment of more than \$548,634.50 but no more than \$822,951.80 | \$708.13 |
| For a payment claim for a progress payment of more than \$822,951.80 but no more than \$1,195,558.00 | \$836.92 |
| For a payment claim for a progress payment of more than \$1,195,558.00 | 0.0814157698% of the progress payment amount, up to a maximum of \$6,438.23 |

Adjudicator 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 applications of not more than \$25,000, the maximum amount for fees and expenses an adjudicator is entitled to be paid are listed below.

Adjudicator's fees for claims of not more than \$25,000 including GST

| CLAIMED AMOUNT (INCLUDING GST) | MAXIMUM FEES AND EXPENSES |
|--|---------------------------|
| 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 |