

## 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 7 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. 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 Act 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 with the Registrar no later than 5 p.m. on a business day. An application lodged after 5 p.m. is taken to be lodged on the next business day.**
- Applications can only be made to the Registrar. If delivering in person to a QBCC regional office or posting your application, please allow enough time for the application to be received by the Registrar within the prescribed time.
- It is imperative that all requirements of the Act are satisfied. Non-compliance with legislative requirements may affect the outcome of your application.

- Your application must identify a reference date as defined in section 67 of the Act. A reference date 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.
- It is suggested that you retain a copy of your completed application including all relevant documentation.
- **A copy of this approved application form and all accompanying submissions MUST be given to the respondent. The approved application form includes all seven (7) pages. You may be required to provide evidence of this to the adjudicator.**

### 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 discontinuation 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 QBCC is collecting personal information on this approved application form as authorised by the Act. This information will be used by the QBCC 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**

- 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.**

**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

**1. CLAIMANT DETAILS**

(the claimant is a person who is, or who claims to be, entitled to a progress payment)

Name (Company/ business/ individual)																													
ABN and/or ACN																													
Contact person (if applicable):																													
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)																													
QBCC licence no.															QBCC owner-builder no.														
Postal address																													
State				Postcode																									
Registered business address (Cannot be a PO Box)																													
State				Postcode																									
Phone															Mobile														
Email																													
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																					

<b>REGISTRY USE ONLY</b>	Date received	D	D	/	M	M	/	Y	Y	Y	Y	Time received	H	H	:	M	M	Receipt number				
	Received by															Approx pages/folders/boxes						

**2. CLAIMANT AGENT DETAILS** (if applicable)

Name (Company/business/individual)

Contact person (if applicable)

Business name

Address

Suburb

State  Postcode  Business phone

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 and/or ACN

Contact person (if applicable):

Respondent  Subcontractor  Consultant  Supplier  Client  Head contractor

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

QBCC licence no.  QBCC owner-builder no.

Postal address

State  Postcode

Registered business address (Cannot be a PO 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																
State				Postcode				Business phone								
Email																
Contact person																

**5. PROJECT DETAILS**

Project name (as per contract)																	
Project type (i.e. apartments/ factory)																	
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 guide above.

Does the contract provide a date on which a progress payment becomes payable?      Yes      No

If yes, what is that date or how is it calculated?

Does the contract provide a date by which a response to a payment claim must be given?      Yes      No

If yes, what is that date or how is it calculated?

Does the contract provide a date on which a claim for a progress payment may be made?      Yes      No

If yes, what is that date or how is it calculated?

**7. PAYMENT CLAIM DETAILS**

Payment claim date D D / M M / Y Y Y Y  
 /  /   /

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

Payment claim due date D D / M M / Y Y Y Y  
 /  /   /

Date the payment claim due for payment

Payment claim amount \$  + \$

Claim amount excluding GST GST if applicable

\$  .  TOTAL claim amount including GST

**8. PAYMENT SCHEDULE DETAILS**

Has the respondent given you a payment schedule?  Yes, attach copy  No

Payment schedule date D D / M M / Y Y Y Y  
 /  /   /

Payment schedule amount \$  + \$

Claim amount excluding GST GST if applicable

\$  .  TOTAL scheduled 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
- A copy of the payment schedule (if applicable) (including supporting statement 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)

**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 *Building Industry Fairness (Security of Payment) Act 2017*.
- 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 to the respondent.
- I understand that the approved application form constitutes all seven (7) pages of this document.

Signed by or on behalf of the claimant

Date   
 D  D /  M  M /  Y  Y  Y  Y

## ADJUDICATION FEES

EFFECTIVE 1 JULY 2022 – 30 JUNE 2023

 **Our fees and charges increase on 1 July each year. On 1 July 2022 our fees and charges were increased by 2.5% in line with Government's indexation policy. You can contact us to find out details about specific fees, charges or prices.**

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 \$10,611.85	\$62.22
For a payment claim for a progress payment of more than \$10,611.85 but no more than \$53,059.45	\$186.70
For a payment claim for a progress payment of more than \$53,059.45 but no more than \$106,118.85	\$311.19
For a payment claim for a progress payment of more than \$106,118.85 but no more than \$265,297.15	\$435.83
For a payment claim for a progress payment of more than \$265,297.15 but no more than \$530,594.30	\$560.27
For a payment claim for a progress payment of more than \$530,594.30 but no more than \$795,891.50	\$684.75
For a payment claim for a progress payment of more than \$795,891.50 but no more than \$1,156,245.65	\$809.29
For a payment claim for a progress payment of more than \$1,156,245.65	0.07428175% of the progress payment amount, up to a maximum of \$6,225.65

### 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