

**Building and Construction Industry Payments Act (QLD) 2004**  
**ADJUDICATION APPLICATION**

**The Institute of Arbitrators and Mediators, Australia**

**Level 23 Indus House, 127 Creek Street**

**BRISBANE QLD 4000**

**Phone Number: (07) 3220 2122**

**Fax Number: (07) 3220 2133**

**Email: qld.chapter@iama.org.au**

**FROM (CLAIMANT'S NAME)**

.....

ABN (where applicable): .....

Street Address:

.....

Postal Address:

.....

Phone Number:..... Fax: Number:.....

Email:.....

Claimant Type: (*ie. contractor, subcontractor, consultant, supplier, etc.*)

.....

Claimant Business Type: (*ie. painting & decorating, plastering, builder – (class), roof tiling, etc.*)

.....

BSA Licence No (where applicable):.....

**The claimant will serve a copy of this adjudication application (including all attachments) on the respondent on the same day as it is lodged with the Institute of Arbitrators and Mediators Australia. If it is not served on the same day the Applicant will **immediately** notify the Institute of Arbitrators and Mediators Australia of the date of service upon the respondent.**

The claimant hereby applies for adjudication under the *Building and Construction Industry Payments Act QLD 2004* of the referenced Payment Claim.

Signed (claimant): .....

Date: .....

**RESPONDENT'S DETAILS**

Respondent's Name:

.....

ABN (where applicable): .....

Street Address:

.....

Postal Address:

.....

Phone Number:..... Fax: Number:.....

Email:.....

Respondent Type: (*ie. contractor, subcontractor, consultant, supplier, etc.*)

.....

Respondent Business Type: (*ie. site works contractor, landscaping, earthmoving contractor, etc.*)

.....

BSA Licence No (where applicable):.....

---

**CONTRACT DETAILS**

Project Type: (*ie. earthmoving, townhouse, site clearance, roadwork, factory, shed, etc.*)

.....

Is the Contract subject to the provisions of the *Queensland Building Services Authority Act 1991*?

Yes / No

Project Location:

Suburb:..... State:..... Postcode:.....

Project Name / Contract Title: .....

.....

Contract Formation Date .....

---

**PAYMENT CLAIM DETAILS**

Payment claim amount: \$.....

Date payment claim served on respondent: .....

Due date for payment (date when payment is/was due to be made): .....

---

**PAYMENT SCHEDULE DETAILS**

Date payment schedule, if any, served on claimant: .....

Scheduled amount (amount that respondent proposes to pay): \$.....

---

**APPLICATION FEE**

There is no fee for applications, unless is it a fixed-fee application for a 'Simple' Adjudication – refer page 5

Claimed Amount (excl GST)	Fixed Fee (inclusive of GST)
Up to \$10,000	\$1,100
Up to \$20,000	\$2,200
Up to \$50,000	\$4,400

*(please complete payment details for a fixed-fee application in the section below)*

---

**ADJUDICATION APPLICATION SUBMISSIONS AND SUPPORTING DOCUMENTS**

- Provided with and forming part of this Adjudication Application are the Claimant's submissions and supporting documents (see *Adjudication Checklist* below for guidance).

---

APPLICATION/FIXED FEE PAYMENT OPTION ONLY (SEE PAGE 5 BELOW):

Please find enclosed payment of \$ ..... (inclusive of GST) for a fixed fee adjudication

- Cheque (made payable to *Institute of Arbitrators & Mediators, Australia*)

- Direct Debit/Electronic Funds Transfer:

Account Name: Institute of Arbitrators &amp; Mediators, Australia

Bank and Branch: National Australia Bank, 330 Collins Street, Melbourne

BSB Number: 083 004

Account Number: 682975533

- Credit Card (complete details below)

- Bankcard       MasterCard       Visa

Cardholder's Name: .....

Card Number: .....      Expiry Date: .....

Cardholder's Signature: .....

**ADJUDICATION APPLICATION CHECKLIST**  
**Notes for the guidance of the Claimant and Respondent**  
**(attach all documents to the application)**

1. In accordance with section 21 of the Act, the time for lodging an adjudication application is:
  - a. where the claimant received a payment schedule within 10 business days and the claimant disputes any reasons for non payment – 10 business days from the day of receipt of the payment schedule;
  - b. where the claimant received a payment schedule within 10 business days showing that an amount will be paid and the claimant did not seek adjudication and the amount was not paid on the due date for payment - 20 business days from the due date for payment;
  - c. where the claimant did not receive an initial payment schedule within 10 business days and the full amount of the payment claim was not paid on the due date for payment -
    - i. the claimant has 20 business days from the due date for payment to notify the respondent of the claimant's intention to apply for adjudication; and
    - ii. the respondent has 5 business days to provide a payment schedule; and
    - iii. the claimant has 10 business days after receipt of the payment schedule to make the application. If the respondent does not provide a payment schedule, the application must be made within 10 business days of the expiry of the 5 business days period provided to the respondent.
2. The claimant must include with the application the fee payable to the Authorised Nominating Authority. If the application fee does not accompany the application, the application is not valid (for fixed fee applications only).
3. The applicant should attach to the application copies of:
  - a. The construction contract (which may be a formal contract document, an exchange of letters, a quotation and acceptance or a record of an oral agreement) under which the payment claim is made;
  - b. The payment claim;
  - c. The payment schedule, if any (see Guidenote 1c for times where no payment schedule was provided within 10 business days of the claimant serving the payment claim on the respondent);
  - d. Any supporting documents (eg. certificates, test results, delivery dockets, invoices, photographs, statutory declarations, expert reports, written statements, etc);
  - e. A written submission by the claimant evidencing that the claimed amount is due and unpaid and evidencing the value of the work, materials or services for which payment is claimed. The submission must also respond to the reasons, if any, given by the respondent for not paying and must provide evidence or arguments to refute the respondent's grounds for withholding payment.
4. A copy of the adjudication application and all attachments or other things accompanying it must be served on the respondent at the same time as it is served upon the Authorised Nominating Authority.
5. The adjudication application may be served on the respondent in accordance with the Contract or it may be served in accordance with the Act. by delivering it :
  - a. in person to the respondent; or
  - b. by lodging it during normal business hours at the respondent's ordinary place of business; or
  - c. by sending it by post to the respondent's ordinary place of business; or
  - d. by sending it by facsimile to the respondent's ordinary place of business.

6. The respondent may lodge a response to the application only if the respondent served a payment schedule under the Act. The response may be served on the adjudicator on or before the latter of:
  - a. 5 business days after receiving a copy of the adjudication application; or
  - b. 2 business days after receiving notice of the adjudicator's acceptance of the adjudication application.
7. If within 4 business days after lodging the adjudication application, the claimant has not received an adjudicator's notice of acceptance of appointment, the claimant may, by notice in writing to the adjudicator or Authorised Nominating Authority, withdraw the adjudication application. The claimant may make a new adjudication application within 5 business days after the claimant becomes entitled to withdraw the previous adjudication application.

### **Fixed Fee 'Simple' Adjudications**

The Institute of Arbitrators and Mediators Australia do not charge an application fee for adjudication in Queensland but payment of fees for fixed-fee applications is to be made at the time of lodging an adjudication application.

We offer fixed-fee adjudication packages options for 'Simple' Adjudications (refer Page 5). These require payment to be included with your adjudication application. This 'one-of' payment includes all fees related to your adjudication including adjudicator fees and an adjudication certificate if required. Please select from the following:

<b>Fixed-fee 'Simple' Adjudications</b>	
<b><i>Claimed Amount (exclusive of GST)</i></b>	<b><i>Fixed Fee (inclusive of GST)</i></b>
Up to \$10,000	\$1,100
Up to \$20,000	\$2,200
Up to \$50,000	\$4,400

### **What is a 'Simple' Adjudication?**

A 'simple' adjudication must not have more than 2 (two) matters in dispute and claimant's submissions must not exceed 50 (12 font) A4 pages in length. 'Simple' adjudications must be able to be determined 'on the papers' *only*, ie. there must not be any need for a conference or inspection.

If the adjudicator, before accepting the nomination to adjudicate, deems the claimant's application contains issues (notwithstanding the amount claimed) that render it invalid for a fixed fee 'simple' adjudication, the adjudicator will advise the claimant of that decision and the claimant may request the adjudicator return the application to the ANA to reassign or alternatively, the claimant may agree with the adjudicator to proceed on an hourly rate basis (or an agreed increased fixed amount).

The Claimant should also note that the fixed fee adjudication application form provides that if the adjudicator, after accepting the nomination to adjudicate, deems the claimant's application contains issues (notwithstanding the amount claimed) that render it invalid for a fixed fee 'simple' adjudication, the adjudicator will not be bound by the fixed fee agreement and may charge for the conduct of the adjudication on an hourly rate basis. By lodging a fixed fee adjudication application the Claimant agrees to be bound those conditions.

### **Payment Claims over \$50,000 (exclusive of GST)**

ANA Application Fees:

The Institute of Arbitrators and Mediators Australia do no charge an application fee for adjudication in Queensland

Adjudicator Fees:

The adjudicator will charge an hourly rate of not more than \$300 per hour - excluding GST as well as any disbursements in relation to the adjudication.

Adjudication Certificate (if required)

\$275.00 (inclusive of GST)

This form is not mandatory and is provided to assist a claimant to make an adjudication application.