

Adjudication Application (Western Australia)

Made under the *Building and Construction Industry (Security of Payment) Act 2021 (WA)*

Please complete all details of this application where applicable			
Application scheme	Fixed fee <input type="checkbox"/>	Non-fixed fee <input type="checkbox"/>	
<p><i>Please refer to the relevant terms and conditions for each application scheme prior to making an application. The full details for each scheme are included as an appendix to this adjudication application and are available from our website (www.abcdrs.com.au)</i></p> <p><i>Please complete all applicable details below and take care particularly in regard to the business details of the respondent and the contract. All details must be correctly completed.</i></p>			
Claimant details			
Name of business <i>(and trading name if applicable)</i>			
Business address <i>(number, street, suburb, state and postcode)</i>			
Postal address			
Phone number			
Fax number			
Email address			
Contact person			
Claimant type <i>(please select one)</i>	Pty Ltd company <input type="checkbox"/>	Limited company <input type="checkbox"/>	Partnership <input type="checkbox"/>
	Sole trader <input type="checkbox"/>	Trust <input type="checkbox"/>	Incorporated association <input type="checkbox"/>
Claimant business type <i>(please select one)</i>	Trade contractor/ subcontractor <input type="checkbox"/>	General/main/ head contractor <input type="checkbox"/>	Project manager <input type="checkbox"/>
	Consultant <input type="checkbox"/>	Supplier <input type="checkbox"/>	Surveyor <input type="checkbox"/>
	Designer <input type="checkbox"/>	Developer/client <input type="checkbox"/>	Other <i>[describe]</i> <input type="checkbox"/>
Claimant trade <i>(i.e. building, tiling, development etc)</i>			
ABN / ACN <i>(provide both if applicable)</i>	ABN:	ACN:	

Respondent details			
Name of business <i>(and trading name if applicable)</i>			
Business address <i>(number, street, suburb, state and postcode)</i>			
Postal address			
Phone number			
Fax number			
Email address			
Contact person			
Respondent type <i>(please select one)</i>	Pty Ltd company <input type="checkbox"/>	Limited company <input type="checkbox"/>	Partnership <input type="checkbox"/>
	Sole trader <input type="checkbox"/>	Trust <input type="checkbox"/>	Incorporated association <input type="checkbox"/>
Respondent business type <i>(please select one)</i>	Trade contractor/ subcontractor <input type="checkbox"/>	General/main/ head contractor <input type="checkbox"/>	Project manager <input type="checkbox"/>
	Consultant <input type="checkbox"/>	Supplier <input type="checkbox"/>	Surveyor <input type="checkbox"/>
	Designer <input type="checkbox"/>	Developer/client <input type="checkbox"/>	Other <i>[describe]</i> <input type="checkbox"/> _____
Respondent trade <i>(i.e. building, tiling, development etc)</i>			
ABN / ACN <i>(provide both if applicable)</i>	ABN:	ACN:	

Contract and project details			
Project name			
Project address			
Project type <i>(e.g. building apartments)</i>			
Contract number			
Contract type <i>(Written, oral, part written / part oral)</i>			
Date contract formed			
Is the contract between a contractor and individual principal for home building work for a contract sum greater than \$500,000 (incl. GST)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not applicable (NOT HOME BUILDING WORK) <input type="checkbox"/>
Payment claim reference number			
Date of payment claim			
Date payment claim served on respondent			
Due date for payment			
Date notice of intent to apply for adjudication served on respondent <i>(if applicable, refer to section 28(2) of the Act)</i>			
Payment schedule served?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Date of payment schedule			
Date payment schedule served on claimant			
Payment claim amount <i>(inc GST)</i>			
Payment schedule amount <i>(inc GST)</i>			
Service of this application			
The date claimant served this application on the respondent OR the date claimant intends to serve this application <i>(including all submissions)</i>			

Application Checklist

Please make sure you consider the following items	
This application refers to a valid payment claim	<input type="checkbox"/>
This application is accompanied by a copy of the payment claim	<input type="checkbox"/>
This application is accompanied by a copy of the payment schedule <i>(if applicable)</i>	<input type="checkbox"/>
A copy of the relevant contract is included. If a written contract does not exist, a document referring to the terms of the verbal agreement	<input type="checkbox"/>
This application may also be accompanied by relevant submissions <i>(e.g. legal submissions, statutory declarations, emails, previous invoices, expert reports, faxes, other relevant communication)</i>	<input type="checkbox"/>
This application contains information regarding the service of documents on the respondent, including the payment claim, notice of intent to apply for adjudication as well as the adjudication application	<input type="checkbox"/>
If this application is subject to the fixed-fee adjudication regime, I have included my fixed fee with the application	<input type="checkbox"/>

Please note the following:

- The claimant **is required** to serve a copy of the adjudication application (including all attachments) to the respondent within 1 business day of making this application.
- The applicant will immediately notify the Authorised Nominating Authority of the date of service upon the respondent and provide evidence of service.
- Withdrawal of adjudication application prior to release of final decision will incur a charge on the **claimant**.

The claimant hereby applies for adjudication under section 29(1)(b) of the *Building and Construction Industry (Security of Payment) Act 2021* of the progress payment to be made in respect of the payment claim.

By signing this application, the claimant submits that all information entered above is correct, particularly with regard to contact and business details for both parties.

Signed <i>(claimant)</i> :		Date:	
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Terms and Conditions of Application (WA)

Please make yourself aware of the following terms and conditions for the adjudication regime you are applying under.

1. Prescribed maximum adjudication fees and expenses of adjudicators for payment claims up to \$50,000 (inc GST)

1.1. The prescribed maximum adjudication fee regime is shown in Table 1 below:

Table 1.

Band	Payment claim range	Maximum adjudication fees (inc GST & Disbursements charge)
1	Not more than \$5,000	\$900
2	More than \$5,000 but not more than \$15,000	\$1,500
3	More than \$15,000 but not more than \$20,000	\$2,750
4	More than \$20,000 but not more than \$25,000	\$3,300
5	More than \$25,000 but not more than \$40,000	\$5,500
6	More than \$40,000 but not more than \$50,000	\$7,250

1.2. The prescribed maximum fees shown above include:

1.2.1. The fees and expenses of the nominated adjudicator and the Authorised Nominating Authority (ABC DRS) charged at the adjudicator's published hourly rate up to the prescribed maximum fee.

1.2.2. Goods and Services Tax (GST).

1.2.3. Disbursements.

1.3. The applicable prescribed maximum fee must accompany the adjudication application and will be held in Trust.

1.4. In the event of withdrawal of an adjudication application, the outstanding fees will be calculated on the basis of work already completed by the adjudicator at the nominated adjudicator's hourly rate. If this calculation is less than the amount held in Trust, the claimant will be refunded the difference.

1.5. The prescribed maximum fee does not include costs incurred in arranging for a test or engaging an expert to investigate and report on any matter, as referred to in section 35(3)(d) and (e) of the Act.

2. Non-fixed fee adjudication

2.1. The following **fee schedule** is relevant to the non-fixed fee adjudication regime.

2.1.1. No application fee is required with non-fixed fee adjudication.

2.1.2. Adjudicator hourly rates are as per the adjudicator's published hourly rates on the DMIRS website.

2.2. Withdrawal of adjudication application.

2.2.1. In the event of withdrawal of an adjudication application, the outstanding fees will be calculated on the basis of work already completed by the adjudicator at the nominated adjudicator's hourly rate, disbursements at cost.

2.2.2. Where the claimant withdraws the adjudication application, the claimant will be responsible for and invoiced the adjudicator's fees and disbursements incurred up to the time of withdrawal. Otherwise, the parties will be liable for the fees incurred as determined by the adjudicator.

2.3. Release of adjudication decision.

2.3.1. Upon receiving notification of the adjudicator's decision, ABC DRS will provide both the claimant and the respondent with a tax invoice indicating the hours spent on the adjudication application, the relevant hours charged by the adjudicator, the disbursement costs regarding the application, and any other relevant fee regarding the processing of the adjudication by ABC DRS.

2.3.2. Subject to section 57(1) of the Act, the adjudication decision will not be released by ABC DRS until the relevant fees have been paid in full.

I confirm that I have read and understand all the relevant terms and conditions for the adjudication scheme under which I am applying.		
Signed:		Date:
Name:		

Submission of Application

This adjudication application must be served on ABC Dispute Resolution Service. It can be done in the following ways.

By post or delivery to any of the following addresses:

ABC DRS Queensland (Main) Office

Business/Courier Address:
ABC Dispute Resolution Service
Level 34, 1 Eagle Street, Brisbane QLD 4000

Postal address: ABC Dispute Resolution Service
PO Box 307, Waterfront Place, Brisbane QLD 4001
Phone number: 1300 857 383 Fax number: 1300 857 384
Office hours: 8.30 am to 5.00 pm (local time)
Email: contactus@abcdrs.com.au

ABC DRS Canberra Office

Business/Courier/Postal Address:
ABC Dispute Resolution Service
Level 1, The Realm, 18 National Circuit, Barton ACT 2600
Office hours: 8.30 am to 5.00 pm (local time)

ABC DRS New South Wales Office

Business/Courier/Postal Address:
ABC Dispute Resolution Service
Level 5, 115 Pitt Street, Sydney, NSW 2000
Office hours: 8.30 am to 5.30 pm (local time)

ABC DRS South Australia Office

Business/Courier/Postal Address:
ABC Dispute Resolution Service
Level 2, 70 Hindmarsh Square, Adelaide, SA 5000
Office hours: 8.30 am to 5.00 pm (local time)

ABC DRS Tasmania Office

Business/Courier/Postal Address:
ABC Dispute Resolution Service
Level 3, 85 Macquarie Street, Hobart, TAS 7000
Office hours: 8.15 am to 5.15 pm (local time)

Level 28, AMP Tower, 140 St Georges Terrace, Perth WA 6000
PO Box 307, Waterfront Place, Brisbane, QLD 4001
T: 1300 857 383 F: 1300 857 384 E: contactus@abcdrs.com.au
www.abcdrs.com.au



ABC DRS Western Australia Office

Business/Courier/Postal Address:
ABC Dispute Resolution Service
Level 28, AMP Tower, 140 St Georges Terrace, Perth WA 6000
Office hours: 8.45 am to 5.15 pm (local time)

Or by fax: To 1300 857 384

Or by email: contactus@abcdrs.com.au

Or: By uploading to ABC DRS file sharing platform on ABC DRS website at
'Send your adjudication application or adjudication response'

Fixed Fee Adjudication Tax Invoice

If you are nominating for **Fixed-fee adjudication**, ABC DRS requires an upfront payment of the adjudication fees.

Section 2 of the terms and conditions included with this application indicate the relevant fixed-fee costs. The fixed-fee costs are also available on www.abcdrs.com.au.

Please complete the following details. A fixed-fee adjudication application will be deemed invalid if upfront payment is not received with the application (as per the terms and conditions of application).

Payment method *(tick appropriate)*

<input checked="" type="checkbox"/>	Cheque (payable to ABC Dispute Resolution Service)
<input type="checkbox"/>	EFT (Bank details – ABC Dispute Resolution Trust Account BSB: 064 000 Account Number: 1423 6519) <i>Please send through remittance advice for proof of service</i>

Credit card *(tick appropriate)*

<input type="checkbox"/>	MasterCard	<input type="checkbox"/>	Visa
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Card details

Cardholder	
Card number	
Expiry date	
Amount	\$ (Please remember to include GST)
Signature	

Please note that all payments made via an accepted card will attract a 1.66% merchant fee.

**Once this form is completed, it will act as a tax invoice.
 Please retain for tax purposes.**