Level 1, The Realm, 18 National Circuit, Barton ACT 2600
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

ABCDRS
Australian Building & Construction Dispute Resolution Service

Adjudication Application (Australian Capital Territory)

Building and Construction Industry (Security of Payment) Act 2009

Please complete all details of this application where applicable		
Application scheme	Fixed fee ☐	Non-fixed fee ☐
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) ***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.***		

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

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

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Contract and project details		
Project name		
Project address		
Project type *(e.g. building apartments)*		
Contract number		
Contract type *(Written, oral, part written / part oral)*		
Date contract formed		
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 *(if applicable, refer to section 19(2)(a) of the Act)*		
Payment schedule served?	Yes ☐	No ☐
Date of payment schedule		
Date payment schedule served on claimant		
Payment claim amount *(inc GST)*		
Payment schedule amount *(inc GST)*		
Service of this application		
Adjudicator is required to serve a copy of the adjudication application on the respondent – claimant must provide an exact copy of the application to the ANA with this application		

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Application Checklist

Please make sure you consider the following items	
This application refers to a valid payment claim	☐
This application is accompanied by a copy of the payment claim	☐
This application is accompanied by a copy of the payment schedule *(if applicable)*	☐
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	☐
This application may also be accompanied by relevant submissions *(e.g. legal submissions, statutory declarations, emails, previous invoices, expert reports, faxes, other relevant communication)*	☐
This application contains information regarding the service of documents on the respondent, including the payment claim, notice of intent to apply for adjudication	☐
If this application is subject to the fixed-fee adjudication regime, I have included my fixed fee with the application	☐

Please note the following:

- According to section 21(2), the adjudicator is required to serve a copy of the adjudication application on the respondent; accordingly, the claimant must provide an exact copy of the application to the ANA with its adjudication application.
- 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 19 of the Building and Construction Industry (Security of Payment) Act 2009 of the progress payment to be made in respect to 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 *(claimant)*:		Date:	

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Terms and Conditions of Application (ACT)

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

1. Fixed-fee adjudication application

1.1. The fees for the fixed-fee adjudication regime are shown in Table 1 below:

Table 1.

Band	Payment claim range	Adjudication fee	**Total adjudication fees (inc GST & Disbursements charge)**
1	0 – 6,500	700.00	**770.00**
2	6,501 – 15,000	1,050.00	**1,155.00**
3	15,001 – 25,000	2,050.00	**2,255.00**
4	25,001 – 40,000	3,150.00	**3,465.00**
5	40,001 – 60,000	4,150.00	**4,565.00**
6	60,001 – 100,000	5,650.00	**6,215.00**

1.2. The fixed fees shown above include:

1.2.1. The fees and expenses of the nominated adjudicator and the Authorised Nominating Authority (ABC DRS).

1.2.2. The cost of an adjudication certificate, if required.

1.2.3. Goods and Services Tax (GST).

1.2.4. Disbursements up to the value of $50.00 excluding GST for fixed fee bands 1 through to 6 (see above table).

1.3. The payment for fixed-fee adjudication must accompany the adjudication application. If payment is not forthcoming with the adjudication application, the adjudication application will be deemed to come under the regular non-fixed ABC DRS adjudication rates.

1.4. The payment of fixed-fee adjudication is non-refundable, except in the cases as explained in term 1.7 herein, or pursuant to section 34(2) of the Building and Construction Industry (Security of Payment) Act 2009.

1.5. 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, plus a $300.00 (excluding GST) ANA administrative withdrawal fee. If this calculation is less than the upfront fixed fee, the claimant will be refunded the difference.

1.6. Fixed-fee adjudication does not include any costs associated with conducting a conference or inspections. While the requirement for a conference or inspection occurring pursuant to the adjudication process is rare, if this requirement arises, the fees associated with this requirement will be charged in accordance with the nominated adjudicator's hourly rate.

1.7. ABC DRS reserves the right at its sole discretion to ultimately decide whether an application purporting to come under fixed-fee adjudication qualifies for fixed-fee adjudication. This decision will be based upon complexity of issues, numbers of matters in dispute and the extent of documentation submitted.

1.7.1. ABC DRS will confirm to both the claimant and respondent in writing whether or not an application purporting to come under fixed-fee adjudication qualifies for fixed-fee adjudication.

1.7.2. If ABC DRS decides an application purporting to come under fixed-fee adjudication ***does not qualify*** for fixed-fee adjudication, ABC DRS will inform ***the claimant*** of this fact in writing.

1.7.3. In the situation where ABC DRS decides an application does not qualify for fixed-fee, the claimant may withdraw the application by notice in writing to ABC DRS. However, the claimant may elect to have the adjudication continue under normal ABC DRS non-fixed fee adjudication rates.

1.7.4. This notice must be received within one (1) business day of being informed that the application is not suitable for fixed-fee adjudication. If this notice is not received, ABC DRS will move to appoint an adjudicator under normal ABC DRS non-fixed fee adjudication rates.

1.8. Disbursements, such as postage, copying, faxing, courier, and other miscellaneous costs, are charged at cost.

1.8.1. For payment claims that fall under bands 1 through to 6 (refer to Table 1 above): If the value of disbursements exceeds $50.00 (excluding GST) on any adjudication application, the parties will be liable for the amount in excess. Payment of these costs is a precondition to the release of the adjudication decision.

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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 follows:

2.1.2.1. Grade 1 – $250.00 excluding GST

2.1.2.2. Grade 2 – $325.00 excluding GST

2.1.2.3. Grade 3 – $400.00 excluding GST

2.1.3. The Adjudication certificate fee is $200 excluding GST.

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, plus a $300.00 (excluding GST) ANA administrative withdrawal fee.

2.2.2. The claimant will be responsible for and invoiced the adjudicator's fees and disbursements incurred at time of withdrawal including the administrative withdrawal fee.

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. 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:	

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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 Northern Territory Office

Business/Courier/Postal Address:
ABC Dispute Resolution Service
Darwin Innovation Hub, Level 1
48-50 Smith Street Mall, Darwin NT 0800
Office hours: 8.00 am to 5.00 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)

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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)

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: [By prior arrangement only – please call] to **contactus@abcdrs.com.au**

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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

☐	EFT (Bank details – ABC Dispute Resolution Service BSB: 064 000 Account Number: 1370 7577) *Please send through remittance advice for proof of service*

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