

Application for Review of Adjudication (Respondent)

Building and Construction Industry Security of Payment Act 2002 (VIC)

Please complete all details of this application where applicable

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.ricsdrs.com.au)

Please complete all applicable details below and take care particularly in regards to the business details of the respondent and the contract. All details must be correctly completed.

Respondent Details (Review Applicant)

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	<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 (please select one)	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 [Describe]	<input type="checkbox"/>
Respondent Trade (i.e. building, tiling, development etc)						
ABN / ACN (Provide both if applicable)	ABN:		ACN:			



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Claimant Details (<i>Review Defender</i>)		
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 <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 (please select one)	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 [Describe] <input type="checkbox"/>
Claimant Trade (i.e. building, tiling, development etc)		
ABN / ACN (Provide both if applicable)	ABN:	ACN:
Determination Details		
Adjudication Application Reference Number		
Adjudicator		
Date of adjudication determination		
Date of adjudication determination served on claimant		
Date of adjudication determination served on respondent		



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<p>Has the respondent paid the claimant the adjudicated amount? <i>(not including the amount that should have been allegedly excluded)</i></p>	
<p>Has the respondent paid the claimant the alleged excluded amount into a designated trust account? <i>(if so, please include details of this)</i></p>	
<p>Amount that the adjudicator excluded for the original adjudication determination</p>	
<p>Service of this application</p>	
<p>The date respondent served this application on the claimant OR the date respondent intends to serve this application. (including all submissions)</p>	


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Application Checklist

Please make sure you consider the following items		
Is the application served within five (5) business days of the initial adjudication determination?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
This application may also be accompanied by relevant submissions (e.g. legal submissions, statutory declarations, emails, previous invoices, expert reports, faxes, other relevant communication)	<input type="checkbox"/>	
The respondent may only make an application if there was a payment schedule to the claimant within the time specified in section 15(4) or s.18(2)	<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 adjudication review fee adjudication regime, I have included my review fee with the application.	<input type="checkbox"/>	

Please Note the following:

- The respondent **is required** to serve a copy of the review application (including all attachments) on the respondent.
- If it is not served on the same day the Applicant will immediately notify the Authorised Nominating Authority of the date of service upon the claimant and provide evidence of service.
- Withdrawal of adjudication application prior to release of final decision will incur a charge on the **respondent**.

The respondent hereby applies for review adjudication application under section 28B of the Building and Construction Industry Security of Payment Act 2002.

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

Signed (claimant):

Date: _____



Terms & Conditions of Review of Adjudication (VIC)

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

1. Review of Adjudication

- 1.1. The following **fee schedule** is relevant to the review of adjudications.
 - 1.1.1. Review of Adjudication application fee: \$2,200 excluding GST to be paid at the time of the application.
 - 1.1.2. Adjudicator hourly rates are as follows:
 - 1.1.2.1. Senior Adjudicator - \$325.00 per hour excluding GST
 - 1.1.3. The Adjudication Certificate Fee is \$200 excluding GST.
 - 1.1.4. Disbursements are charged at cost price.
- 1.2. Withdrawal of adjudication application.
 - 1.2.1. 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, plus a \$220.00 (including GST) ANA administrative withdrawal fee.
- 1.3. Release of adjudication decision.
 - 1.3.1. Upon receiving notification of the adjudicator's decision, the RICS 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 the RICS DRS.
 - 1.3.2. The adjudication decision will not be released by the RICS 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.



Signature

Date:

Submission of Application

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

By post or delivery to either of the following addresses:

DRS Main Office	RICS Oceania Office/RICS VIC Office
<p>Business/Courier Address: RICS Dispute Resolution Service Level 3, Waterfront Place 1 Eagle Street, Brisbane, QLD, 4000.</p> <p>Postal: RICS Dispute Resolution Service PO Box 7815 Waterfront Place, Brisbane, QLD, 4001</p>	<p>Business/Courier/Postal Address: RICS Oceania Suite 2, Level 16 1 Castlereagh Street, Sydney, NSW 2000</p> <p>Business/Courier/Postal Address: C/- Arrus Knoble Suite 510 530 Little Collins Street Melbourne, VIC, 3000</p>

Or by fax: To 1300 953 529

Or by email: [By prior arrangement only – please call] to submissions@ricsdrs.com.au


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Application for Review of Adjudication Tax Invoice

RICS DRS require an upfront payment of the review adjudication application fee.

Section 1 of the terms and conditions included with this application indicate the relevant fixed fee costs. The fixed fee costs are also available on www.ricsdrs.com.au.

Please complete the following details. A review adjudication application fee 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)

- Cheque (payable to RICS Dispute Resolution Service)
- EFT (Bank Details - ANZ BSB: 012 003 Account Number: 481694188)
Please send through remittance advice for proof of service

Credit Card

- Mastercard
- Visa
- Amex

Card Details

Cardholder

Card number

Expiry date /

Amount \$ **(Please remember to include GST)**

Signature

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

Please note that all payments made via Visa/Mastercard will attract a 2.5% credit card fee and AMEX 3.5% credit card fee.