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Dispute Resolution Service

Adjudication Application (Western Australia)

Made under the *Construction Contracts Act 2004* (Western Australia)

| Please complete all details of this application where applicable | | | |
|---|---|---|--|
| Applicable Application Fee (payment claim value inc. GST) | Claim Value (\$) | | Application Fee |
| | 0 – 200,000 | <input type="checkbox"/> | \$220.00 inc. GST |
| | 200,001 – 500,000 | <input type="checkbox"/> | \$330.00 inc. GST |
| | 500,001 – 1 Million | <input type="checkbox"/> | \$440.00 inc. GST |
| | Above 1 Million | <input type="checkbox"/> | \$660.00 inc. GST |
| <p><i>Please refer to the relevant terms and conditions prior to making an application including any liability for additional costs. The full details 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.</i></p> | | | |
| Applicant 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 | | | |
| Applicant 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"/> |
| Applicant 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"/> |
| Applicant Trade (i.e. building, tiling, development etc) | | | |

RICS Dispute Resolution Service

Level 19
Waterfront Place
1 Eagle Street
Brisbane QLD 4000

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submissions@ricsdrs.com.au
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ABN 18 089 873 067

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| | | | |
|---|---|---|--|
| ABN / ACN (Provide both if applicable) | ABN: | ACN: | |
| 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 <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: | |
| Contract and Project Details | | | |
| Project Name | | | |
| Project Address | | | |
| Project Type (e.g. building apartments) | | | |
| Contract Number | | | |
| Contract Type (Written, Oral, Part Written / Part Oral) | | | |

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| | | |
|---|------------------------------|-----------------------------|
| Date Contract Formed | | |
| Payment Claim Reference Number | | |
| Date of Payment Claim | | |
| Date Payment Claim served on Respondent | | |
| Due Date for Payment | | |
| Notice of Dispute (tick if applicable) | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Date of Notice of Dispute | | |
| Date Notice of Dispute served on Applicant | | |
| Payment Claim Amount (inc GST) | | |
| Notice of Dispute Amount (inc GST) | | |
| Service of this application | | |
| The date applicant served this application on the respondent OR the date applicant intends to serve this application. (including all submissions) | | |

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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"/> |
| Was a Notice of Dispute issued? | <input type="checkbox"/> |
| This application is accompanied by a copy of the Notice of Dispute. | <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 (E.g. legal submissions, statutory declarations, emails, previous invoices, expert reports, faxes, other relevant communication). | <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"/> |

Please Note the following:

- The Applicant **is required** to serve a copy of the adjudication application (including all attachments) to the respondent.
- If it is not served on the same day the Applicant will immediately notify the Prescribed Appointor of the date of service upon the respondent and provide evidence of service.

The applicant hereby applies for adjudication under section 26 of the *Construction Contracts Act 2004* of **the progress** payment to be made in respect to the payment claim.

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

Signed (applicant):

Date: _____

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Terms & Conditions of Application (WA)

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

1.1. Adjudication Application Fee The following fee schedule is based on the value of the payment claim inc GST

1.1.1. Application fees are as follows:

- 1.1.1.1. For payment claim amounts from \$0 – \$200,000 the application fee is \$220.00 inclusive GST
- 1.1.1.1.2. For payment claim amounts from \$200,001 – \$500,000 the application fee is \$330.00 inclusive GST
- 1.1.1.1.3. For payment claim amounts from \$500,001 to \$1,000,000 the application fee is \$440.00 inclusive GST
- 1.1.1.1.4. For payment claim amounts above \$1,000,000 the application fee is \$660.00 inclusive GST

1.1.2. The Certificate of Determination is \$220.00 inclusive GST.

1.1.3. Disbursements are charged at cost price (e.g. the posting, faxing of couriering of any documentation to the adjudicator).

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:



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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:

So we can process your application efficiently please contact us prior to lodging any application at our Perth office either on email via (contact@ricsdrs.com.au) or phone us on 1300 953 459.

| DRS Main Office | RICS Oceania Office |
|---|--|
| Business/Courier Address: RICS Dispute Resolution Service Level 19, Waterfront Place 1 Eagle Street, Brisbane, QLD, 4000. Postal: RICS Dispute Resolution Service PO Box 7815 Waterfront Place, Brisbane, QLD, 4001 | Business/Courier/Postal Address: C/ - RICS Oceania Level 24 Allendale Square 77 St. Georges Terrace Perth, WA, 6000 |

Or by fax: To 1300 953 529

Or by email: [By prior arrangement only – please call 1300 953 459] to submissions@ricsdrs.com.au

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Application Fee Tax Invoice

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

Please complete the following details. The 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)ⁱ

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 these is a merchant fee in addition to the application fee of 2.5% for all credit card transactions.

ⁱ When paying for adjudication via EFT please also attach the bank transmittal of this transaction.