

REQUEST FOR AN ADJUDICATION CERTIFICATE
Building and Construction Industry Security of Payment Act 2009 (SA)

The Claimant requests Adjudicate Today to provide an Adjudication Certificate under Section 23 of the *Building and Construction Industry Security of Payment Act 2009 (SA)*.

**The Claimant must ensure all details are correct and complete.
 Full payment of the applicable fee is required prior to Adjudicate Today processing this request.**

Adjudicated amount	Up to \$15 000	\$15 001 to \$40 000	\$40 001 to \$750 000	Over \$750 000
Fee (incl GST)	\$110	\$330	\$550	\$825

Section 1			
Adjudication Application No.:			
Claimant Name:			
Claimant Address:			
Claimant ACN:		Claimant ABN:	
Respondent Name:			
Respondent Address:			
Respondent ACN:		Respondent ABN:	
Adjudicator:		Date of Determination:	
Due Date for Payment: <small>(as shown on Determination)</small>			
Adjudicated Amount: <small>(as shown on Determination)</small>		Amount of Adjudicated Amount unpaid: <small>(as at today's date)</small>	
Adjudicate Today serves a copy of the Determination on both Parties. The Claimant may also opt to serve a copy of the Determination on the Respondent. If the Claimant served a copy, what is the date of receipt of the Determination by the Respondent? <small>(Note: s.33 of the Acts Interpretation Act 1915 (SA) provides that service by post is taken to have been effected at the time at which the letter would be delivered in the ordinary course of post).</small>			

Section 2	
<i>The Claimant MAY request Adjudicate Today to specify in the Adjudication Certificate the amount of interest payable (if any) arising from the Determination of the Adjudicator.</i>	
<input type="checkbox"/> I do not wish to include interest <input type="checkbox"/> I wish to include interest and all sections below have been completed	
In respect of the Adjudicated Amount, the Claimant has received these amounts on these dates: <small>(if no payment was received – insert "Nil")</small>	\$ _____ on ____/____/____ \$ _____ on ____/____/____
The rate of interest determined by the Adjudicator is: <small>(see Section 2 Guidance Notes)</small>	%
The total amount of interest due at the date of this application is*:	\$
The amount of interest due daily is:	\$
*Please attach a schedule demonstrating how you have calculated the interest amount. An example calculation appears on Page 3.	

Section 3

The Claimant is entitled to recover the Respondent's share of any adjudication fee paid by the Claimant. In order to recover the Respondent's share, please provide the following particulars.

I do not wish to include the Adjudicator's fees
 I wish to include the Adjudicator's fees and all sections below have been completed

Fees and expenses payable

Adjudicator fees and expenses:	\$
Adjudication Certificate fees:	\$
Total fees and expenses payable:	\$
Total fees and expenses paid by Claimant:	\$
Proportion which the Adjudicator determined must be paid by the Respondent:	%

Payment

Payment is required for the adjudication certificate in accordance with the fee schedule on page 1 of this form. Please note that payment **must clear in the Adjudicate Today bank account** before the certificate can be issued.

Please select:

The funds will be transferred via electronic transfer into the following account:
BSB : 082 057 Account number: 57150 0017 Account name: Adjudicate Today Pty Limited
 The transfer receipt will be either emailed to sa@adjudicate.com.au

I will call Adjudicate Today on 1300 760 297 to pay by credit card.
***Please note that a surcharge will be applied to payments made by credit/debit card.**

The address that the Adjudication Certificate should be express posted to

To be sent to address on page 1 of this form
 To be sent to the address indicated below

Company Name:		Contact Name:	
Address:		Suburb:	
State:		Postcode:	

Declaration

I am:
 the Claimant
 an authorised representative of the Claimant

Signature:		Date:	
Print Name:		Phone:	

Please refer to Section 1 of the Guidance Notes for information regarding when a Request for an Adjudication Certificate may be made

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Request for an Adjudication Certificate Guidance Notes

Section 1

1. The request must be lodged with the Authorised Nominating Authority which nominated the Adjudicator.
2. The request cannot be made before the expiration of either 5 business days after the Adjudicator's Determination was served on the Respondent or immediately after a later date (determined by the Adjudicator) as the date on which the progress payment became payable.
3. The request cannot be made unless the whole or part of the Adjudicated Amount remains unpaid at the date of the request.
4. The request must be accompanied by the fee charged by the Authorised Nominating Authority for issue of the Adjudication Certificate.

Section 2

1. Interest **will not** be included in the Adjudication Certificate unless the Claimant completes Section 2.
2. Interest must be calculated at the rate determined by the Adjudicator in the Adjudication Determination. Interest is simple interest unless the Adjudicator has determined otherwise.
3. In calculating interest, the date upon which the progress payment became payable (as determined by the Adjudicator) should not be included but the date of this application should be included.
4. In respect of the amount determined by the Adjudicator, interest should be calculated only on unpaid amounts as at the date of the Request for an Adjudication Certificate.
5. The interest rate determined by the Adjudicator **does not** apply to adjudication fees.
6. Any interest calculation which covers two or more periods, must be shown as a separate interest calculation.
7. The formula which may be used to calculate simple interest payable is as follows:

Formula

$$\begin{array}{ccccccc} \text{Adjudicated} & \times & \text{Number of days since} & \div & 365^* & \times & \text{Rate of} \\ \text{Amount (incl any} & & \text{due date for} & & & & \text{Interest} \\ \text{GST)} & & \text{payment} & & & & = \\ & & & & & & \text{Interest} \\ & & & & & & \text{Due} \end{array}$$

Example

$$\begin{array}{ccccccc} \$100,000 & \times & 31 & \div & 365 & \times & 6.00\% \\ & & & & & & = \\ & & & & & & \$509.59 \end{array}$$

*366 for leap year calculations

Rate Prescribed under the *Supreme Court Act 1935*

The *Supreme Court Act 1935* at section 114 states "All money, including costs, payable under any judgment or order shall bear interest at the rate from time to time prescribed by the rules of court".

Rules of the court from 1 July 2010 to 17 May 2020*

Rule 217 of the *Supreme Court Civil Supplementary Rules 2014* reads as follows:

"(i) in respect of the period from 1 January to 30 June or part of that period in a year, the cash rate of interest last set by the Reserve Bank of Australia before that 1 January, plus 6 percent per annum; and

(ii) in respect of the period from 1 July to 31 December or part of that period in a year, the cash rate of interest last set by the Reserve Bank of Australia before that 1 July, plus 6 percent per annum."

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Therefore, the rate prescribed under the *Supreme Court Act 1935* during this period varies as the cash rate changes. The Claimant may consider reviewing the Reserve Bank of Australia website at <https://www.rba.gov.au/> to satisfy itself of the relevant rate of interest.

Rules of the court from 18 May 2020 to date*

The Uniform Civil Rules 2020 at Section 185.1(1) reads as follows:

- (1) *Subject to subrule (2), interest on a judgment accrues on and after the commencement date at the rate of 6 per cent per annum.*
- (2) *The Chief Judicial Officer may from time to time prescribe another rate of interest in respect of a period from not earlier than the first anniversary of the commencement date onwards.*
- (3) *The Registrar must publish all adjustments made under subrule (2) on the CAA website.*

The following table provides what Adjudicate Today understands is the relevant interest rate under the *Supreme Court Act 1935* for certain periods:

PERIOD	INTEREST RATE (%)*
1/07/19 to 31/12/19♦	7.25
1/01/20 to 17/05/20♦	6.75
18/05/20 to date*	6.00

*** In all cases, the Claimant MUST make its own enquiries to satisfy itself of the relevant rate of interest.**

Section 3

1. If the Claimant has paid the Respondent's share (or part of the Respondent's share) of the fees of the Authorised Nominating Authority and/or the Adjudicator, the Claimant should complete Section 3.
2. Adjudication fees **will not** be included in the Adjudication Certificate unless the Claimant completes Section 3.

Declaration

1. The Claimant must complete the declaration on Page 2 of the Application Form.
2. If the Claimant is a company then an officer duly authorised by the company should complete the Application Form.