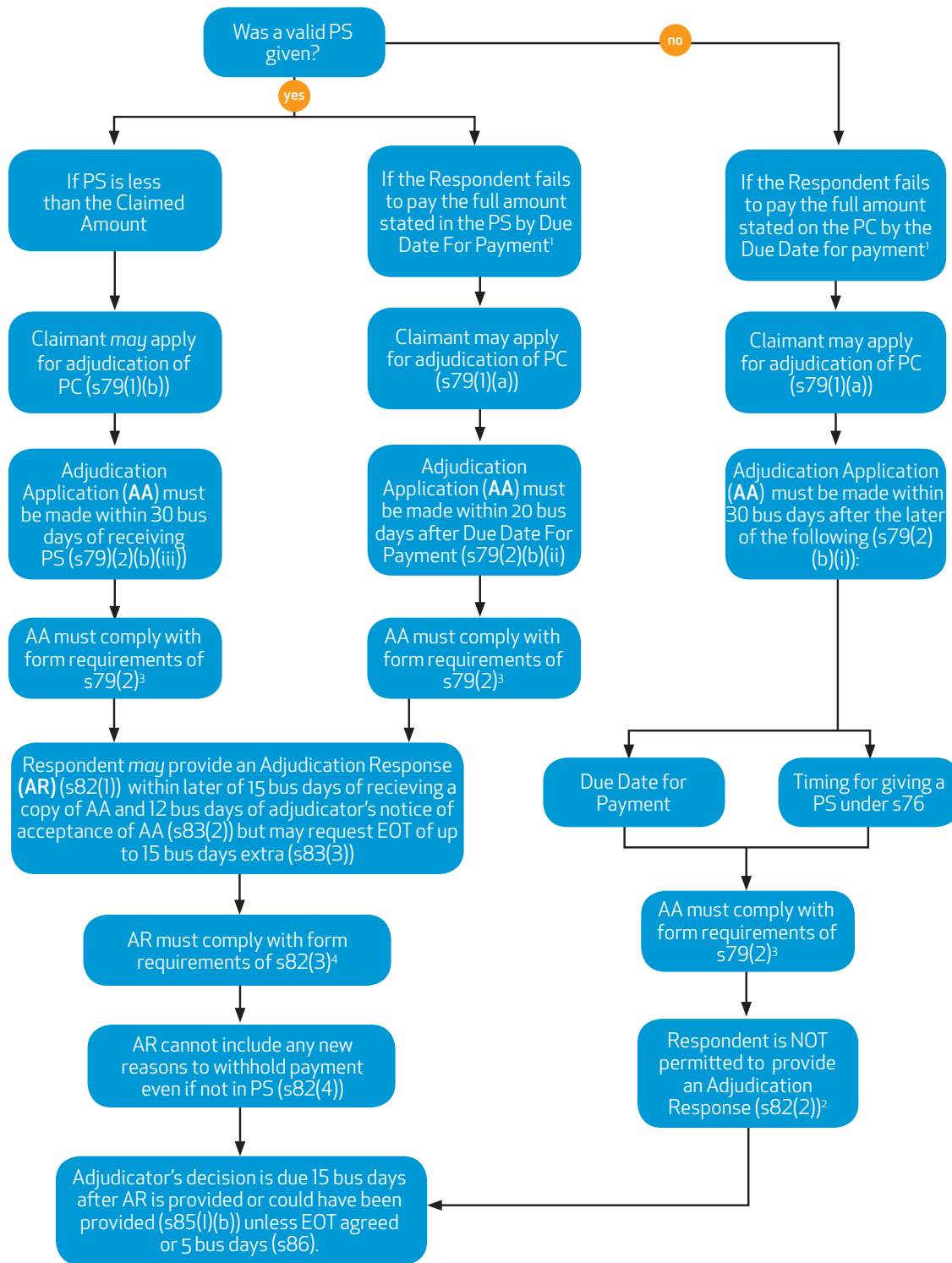


Adjudication Applications (BIF Chapter 3)

Complex Payment Claims (Payment Claim > \$750,000 incl. GST.)



¹ Section 73 BIF says that the Due Date for Payment is as set out in the contract, unless that provision is void because it is a "paid when paid" provision or if it exceeds the limits provided in s67U or s67W QBCC Act i.e. 15 business days for a head contract payment or 25 business days for a subcontract payment. Note that the 'business day' definition in the QBCC Act is different to the BIF Act. If the contract is silent on payment timeframes or the provision in the contract is void or exceeds those limits, then it is 10 business days after the Payment Claim is given.

² Notwithstanding that the Respondent is not permitted to give an Adjudication Response in relation to a Payment Claim unless a valid Payment Schedule was served, the Respondent is permitted to make submissions (in the form of an Adjudication Response or otherwise) in relation to the jurisdiction of the adjudicator to make a decision under the BIF.

³ Section 79(2) BIF says that the Adjudication Application must be in writing in the approved form, must identify the Payment Claim and the Payment Schedule (if any) to which it relates, must be accompanied by the fee prescribed by regulation for the application, and may include submission relevant to the application that the claimant chooses to include. A copy of the Adjudication Application must be given to the Respondent.

⁴ Section 82(3) BIF says that the Adjudication Response must be in writing, must identify the Adjudication Application to which it relates, and may include the submissions relevant to the response that the Respondent chooses to include.

⁵ Section 86(1) provides that the Claimant and the Respondent may agree in writing that the adjudicator has additional time to decide the application. If no agreement is reached, the adjudicator can grant an extension of 5 business days.