

# BUILDING & CONSTRUCTION INDUSTRY SECURITY OF PAYMENT ACT 1999 NSW FLOWCHART PAYMENT SCHEDULE SERVED



Reference Date

Claimant prepares & serves Payment Claim

Respondent provides a Payment Schedule within 10 business days after service of Payment Claim or such shorter period as provided by the construction contract

Claimant disputes Payment Schedule

Claimant does not dispute Payment Schedule

Claimant has 10 business days to prepare & serve Adjudication Application from either receipt of Payment Schedule or after s.17(2) Notice has expired, if applicable

Claimant serves Adjudication Application on Adjudicate Today and Respondent

Claimant has 20 business days to prepare & serve Adjudication Application from Due Date for Payment

Full or any part of Scheduled Amount not paid by Due Date

Full Payment made by Due Date

Claimant may serve Payment Withholding Request on Principal Contractor

Claimant may suspend work on giving 2 business days notice

Respondent has 5 business days to prepare & lodge Adjudication Response from receipt of Application from the Claimant or 2 business days after receiving notice of Adjudicators' acceptance of the Application, whichever is the later

Full adjudicated amount, including any interest & adjudication fees paid

Payment Process under Act Complete

Respondent serves Adjudication Response on Adjudicate Today and Claimant

Court Registrar enters Judgement of Adjudication Certificate. Enforcement of Court Decision

The Adjudicator has 10 business days from the date of acceptance of the Application to determine it. Time may be extended by agreement of both parties.

Claimant applies for and obtains Adjudication Certificate from Adjudicate Today

Adjudication Determination

Claimant may suspend work on giving 2 business days notice

Respondent must pay any adjudicated amount either within 5 business days of service of Determination on Respondent or by due date of payment, whichever is the later

Respondent does not pay full or any part of adjudicated amount, including any adjudication fees & interest

Legend for Flowchart Activities:

Major Milestone

Claimant Action

Respondent Action

Process Information

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