BUILDING & CONSTRUCTION INDUSTRY SECURITY OF PAYMENT ACT 1999
NSW FLOWCHART - Contracts made on or after 21 October 2019

adjudicate today
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Resolving Building and Construction Disputes

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Claimant prepares & serves Payment Claim on or from the last day of the named month, or earlier date if provided by contract

Respondent has 10 business days after receipt of the Payment Claim (or shorter period if provided by construction contract) to prepare & serve a Payment Schedule

Pink background on flowchart = Payment Schedule NOT served process

Blue background on flowchart = Payment Schedule served process

Respondent FAILS to serve a Payment Schedule on Claimant within time. [In this case follow the flowchart steps with the PINK and YELLOW background]

- OR -

Respondent serves a Payment Schedule on Claimant within time. [In this case follow the flowchart steps with the BLUE and YELLOW background]

Full or any part of claimed amount NOT paid by Due Date for Payment

- OR -

Full Payment made by Due Date for Payment. Process under the Act complete

Claimant chooses Adjudication as faster and cheaper alternative to court action

Claimant may also suspend work on giving 2 business days notice

Claimant has 20 business days from Due Date for Payment to prepare & serve Adjudication Notice, also known as s.17(2) notice, re no Payment Schedule

Respondent has 5 business days from receipt of Adjudication Notice [s.17(2) notice] to prepare & serve Payment Schedule

Respondent does not serve Payment Schedule within 5 business days of receipt of the Adjudication Notice [s.17(2) notice]

- OR -

Respondent serves Payment Schedule within 5 business days. As Payment Schedule now issued, process reverts to "Payment Schedule Served"

Claimant has 10 business days after expiry of the 5 business days given by the Adjudication Notice to prepare & serve the Adjudication Application on Adjudicate Today & Respondent

Claimant may serve Payment Withholding Request on Principal Contractor

Respondent has no right to serve an Adjudication Response as did not serve a Payment Schedule within 5 business days of receipt of the Adjudication Notice [s.17(2) notice]

Claimant accepts Payment Schedule

- OR -

Claimant disputes Payment Schedule

Full or any part of scheduled amount NOT paid by Due Date for Payment

- OR -

Full Payment made by Due Date for Payment. Process under the Act complete

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

Claimant may also suspend work on giving 2 business days notice

Claimant has 10 business days to prepare & serve the Adjudication Application on Adjudicate Today & Respondent from date of receipt of the Payment Schedule. However if an Adjudication Notice [s.17(2)] was served, the time is 10 business days after expiry of the 5 business days given by that Notice

Respondent has 5 business days to prepare & serve the Adjudication Response on Adjudicate Today & Claimant from receipt of Adjudication Application from Claimant or 2 business days after receiving notice of the Adjudicator's acceptance of the Application, whichever is the later

Adjudication Determination
The Adjudicator has 10 business days to determine the Adjudication Application from the date of receipt of the Adjudication Response or the date the Response would have been due or, if the Respondent has no right to serve a Response, 10 business days after the Claimant and Respondent received notice of the Adjudicator's acceptance of the Adjudication Application. Time may be extended by agreement of both parties

Respondent must pay any adjudicated amount either within 5 business days of service of the Determination on the Respondent or by Due Date for Payment, whichever is the later

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

- OR -

Full adjudicated amount, including interest & adjudication fees, paid. Payment Process under the Act complete

Claimant may suspend work on giving 2 business days notice

Claimant applies for and obtains Adjudication Certificate from Adjudicate Today

Court Registrar enters Judgement of Adjudication Certificate. Enforcement of Court Decision. Payment Process under the Act complete

Legend for Flowchart Activities:

Pink background = Payment Schedule NOT Served process

Blue background = Payment Schedule Served process

Light yellow background = Adjudication & Enforcement process

Claimant Action

Respondent Action

Major Milestone