BUILDING AND CONSTRUCTION INDUSTRY (SECURITY OF PAYMENT) ACT 2021 WEST AUSTRALIA FLOWCHART - Contracts made on or after 1 AUGUST 2022 adjudicate today Adjudicate Today Pty Ltd Claimant prepares & serves Payment Claim on Level 28, AMP Tower, or from the last day of the named month, or 140 St Georges Terrace Perth W.A. 6000 earlier date if provided by contract Ph: 1300760297; Fax:1300760220 Email: wa@adjudicate.com.au Resolving Building and Construction Disputes Respondent has 15 business days after receipt of the Payment Claim (or shorter Blue background on flowchart period if provided by construction contract) Pink background on flowchart to prepare & serve a Payment Schedule = Payment Schedule served process = Payment Schedule NOT served process Respondent FAILS to serve a Payment Respondent serves a Payment Schedule Schedule on Claimant within time. on Claimant within time. OR [In this case follow the flowchart steps [In this case follow the flowchart steps with the PINK and YELLOW background with the BLUE and YELLOW background] Full Payment made by Due Full or any part of claimed Claimant accepts Payment Claimant disputes Payment amount NOT paid by Due OR Date for Payment. Process OR -Schedule Schedule under the Act complete Date for Payment Claimant chooses Claimant may also suspend ull or any part of scheduled Full Payment made by Due Adjudication as faster and amount NOT paid by Due - OR work on giving 2 business Date for Payment. Process cheaper alternative to court days notice Date for Payment under the Act complete action Claimant has 20 business days from Claimant has 20 business Respondent has 5 business Due Date for Payment to prepare days from Due Date for days from receipt of & serve Adjudication Application on Claimant may also Payment to prepare & serve Adjudication Notice [s.28(2) suspend work on giving Adjudicate Today. The Application Adjudication Notice, also known as s.28(2) notice, re no Payment Schedule must be served on the Respondent 2 business days notice notice] to prepare & serve Payment Schedule within 1 further business day from Adjudicator's receipt Claimant has 20 business days from date of Respondent serves Payment Schedule Respondent does not serve Payment receipt of the Payment Schedule to prepare Schedule within 5 business days of within 5 business days. As Payment & serve the Adjudication Application on OR -Schedule now issued, process reverts to receipt of the Adjudication Notice Adjudicate Today. The Application must be "Payment Schedule Served" [s.28(2) notice] served on the Respondent within 1 further business day from Adjudicator's receipt Claimant has 20 business days after expiry of the 5 However if an Adjudication Notice [s.28(2)] business days given by the Adjudication Notice to prepare was served, the time is 20 business days & serve the Adjudication Application on Adjudicate Today. after expiry of the 5 business days given by The Application must be served on the Respondent within that Notice 1 further business day from Adjudicator's receipt Respondent has 10 business days to prepare & serve the Respondent has no right to serve an Adjudication Response on Adjudicate Today from receipt of Adjudication Response as did not serve a Payment Adjudication Application from Claimant. The Response must Schedule within 5 business days of respondent's receipt of be served on the Claimant within 1 further business day from the Adjudication Notice [s.28(2) notice] Adjudicator's receipt

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 by a maximum of an additional 20 business days

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 Certified Determination from Western Australia Building and Energy

Court Registrar enters Judgement of Certified Determination. 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