BUILDING & CONSTRUCTION INDUSTRY (SECURITY OF PAYMENT) ACT 2009 AUSTRALIAN CAPITAL TERRITORY FLOWCHART Reflecting amendments which commenced on 11 March 2024 Adjudicate Today Pty Ltd Claimant prepares & serves Payment Level 1, The Realm, 18 National Circuit Claim on or from an applicable date Barton Australian Capital Territory 2600 Ph: 1300760297; Fax:1300760220 Email: act@adjudicate.com.au Respondent has 15 business days after receipt of the Payment Claim (or shorter Blue background on flowchart Pink background on flowchart period if provided by construction contract) = Payment Schedule NOT served process = Payment Schedule served process to prepare & serve a Payment Schedule 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 Date for Payment under the Act complete Claimant chooses Full Payment made by Due Claimant may also suspend ull or any part of scheduled Adjudication as faster and Date for Payment. Process work on giving 2 business amount NOT paid by Due - OR cheaper alternative to court under the Act complete davs notice Date for Payment action Claimant has 20 business Respondent has 5 business Claimant has 20 business days from Due Date for Claimant may also days from receipt of days from Due Date for Payment to prepare & serve suspend work on giving 2 Adjudication Notice [s.19(2) Payment to prepare & serve Adjudication Notice, also business days notice Adjudication Application on notice] to prepare & serve known as s.19(2) notice re Payment Schedule Adjudicate Today no Payment Schedule Claimant has 10 business days to prepare Respondent serves Payment Schedule Respondent does not serve Payment & serve Adjudication Application on within 5 business days. As Payment Schedule within 5 business days of Adjudicate Today from date of receipt of OR -Schedule now issued, process reverts to receipt of Adjudication Notice the Payment Schedule. If an Adjudication Notice was served [s.19(2)], the time is "Payment Schedule Served" [s.19(2) notice] 10 business days from the date of service of the Payment Schedule within the 5 Claimant has 10 business days after the 5 business days from expiry of Adjudication Notice [s.19(2)] to business day period prepare & serve Adjudication Application on Adjudicate Today Respondent has 7 business days to prepare & serve Adjudication Response on Adjudicate Today & Claimant from receipt of Adjudication Application or 5 business days after receiving notice Respondent has no right to serve an Adjudication of Adjudicator's acceptance of the Application, whichever is the Response as did not serve a Payment Schedule later. Respondent must provide copy to Claimant within 2 days of within 5 business days of receipt of Adjudication Adjudicator Notice [s.19(2) notice] Adjudication Decision The Adjudicator has 10 business days to decide the 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 an Adjudication Response, 10 business days after the Respondent receives a copy of the 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 Decision on the Respondent or by Due Date for Payment, whichever is the later Respondent does NOT pay full or any part of Full adjudicated amount, including adjudicated amount, including any adjudication interest & adjudication fees, paid. Payment Process under the Act complete fees & interest Court Registrar enters Judgement of Claimant applies for and obtains Claimant may suspend work on Adjudication Certificate. Enforcement of Adjudication Certificate from Adjudicate giving 2 business days notice Court Decision. Today Payment Process under the Act complete Legend for Flowchart Activities: Pink background Blue background Light yellow background Major Claimant Respondent = Payment Schedule Payment Schedule = Adjudication & Milestone Action Action NOT Served process Served process Enforcement process