

# Building Industry Fairness Act - {Less than \$750,000}

## Adjudication Flowchart



Reference Date

Claimant prepares and serves Payment Claim



Respondent has **15 business days** after receipt of the Payment claim (or shorter period if provided by construction contract) to prepare and serve a Payment Schedule.

**KEY**

- Major milestone
- Claimant Action
- Respondent Action
- Process Information
- Payment Schedule NOT served
- Payment Schedule served
- Adjudication process

**Respondent FAILS to serve a Payment Schedule within time.**

FULL OR ANY PART OF CLAIMED AMOUNT NOT PAID BY DUE DATE

FULL PAYMENT MADE BY DUE DATE. PAYMENT PROCESS UNDER THE ACT COMPLETE.

*(Penalty applies to Respondent for non-delivery of a Payment Schedule)*

Claimant chooses Adjudication.

Claimant may suspend work on giving 2 business days notice.

Claimant chooses Court Action.

Claimant to Serve Notice under s.99 on Respondent within **20 Business Days** after due date.



CLAIMANT may commence court action after **5 Business Days** of s.99 Notice being served.



Consider whether **Adjudication** or **Summary Judgment Application** (in the Magistrates or District Court) is more suitable for you.

CLAIMANT has **30 business days** after later of due date for payment or last day Respondent could serve Payment Schedule to prepare and serve Adjudication application.

Claimant serves Adjudication Application with an Authorised Nominating Authority and Respondent.



Respondent has **no right** to serve an Adjudication Response

**Respondent serves a Payment Schedule within time.**

Respondent fails to pay full amount in Payment Schedule.

The Amount in Payment Schedule is less than amount in Payment Claim.

Claimant has **20 Business Days** after due date to prepare and serve Adjudication Application

Claimant has **30 Business Days** after claimant receives payment Schedule to prepare and serve Adjudication application.

Claimant serves Adjudication Application with an **Authorised Nominating Authority** and Respondent.

Respondent has **10 Business Days** to prepare and serve Adjudication Application after receipt of Application from the Claimant or **7 days** after receipt of acceptance from the Adjudicator, whichever is later.

Respondent serves **Adjudication Response** with an Authorised Nominating Authority and Claimant

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 from the date of acceptance of the Application. Time may be extended by agreement of both parties.

## Adjudication Decision

Respondent must pay any adjudicated amount either within 5 business days of service of the Decision on the 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 and interest.

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

Claimant may suspend work on giving two business days notice.

Claimant applies for and obtains Adjudication Certificate from the Authorised Nominating Authority.

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