

**RIALTO ADJUDICATIONS
SEMINAR RE SECURITY OF PAYMENT PROCESS
INTRODUCTION TO THE ACT 2016**

**RIALTO
ADJUDICATIONS** PTY
LTD

Rialto Adjudications Pty Ltd has been authorised to
nominate adjudicators for the purposes of the Building and
Construction Industry Security of Payment Act 2002 (Vic).

Presenters:

John McMullan BEng (Civil), LLB, LLM, FIEAust, FIAMA
Greg Bowman Director, Rialto Adjudications Pty Ltd

Topics:

Background to the Act

- Introduction of the Act
- Act does not apply to domestic building contracts
- The payment claim/payment schedule process
- Amount Determined under the Act is payable “on account”
- Consequences of failure to provide payment schedule within 10 business days
- Consequences of not paying in accordance with payment schedule
- The Adjudication Process

Payment Claim

- Requirements of a Valid Payment Claim
- One Payment Claim for each Reference Date/3 month time limit
“Reference Date”
- Payment Claim must identify the work to which it relates
- Limits on Payments Claim in Victoria: Claimable Variations/Excluded
Amounts
- Material that might be included in Payment Claims

Payment Schedule

- Requirements of a Valid Payment Schedule
- Material that might be included in Payment Claims

Application for Adjudication

Adjudication Response

Section 21(2B) Notice

Adjudication Process

- The Adjudication Process
- Brodyn*: “basic and essential requirements”
- Assessment of the amount payable in respect of progress claim
- Date adjudicated amount payable under the construction contract
- Interest rate on Adjudicated Amount
- Determination of the party to pay the adjudicator’s fees
- Matters Regarded in Making the Determination
- Preparing an Application for Adjudication - Material that might be Included
- Corrections to Determination
- Review Applications

Enforcement

Attendees will each receive detailed notes.