

Payment Claim

TO (RESPONDENT'S NAME): _____

ABN (where applicable): _____

ACN (where applicable): _____

Address (ordinary place of business): _____

Phone number: _____ Fax number: _____

FROM (CLAIMANT'S NAME): _____

ABN (where applicable): _____

ACN (where applicable): _____

Address (ordinary place of business): _____

Phone number: _____ Fax number: _____

CONTRACT DETAILS:

Project: _____

Contract Number (where applicable): _____

Reference date (date when claimant can claim and to which claim is calculated:) _____

Total amount of this Payment Claim: \$ _____

The construction work or related goods and services in respect of which this Payment Claim is made and the method of calculation of the total amount of the claim are set out in the Attachment(s) to this Payment Claim.

Signed (Claimant): _____ Date: _____

ATTACHMENTS:

Details of Claim (attach other relevant documentation as required): _____

This is a Payment Claim made under the Building and Construction Industry Security of Payment Act 2002 (Vic).

Payment Claim

Notes for guidance of the Claimant

1. It is absolutely essential to correctly identify the claimant and the respondent. Don't use a business name. Use the party's actual name. The words "trading as ..." and a business name can be added after the actual name but a business name cannot be a claimant or a respondent.
2. The construction work or the related goods or services in respect of which the Payment Claim is made must be detailed in the attachments. The attachments may include information supporting the claimed amount. Examples of such information are:
 - a. Statements detailing the extent of the work completed;
 - b. Completion certificates;
 - c. Delivery dockets;
 - d. Photographs;
 - e. other contract documentation requirements, where applicable.
3. The Payment Claim must contain the statement "This is a payment claim made under the Building and Construction Industry Security of Payment Act 2002 (Vic)".
4. The claimed amount may include any amount that the respondent is liable to pay the claimant and must not include an 'excluded amount'. Excluded amounts include an amount relating to a variation that is not a claimable variation, any amount (other than a claimable variation) relating to latent conditions, time-related costs and changes in regulatory requirements, claims for damages. See sections 10A and 10B of the Act for the full definition.
5. Identify GST. If GST is claimed it must be included in the claimed amount. Otherwise, the adjudicated amount will not include GST.
6. The Payment Claim may be served in accordance with the contract or may be served as provided under the Act by delivering it:
 - a. In person to the respondent; or
 - b. By lodging it during normal business hours at the respondent's ordinary place of
 - i. business; or
 - c. By sending it by post to the respondent's ordinary place of business; or
 - d. By sending it by facsimile to the respondent's ordinary place of business; or
 - e. In a manner prescribed under the construction contract.
7. The Payment Claim is not served until it is received by the respondent. A fax received after 4:00 pm is taken to be received the next business day. A document posted is taken to be received the second business day after posting. It is important that evidence of service is kept, for example, facsimile receipts or courier dockets.
8. If the respondent wants to dispute liability to pay the whole or part of the amount claimed, the respondent must serve upon the claimant a payment schedule within 10 business days of receipt of the Payment Claim or within the time required by the construction contract, whichever is the earlier of the two time periods.
9. If the respondent fails to serve a Payment Schedule on the claimant within 10 business days after being served with a Payment Claim, the respondent must pay the full amount

of the Payment Claim. Payment is to be made on the due date for payment as specified in the Act.

10. If the respondent does not pay the full amount by the due date, the claimant has the right to apply for adjudication under the Act.
11. Amounts paid in respect of a Payment Claim are taken to have been paid on account. It should be noted that payment does not constitute an admission by the respondent that work has been done or goods or services provided to the claimed value. An amount paid may have to be repaid if the claimant was not entitled to payment under the terms of the relevant construction contract.
12. Retain a complete and accurate copy of the payment claim and all attachments. Don't attach the guide notes to the claim.
13. Further information can be found on Adjudicate Today's web site at www.adjudicate.com.au.

DISCLAIMER: Adjudicate Today Pty Limited has had this template and guide notes checked by a lawyer but cannot guarantee its accuracy, completeness or currency. Adjudicate Today does not provide legal advice and this template must not be taken as a substitute for obtaining legal advice. Adjudicate Today does not invite reliance upon, nor accept responsibility for the information on this template.