

INFORMATION SHEET 10

*Sample Payment Claim Form under the
Building and Construction Industry Security of Payment Act 1999 NSW*

PAYMENT CLAIM

To (Respondent's Name):

ABN (where applicable)

Address (ordinary place of business)

Phone Number

Fax Number

This is a payment claim made under the Building and Construction Industry Security of Payment Act 1999 NSW.

From (Claimant's Name):

ABN (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:

Attachment(s)

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

Payment Claim

Notes for the guidance of the Claimant and Respondent

1. The work or related goods or services in respect of which the Payment Claim is made must be detailed in the Schedule. The schedule 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 docketts,
 - d. photographs,
 - e. other Contract documentation requirements where applicable
2. The payment claim must contain a statement along the lines of "*This is a payment claim made under the Building and Construction Industry Security of Payment Act 1999 NSW*".
3. 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 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.
4. The Payment Claim is not served until it is received by the respondent in the correct manner as detailed above. It is important that evidence of serving is kept, for example, facsimile receipts.
5. If the respondent wishes to dispute liability to pay, as a progress payment on account, the amount claimed or any portion thereof, the respondent must serve upon the claimant a Payment Schedule within 10 business days after being served with a Payment Claim under the Act.
6. If the respondent fails to serve a Payment Schedule on the claimant within 10 business days after being served with a Payment Claim under the Act, the respondent must pay the full amount of the Payment Claim. Payment is to be made on the due date as defined in Section 11 of the *Building and Construction Industry Security of Payment Act 1999 NSW*.
7. 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 that work has been done or goods or services provided, or of their value. An amount paid may have to be repaid (by the claimant) if the claimant is not entitled to payment under the terms of the relevant construction contract.