

# PAYMENT SCHEDULE

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

## To (Claimant)

.....

ABN (where applicable) .....

Address (ordinary place of business) .....

Phone Number ..... Fax Number .....

## From (Respondent):

.....

ABN (where applicable) .....

Address (ordinary place of business) .....

Phone Number ..... Fax Number .....

This payment schedule relates to the payment claim dated .....

The amount that respondent proposes to pay is \$..... (the "scheduled amount")

We indicate in Attachment 1 of this payment schedule why the scheduled amount is less than the claimed amount.

The reasons for withholding payment are also set out in Attachment 1 of this payment schedule.

Signed (respondent):

Date:

.....

# Payment Schedule

## Notes for the Respondent and the Claimant

1. If a Payment Claim is made on a respondent under the Building and Construction Industry Security of Payment Act 1999 (the Act) then unless the respondent is appropriately qualified and experienced in responding to payment claims made under the Building and Construction Industry Security of Payment Act 1999 (the Act) we urge and advise you to obtain you professional assistance.
2. If a Payment Claim under the Act is made on a respondent –  
the respondent may either pay the claim in full, or  
if the respondent does not intend paying the claim in full the respondent may provide a Payment Schedule even if the respondent does not believe that the claimant is entitled to make the claim or is not entitled to the amount claimed.
3. The respondent must serve the payment schedule on the claimant within 10 business days after being served with the payment claim. The payment claim may be served on the claimant:
  - (i) by delivering it to the person personally, or
  - (ii) by lodging it during normal office hours at the person's ordinary place of business, or
  - (iii) by sending it by post or facsimile addressed to the person's ordinary place of business, or
  - (iv) in such other manner as may be provided under the construction contract concerned.
4. 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 (or earlier of the construction contract requires ti to be earlier) , the respondent must pay the full amount of the payment claim.
5. The payment schedule must identify the payment claim to which it relates and must indicate the payment (if any) that the respondent proposes to make.
6. The respondent must indicate in the payment schedule the amount (if any) that the respondent proposes to pay (the "scheduled amount").
7. If the scheduled amount is less than the claimed amount the payment schedule must indicate why the scheduled amount is less and (if it is less because the respondent is withholding payment for any reason) the respondent's reasons for withholding payment.
  - a. The respondent cannot include in the adjudication response any reasons for withholding payment unless those reasons have already been included in the payment schedule.
8. The Payment Schedule is not served until it is received by the claimant. It is important that evidence of serving is kept.

9. If the scheduled amount is less than the claimed amount, the claimant may apply for adjudication of the progress payment. If it wishes to apply for adjudication the claimant must lodge an application within 10 business days after receiving the payment schedule.
10. The respondent must pay the scheduled amount by the due date for payment under the contract or if the contract does not provide a due date, then within 10 business days after receiving the payment claim.
11. If the respondent does not pay the whole of the scheduled amount by the due date for payment the claimant may apply for adjudication within 20 business days after the due date for payment.