

# PAYMENT CLAIM

## for contracts entered on or after 30 March 2007

### USING THIS SAMPLE FORM

#### Why this is a 'sample' form

The *Building and Construction Industry Security of Payment Act 2002* does not require you to use any particular form.

This form can help you to prepare a complete and valid Payment Claim. You can use it, adapt it for your purposes, or decide not to use it at all.

#### Before you apply

##### Check the date of your contract

This form can be used only if you and the Respondent entered into a contract on or after 30 March 2007.

A sample Payment Claim form for contracts entered before 30 March 2007 is available on the Building Commission's website.

##### Check your time limit to make a claim

The time limit within which you must serve the Payment Claim on the Respondent depends on the type of payment you are claiming.

A **progress payment** for work done or goods or services calculated in accordance with a reference date must be claimed within the period provided by the contract or 3 months after the reference date – whichever is the later.

A **final, single or one-off payment** must be claimed within the period provided by the contract or, if no such period is specified, 3 months after the reference date.

##### Reference dates

The reference date is the date on which a claim for a progress payment may be made or by reference to which the amount of a progress payment may be calculated.

If the contract specifies the reference date, or how to determine it, you must comply with it.

If the contract does not specify the reference date or how to determine it, the following reference dates apply.

- **Progress payments** – 20 business days after work was first carried out or goods or services were first provided. Subsequent Payment Claims may then be made every 20 business days until the job is completed.
- **Single or one-off payments** – the day after the work was last carried out or the goods or services were last supplied under the contract.
- **Final payments** – either the day after the end of any period under the contract for rectifying defects or omissions, or the day after the final certificate is issued. If neither of these applies, the reference date is the day after the work was last carried out or the goods or services were last supplied under the contract.

#### Serving the Payment Claim on the Respondent

The Payment Claim must be served on the Respondent within the time required by the contract or the Act. See the Building Commission's website for more information.

The Payment Claim can be served by delivering it in person to the Respondent, lodging it during normal business hours at the Respondent's ordinary place of business, posting or faxing it to the Respondent's ordinary place of business, or in any manner specified in the contract.

The Payment Schedule is not served until it is received by the Respondent or at the Respondent's ordinary place of business. If it is posted, service is 2 business days after the day in which it was posted. If it is faxed, service is immediate unless the fax is sent after 4pm, in which case service is the next day.

# NOTES FOR THE CLAIMANT

## Completing this form

### 1 Claimant's details

Provide the name of the person or company that entered the contract with the Respondent and provide the contact details for your ordinary place of business.

### 2 Respondent's details

Provide the name of the person or company that entered the contract with you and the contact details for their ordinary place of business.

### 3 Project/Site/Job description

Provide sufficient information to identify the project or site that you worked on, or provided goods or services to.

### 4 Payment Claim number

For future reference, it is useful to assign the Payment Claim a number.

### 5 Payment type

You can claim for the following types of payments under the Act.

- **Payment based on a reference date.** Your Payment Claim must be calculated in accordance with a reference date as determined by the contract or specified in the Act. State the period of time that the claim covers.
- **Milestone payment.** This refers to payments based on an event or a date specified by the contract.
- **Single or one-off payment.**
- **Final payment.**

Specify the type of payment you are claiming.

### 6 Due date

The due date is the date specified by the contract or, if not specified by the contract, 10 business days after the Payment Claim is made.

### 7 Payment Claim summary

Specify the amount you claim is due. If you do not, the Payment Claim is not valid.

### 8 Construction work done or related goods and services for which this claim is made

You must identify the construction work or related goods and services to which the progress payment relates. If you do not, the Payment Claim is not valid.

The tables distinguish between work done or goods or services supplied within the scope of the original contract and anything you have done for the Respondent which is a variation to the contract.

Attach a separate document if necessary to show the work, goods or services supplied and the method by which the claim has been calculated.

### 9 List of attachments

Attach any relevant information to support the claimed amount e.g. contract, completion certificates and delivery dockets.

List the attached documents on the form.

### 10 Signature of Claimant

Check that the details you have provided are accurate and then sign the form.

## Required information

Certain details must be provided. If they are not provided, the Payment Claim is not valid.

The Act requires the Payment Claim to:

- identify the construction work or related goods and services to which the progress payment relates
- indicate the amount of the progress payment that you claim is due (the 'claimed amount')
- state that the claim is made under the *Building and Construction Industry Security of Payment Act 2002*.

**The Payment Claim must not include any 'excluded amount'.**

An excluded amount is:

- any amount that relates to a variation of the construction contract that is not a claimable variation
- any amount (other than a claimable variation) claimed under the construction contract for compensation due to the happening of an event, including any amount relating to latent conditions, time related costs and changes in regulatory requirements
- any amount claimed for damages for breach of the construction contract or for any other claim for damages arising under or in connection with the contract
- any amount in relation to a claim arising at law other than under the construction contract.

## Claimable variations

The Payment Claim can include amounts for variations to the contract. A 'variation' is defined in the Act as a change in the scope of the construction work to be carried out, or the related goods and services to be supplied, under the contract. Some variations can be claimed under the Act, depending on what has been agreed by the parties to the contract. The Act specifies which variations may be claimed. For more information, see the Building Commission's website.

# PAYMENT CLAIM

## for contracts entered on or after 30 March 2007

### 1 Claimant's details

Company
Contact person
Address
Phone
Fax

### 2 Respondent's details

Company
Contact person
Address
Phone
Fax

### 3 Project/Site/Job description

Project / Site / Job description
Contract Number (if applicable)
Date contract entered

### 4 Payment Claim number

Payment Claim number
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### 5 Payment type

<input type="checkbox"/> Payment based on a reference date
Claim period    DD / MM / YYYY    to    DD / MM / YYYY
<input type="checkbox"/> Milestone payment
<input type="checkbox"/> Single or one-off payment
<input type="checkbox"/> Final payment

### 6 Due date

Due date	DD / MM / YYYY
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### 7 Payment Claim summary

Base contract	\$
Claimable variations	\$
<b>Total (the 'claimed amount')</b>	<b>\$</b>

## 8 Construction work done or related goods and services for which this claim is made

#### Base contract

Item No.	Description or work, goods or services	Qty	Rate	Amount claimed
				\$
				\$
				\$
				\$
				\$
				\$
<b>Total</b>				<b>\$</b>

#### Claimable variations

Item No.	Description or work, goods or services	Qty	Rate	Amount claimed
				\$
				\$
				\$
				\$
				\$
				\$
<b>Total</b>				<b>\$</b>

# PAYMENT CLAIM

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**9 List of attachments**


**10 Signature of Claimant**

Signature of Claimant	
Date	DD / MM / YYYY