

# Payment Schedule

**TO (CLAIMANT'S NAME):** \_\_\_\_\_

ABN (where applicable): \_\_\_\_\_

ACN (where applicable): \_\_\_\_\_

Address (ordinary place of business): \_\_\_\_\_

\_\_\_\_\_

Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

**FROM (RESPONDENT'S NAME):** \_\_\_\_\_

ABN (where applicable): \_\_\_\_\_

ACN (where applicable): \_\_\_\_\_

Address (ordinary place of business): \_\_\_\_\_

\_\_\_\_\_

Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

## **CONTRACT DETAILS:**

Project: \_\_\_\_\_

Contract Number (where applicable): \_\_\_\_\_

Date of Payment Claim: \_\_\_\_\_

Date when Payment Claim was served on Respondent: \_\_\_\_\_

Total amount of this Payment Claim: \$ \_\_\_\_\_

Amount that the Respondent proposes to pay (the 'scheduled' amount): \$ \_\_\_\_\_

**If the scheduled amount is less than the claimed amount, the reasons why it is less and the reasons for withholding payment are set out in the Attachment(s) below:**

Signed (Respondent): \_\_\_\_\_ Date: \_\_\_\_\_

## **ATTACHMENTS:**

Detail all reasons for non payment of any amount shown in the Payment Claim. In an adjudication response, the Respondent cannot raise in defence any reasons not stated here.

**This is a Payment Schedule made under the Building and Construction Industry (Security of Payment) Act 2009 (ACT)**

# PAYMENT SCHEDULE

## Notes for guidance of the Respondent

1. If the respondent has any reason for not paying the claim in full or for asserting that it is not a valid payment claim under the *Building and Construction Industry (Security of Payment) Act 2009* (ACT) or that the due date for payment shown on the payment claim is not the due date for payment, the respondent must serve a Payment Schedule on the claimant within the time allowed by the Act.
2. The respondent must serve the Payment Schedule on the claimant within 10 business days after being served with the Payment Claim or within the time required by the relevant construction contract, whichever time expires earlier.
3. If the respondent fails to serve a Payment Schedule on the claimant within the time described at point 2 above, the respondent must pay the full amount of the Payment Claim on or before the due date for payment.
4. The Payment Schedule must identify the Payment Claim to which it relates and must state the amount of payment (if any) that the respondent proposes to make.
5. If the amount that the respondent proposes to pay is less than the amount claimed in the Payment Claim, the respondent must set out:
  - a. The amount (if any) that the respondent agrees to pay, the 'scheduled amount';
  - b. The amount that the respondent does not agree to pay under the payment claim,
  - c. Detailed reasons in the attachment(s) as to why the respondent does not intend to pay any amount;
  - d. Detailed reasons in the attachment(s) as to why the respondent intends to withhold any amount with respect to the Payment Claim, including how the valuation of the withheld amount has been calculated.
6. If the amount that the respondent proposes to pay is less than the claimed amount, the claimant may apply for adjudication of the progress payment. The claimant must lodge an adjudication application within 10 business days after receiving the Payment Schedule [But see also when s.19(2) applies].
7. The respondent must pay the scheduled amount by the due date for payment under the construction contract or if the construction contract does not provide a due date, then 10 business days after the payment claim is made [refer to Part 4 of the Act].
8. If a payment schedule is not served on the claimant within the time referred to in (2) above and the claimant wishes to go to adjudication s.19(2) of the Act applies. The claimant must give the respondent another 5 business days to serve a payment schedule. The claimant then must make its adjudication application within 10 business days after the earlier of:
  - a. The end of the 5 day period provided for by the s.19(2) notice; and
  - b. The day the claimant receives the payment schedule.
9. Further information will be found at Adjudicate Today's web site at [www.adjudicate.com.au](http://www.adjudicate.com.au).