

Payment Withholding Request

Payment withholding request, pursuant to Division 2A, Part 3 Building and Construction Industry Security of Payment Act 1999

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| Claimant: (Provide trading name, company name, and ABN/ACN, as applicable) | Trading Name | |
| | Company Name | |
| | ABN / ACN | |
| Respondent: (Provide trading name, company name, and ABN/ACN, as applicable) | Trading Name | |
| | Company Name | |
| | ABN / ACN | |
| Principal Contractor: (Trading name, company name, and ABN/ACN, as applicable) | Trading Name | |
| | Company Name | |
| | ABN / ACN | |
| Details of adjudication application (Authorised Nominating Authority, identifier, date amount claimed): | ANA / Identifier | |
| | Date | |
| | Amount claimed | \$ |
| Details of the work relating to the claim: (sufficient information should be supplied to enable the person in receipt of this payment withholding request to determine whether it is the principal contractor) | | |
| Details of the contract between respondent and principal contractor: (sufficient information should be supplied to enable the person in receipt of this payment withholding request to determine whether it is the principal contractor) | | |

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|-----------------|--|
| Made by: | |
| Date: | |

Statutory Declaration
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I,, do solemnly and sincerely declare that
[name of declarant]

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and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: on
[place] *[date]*

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[signature of declarant]

in the presence of an authorised witness, who states:

I,, a
[name of authorised witness] *[qualification of authorised witness]*

certify the following matters concerning the making of this statutory declaration by the person who made it:
[please cross out any text that does not apply]*

- a) *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification¹ for not removing the covering, and
- b) *I have known the person for at least 12 months OR *I have confirmed the person’s identity using an identification document and the document I relied on was

[describe identification document relied on]

.....
[signature of authorised witness] *[date]*

¹ The only “special justification” for not removing a face covering is a legitimate medical reason (at September 2018)
Page 2 of 3 This form is approved by the Secretary of the Department of Customer Service (or successor) for the purposes of s26A(2) *Building and Construction Industry Security of Payment Act 1999*

Important notices:

Notice to principal contractor:

If you are served with this request:

- You must within 10 business days after receiving the request notify the claimant if you are not (or are no longer) a principal contractor for the claim.
- If you are served with this request, you must retain the amount of the claim specified above out of money owed to the respondent, (or if you owe less than the amount of the claim specified above, that lesser amount).
- You must hold the amount until whichever of the following happens first:
 - (a) the adjudication application for the payment claim is withdrawn, and the claimant does not make a new adjudication application
 - (b) the adjudicator fails to determine the adjudication application in accordance with the Act and the claimant does not make a new adjudication application,
 - (c) the respondent pays to the claimant the amount claimed to be due under the payment claim,
 - (d) the claimant serves a notice of claim on the principal contractor for the purposes of section 6 of the *Contractors Debts Act 1997* in respect of the payment claim,
 - (e) a period of 20 business days elapses after a copy of the adjudicator's determination of the adjudication application is served on the principal contractor.
- If you retain the money as required, you will be protected from any claim for payment by the respondent while the obligation to withhold payment continues.
- If you do not retain the money you may be held liable for the amount of the claim from the claimant.
- If you are unsure about your obligations, you should seek legal advice.

If you do not adhere to these requirements penalties of up to \$5500 (50 penalty units) apply.

Notice to claimants:

- Only a claimant who has made an adjudication application can serve a payment withholding request.
- You must notify the principal contractor in writing within 5 business days if you withdraw your adjudication application. Penalties of up to \$5500 (50 penalty units) may apply.
- If an adjudicator makes an adjudication determination you must serve a copy of the determination on the principal contractor within 5 business days. Penalties of up to \$5500 (50 penalty units) may apply.
- Your statutory declaration must declare that you genuinely believe that the amount of money claimed is owed by the respondent to the you. The *Oaths Act 1900* provides serious penalties for the making of false statutory declarations, including imprisonment.