

Payment Schedule – Sample Form

This sample form can help you to prepare a payment schedule under the *Building and Construction Industry Security of Payment Act 2002*.

WHY THIS IS A ‘SAMPLE’ FORM

The *Building and Construction Industry Security of Payment Act 2002* (the SOP Act) does not require you to use any particular form for a payment schedule.

This form can help you to prepare a payment schedule in response to a payment claim. You can use it, adapt it for your purposes, or decide not to use it at all.

BEFORE YOU START

Check to ensure that you provide the payment schedule on time

The payment schedule must be served on the claimant within the time required by the contract or within 10 business days after you were served with a payment claim – whichever is earlier.

REQUIRED INFORMATION

A payment schedule **must**:

- identify the payment claim to which it relates
- indicate the amount of payment (if any) that you propose to make (the ‘scheduled amount’)
- if the scheduled amount is less than the claimed amount, indicate why there is a difference and if you are withholding payment provide reasons for withholding payment
- identify any amount of the claim you allege is an excluded amount.

SERVING THE PAYMENT SCHEDULE ON THE CLAIMANT

The payment schedule can be served by

delivering it in person to the claimant, lodging it during normal business hours at the claimant’s ordinary place of business, posting or faxing it to the claimant’s ordinary place of business, or in any other manner specified in the contract.

The payment schedule is not served until it is received by the claimant or at the claimant’s ordinary place of business. If it is posted, service is two business days after the day on 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 business day.

Consequences of not providing a payment schedule

If you do not provide a payment schedule and do not pay the claimed amount on or before the due date you become liable to pay the full amount claimed on the due date for payment.

The claimant may recover this amount as a debt due in court or apply for adjudication. In either case, you may incur associated court or adjudication costs as well as having to pay the amount claimed. You may also be charged interest on the unpaid claimed amount from the due date for payment.

In the meantime, the claimant has the right to suspend work or cease supplying related goods and services under the contract until the dispute is resolved or payment is made.

If you fail to provide a payment schedule, the claimant must give you written notice of their intention to apply for adjudication. You then have two business days to provide a payment schedule.

If the claimant applies for adjudication, a respondent who has not provided a payment schedule may not submit an Adjudication Response or apply for a review of the adjudicator’s determination.

NOTES FOR THE RESPONDENT

Completing this Form

1 Respondent's Details

Provide the contact details for your ordinary place of business.

2 Claimant's Details

These are likely to have been provided by the claimant on the payment claim, if not on the contract.

3 Project/Site/Job Description

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

4 Payment Claim Details

You must identify the payment claim. The payment schedule **must** include this information. Provide as much information as you can from the payment claim itself.

5 Scheduled Amount

Indicate the amount of the payment (if any) that you propose to make. This is the scheduled amount. The payment schedule **must** include this information.

6 Description of work, goods or services and amounts

The claimed amount is the amount that the claimant is seeking from you, as shown on the payment claim.

The scheduled amount is the amount you propose to pay.

The amount withheld is the amount that you do not agree to pay for any reason.

7 Reasons for withholding payment (including excluded amounts)

If you are withholding payment for any reason, you must show how much is being withheld and why. The payment schedule **must** include this information.

The payment schedule **must** also identify any amount of the claim that you allege to be an excluded amount.

8 List of Attachments

Attach copies of any documents that will help to explain a difference between the claimed amount and the scheduled amount. List the attached documents on the form.

9 Signature of Respondent

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

ADDITIONAL INFORMATION

Claimable variations

The payment claim may include amounts for variations to the contract.

The SOP Act specifies which variations may be claimed in a payment claim, and which may not. Variations which may be claimed are called claimable variations.

Claimable variations include variations on which the parties agree and some disputed variations. All agreed variations may be included in a payment claim. Some disputed variations may be claimed in payment claim if the parties do not agree about certain matters which are specified in the SOP Act.

For more information, see the VBA's website and [Fact Sheet 4: Claimable Variations and Excluded Amounts](#).

Excluded amounts

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.

PAYMENT SCHEDULE – SAMPLE FORM

1 Respondent's Details

Company	
Contact Person	
Address	
Phone	Fax

2 Claimant's Details

Company	
Contact Person	
Address	
Phone	Fax

3 Project/Site/Job Description

Project/Site/Job Description	
Contact Number (if applicable)	
Date of Contract	DD/MM/YYYY

4 Payment Claim Number

Payment Claim number	
Claim Period	DD/MM/YYYY to DD/MM/YYYY
Due Date	DD/MM/YYYY
Payment Claim total (the 'claimed amount') inc. GST	\$

5 Scheduled Amount

Amount of payment (the 'scheduled amount') inc. GST	\$
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6 Description of work, goods or services and amounts

Item No.	Description of work, goods or services	Claimed Amount	Scheduled Amount	Amount withheld (if any)
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
Total		\$	\$	\$

7 Reasons for withholding payment (including excluded amounts)

Item No.	Amount	Reasons (show calculations)
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	

8 List of Attachments

9 Signature of Respondent

Signature of Respondent	
Date	DD/MM/YYYY