

PAYMENT SCHEDULE

TO (CLAIMANT'S NAME): _____

ABN or ACN (where applicable): _____

Address (ordinary place of business): _____

Phone Number: _____ Fax Number: _____

FROM (RESPONDENT'S NAME): _____

ABN or ACN (where applicable): _____

Address (ordinary place of business): _____

Phone Number: _____ Fax Number: _____

CONTRACT DETAILS:

Project: _____

Contract Number (where applicable): _____

Date on payment claim and claim number, if any: _____

Date when the Payment Claim was served on the respondent: _____

Total amount of the 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: _____

ATTACHMENT(S)

Details of Payment Schedule (attach other relevant documentation as required):

This is a payment schedule made under the Building and Construction Industry Security of Payment Act 2002 (Vic).

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 2002* (Vic) 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 indicate the 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. Details of any amounts that the respondent alleges are ‘excluded amounts’;
 - d. Detailed reasons in the attachment(s) as to why the respondent does not intend to pay any amount;
 - e. 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. The Payment Schedule may be served in accordance with the contract or may be served as provided under the Act by delivering it:
 - a. In person to the respondent; or
 - b. By lodging it during normal business hours at the respondent’s ordinary place of business; or
 - c. By sending it by post to the respondent’s ordinary place of business; or
 - d. By sending it by facsimile to the respondent’s ordinary place of business; or
 - e. In a manner prescribed under the construction contract.
7. The Payment Schedule is not served until it is received by the claimant in the correct manner as detailed above. A fax received after 4:00 pm is taken to have been received on the next business day. A document posted is taken to have been received on the second business day after posting. It is important that evidence of service is kept, for example, facsimile receipts or courier docketts.
8. 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.18(2) applies].
9. 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.
10. 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.18(2) of the Act applies. The claimant must give the respondent another 2 business days to serve a payment schedule. The claimant then has another 5 business days in which to make the adjudication application.

11. Further information will be found at Adjudicate Today's web site at www.adjudicate.com.au.

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