



Security of Payment: Claimant Guide

The Security of Payment regime in Queensland is legislated in Chapter 3 of the *Building Industry Fairness (Security of Payment) Act 2017* (the **BIF Act**).

This is a quick reference guide for claimants wishing to utilise the provisions of the BIF Act to get paid.

Issuing a Payment Claim:

1. Identify the reference date;
2. Give the Respondent a compliant payment claim on or after the reference date for work done up to the reference date;
3. Give the payment claim to the Respondent before the prescribed time limit expires:
 - a. for a claim other than a final claim this is the longer of the time worked out under the contract or 6 months after the work the subject of the claim was last carried out; or
 - b. for a final claim this is the longer of the time worked out under the contract, 28 days after expiry of the defects liability period or 6 months after completion of the works.

Reminders:

1. Only give one payment claim per reference date;
2. To be valid the payment claim must:
 - a. describe the work;
 - b. state how much you are claiming; and
 - c. request payment or have the word 'invoice' on it.
3. Make sure you give a payment claim to the person liable for payment under your contract
4. All notices and adjudication applications must comply with the BIF Act technical requirements.
5. Head Contractors - if you have engaged subcontractors you must also give a supporting statement with a payment claim (from 1 October 2020) declaring that the subcontractors have been paid all money owing to them by the claimant as at the date of the payment claim.

Need more assistance? Contact our team today!

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So you've issued a valid payment claim - what next?

