



## Security of Payment: Respondent 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 respondents who have received a payment claim from a claimant.

### Have you been given a valid payment claim?

1. Does it
  - a. describe the work;
  - b. state the amount claimed; and
  - c. request payment or have the word 'invoice' on it
2. Was it given to the person or entity liable to pay under the contract?
3. Was it given on or after a reference date for work carried out up to that reference date?
4. Was it given before the expiration of the time limit?
  - 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.
5. If more than one payment claim was issued for a reference date, is it the first in time claim?

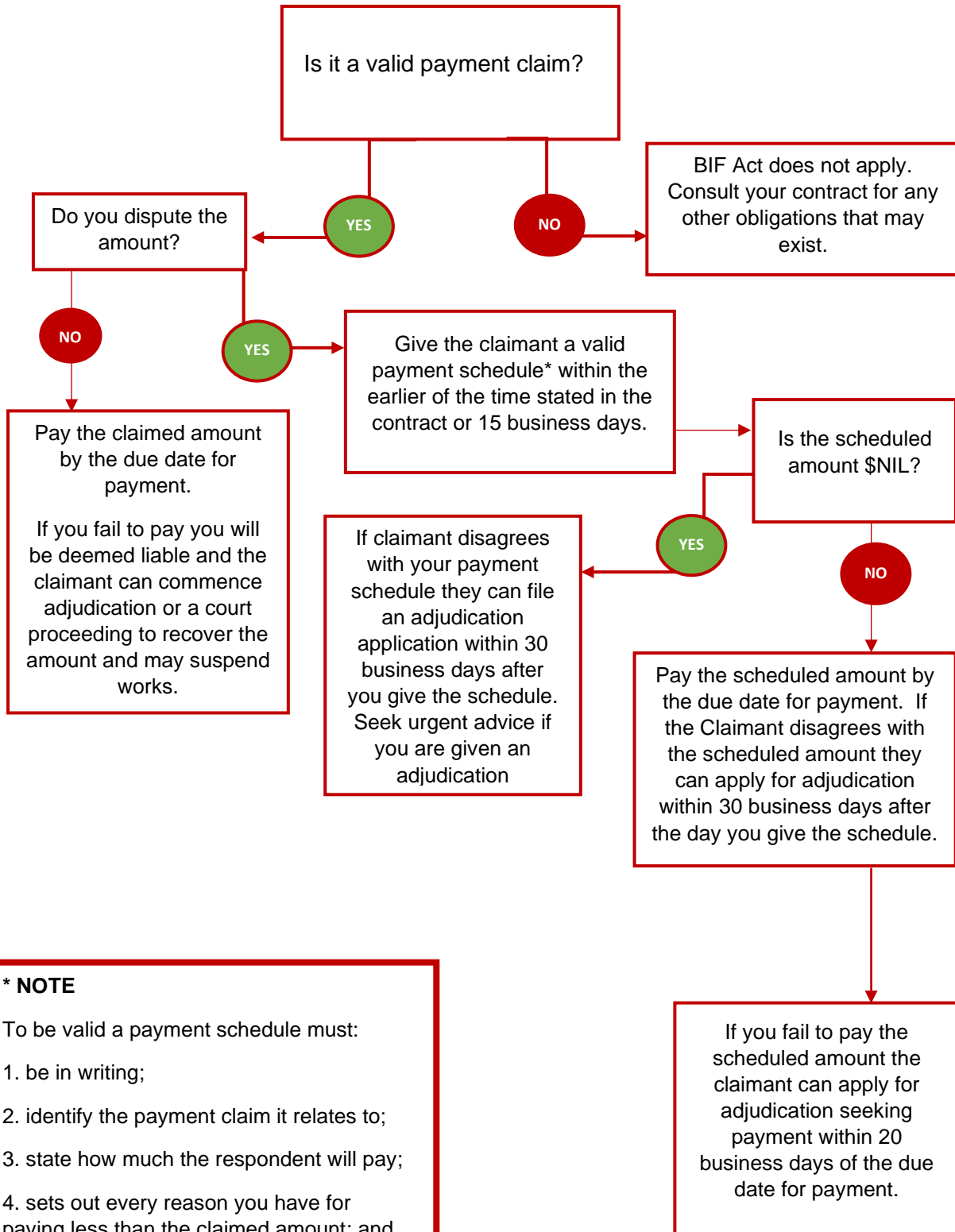
If you answered yes to these questions, then you have been served with a valid payment claim.

If you answered no to any of these questions, then we recommend you seek further advice on how to respond.

**Need more assistance? Contact our team today!**

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



**\* NOTE**

To be valid a payment schedule must:

1. be in writing;
2. identify the payment claim it relates to;
3. state how much the respondent will pay;
4. sets out every reason you have for paying less than the claimed amount; and
5. be given to the claimant within the earlier of the time stated in the contract or 15 business days.

**CLIFFORD GOULDSON  
LAWYERS**

This handout is provided solely for general information purposes and does not constitute legal or other professional advice. If you require legal or other expert advice or assistance, then you should seek our help or the services of a qualified professional.