Small Business Commissioner SA

SECURITY OF PAYMENT

HOW TO MAKE A PAYMENT CLAIM

STEP 01

You can make a claim if you carried out construction work as a:

- contractor
- subcontractor
- suppliers of materials for construction work
- supplier of plant and equipment for use in connection with construction work
- service provider such as labour, architectural, design, surveying, engineering, landscaping, contract management, consultancy and project management.

STEP 02

You can make a claim from the respondent for work completed such as:

- construction work
- construction materials or plant supplied
- services such as project management, contract management or consultancy
- interest on overdue progress payments
- cash security and retention moneys
- end of the contract, claim.

STEP 03

A payment claim must be in writing and must state that it is made under the *Building and Construction Industry Security of Payment Act 2009.*

A sample payment claim can be found on the SASBC website.

STEP 04

The payment claim may be served in accordance with the contract or may be served as provided under the Act (section 34).
Visit the website for details on how to serve a payment claim.
The payment claim is not valid until it is served on the respondent in the correct manner.It is important that evidence of service is kept, for example, facsimile receipts or courier dockets.

STEP 05

Respondent has 15 days to respond, (or shorter if prescribed under contract) with a payment schedule or to pay the amount in full.
If the respondent fails to respond, or payment schedule not accepted by claimant, a claimant can apply to an ANA for adjudication.

STEP 06

Resolution: Respondent pays sum indicated on payment claim or submits a payment schedule which is accepted by claimant.
If the respondent fails to respond, or payment schedule not accepted or payments are not made on time as agreed a claimant can apply to an ANA for adjudication.