

**INFORMATION ABOUT THIS TEMPLATE**

Section 97C(5) of the *Building Industry Fairness (Security of Payment) Act 2017* (BIF Act) provides that a claimant that has been paid the unpaid adjudicated amount must inform the higher party who has been given a payment withholding request of payment within five (5) business days after the amount is paid.

**Failure to do so is an offence and may incur a penalty.**

**NOTE:** notification to the higher party of payment is required for both a **full or part** payment of the adjudicated amount.

Section 97G(3) of the (BIF Act) provides that a charge over an amount withheld expires if:

- the respondent pays the unpaid adjudicated amount to the claimant
- an adjudication decision relating to the amount is set aside and the respondent pays into court, as security, the unpaid portion of the amount pending a final decision; or
- the adjudication certificate relating to the amount is filed in court as a judgment for debt, but the court dismisses the proceedings for enforcement.

**COMPLETING AND GIVING A NOTICE OF PAYMENT OR EXPIRY**

This template is to be completed by the claimant and given to the higher party to advise that all or part of the unpaid adjudicated amount the subject of the payment withholding request has been paid. It may also be used to notify the higher party that a charge over an amount withheld has expired.

The obligation for the higher party to retain the amount stated in the payment withholding request ends when the claimant is paid the adjudicated amount in full. A part payment of the adjudicated amount removes the obligation only to the extent of the part payment.

**COMPLETING THIS FORM**

- Use BLACK pen only
- Print clearly in BLOCK LETTERS
- DO NOT use correction fluid – any amendments should be crossed out and initialled

**NOTICE TO HIGHER PARTY OF PAYMENT OR EXPIRY**

To: Full name of higher party

In relation to the payment withholding request given on Receipt date  /  /      relating to an unpaid adjudicated amount as follows:

Respondent (Full/company name)

Adjudication application number  Adjudication decision date  /  /

**NOTICE OF PAYMENT OR EXPIRY REASON**

Please nominate an option below

**OPTION 1**

I hereby advise that:

the respondent has paid the adjudicated amount of

insert adjudicated amount paid \$  in full on Date <sup>D</sup><sup>D</sup> / <sup>M</sup><sup>M</sup> / <sup>Y</sup><sup>Y</sup><sup>Y</sup><sup>Y</sup>

**OPTION 2**

the respondent has paid an amount of

insert adjudicated amount paid \$  on Date <sup>D</sup><sup>D</sup> / <sup>M</sup><sup>M</sup> / <sup>Y</sup><sup>Y</sup><sup>Y</sup><sup>Y</sup>

The amounts detailed in column (c) below remain unpaid by the respondent and must continue to be withheld:

DETAILS OF ADJUDICATION AMOUNT

Adjudicated amount as stated in decision	Amount paid by respondent, IF ANY	Unpaid adjudicated amount
(A) \$ <input type="text"/>	(B) \$ <input type="text"/>	(C) \$ <input type="text"/>

**OPTION 3**

the adjudication decision relating to the payment withholding request has been set aside and the respondent has paid

\$  into court.  
insert unpaid portion of amount

**OPTION 4**

the adjudication certificate relating to the amount withheld was filed in court as a judgment debt and the court has dismissed the proceedings for enforcement

**CLAIMANT DETAILS**

Full name

Position/  
company

Signature

Date <sup>D</sup><sup>D</sup> / <sup>M</sup><sup>M</sup> / <sup>Y</sup><sup>Y</sup><sup>Y</sup><sup>Y</sup>