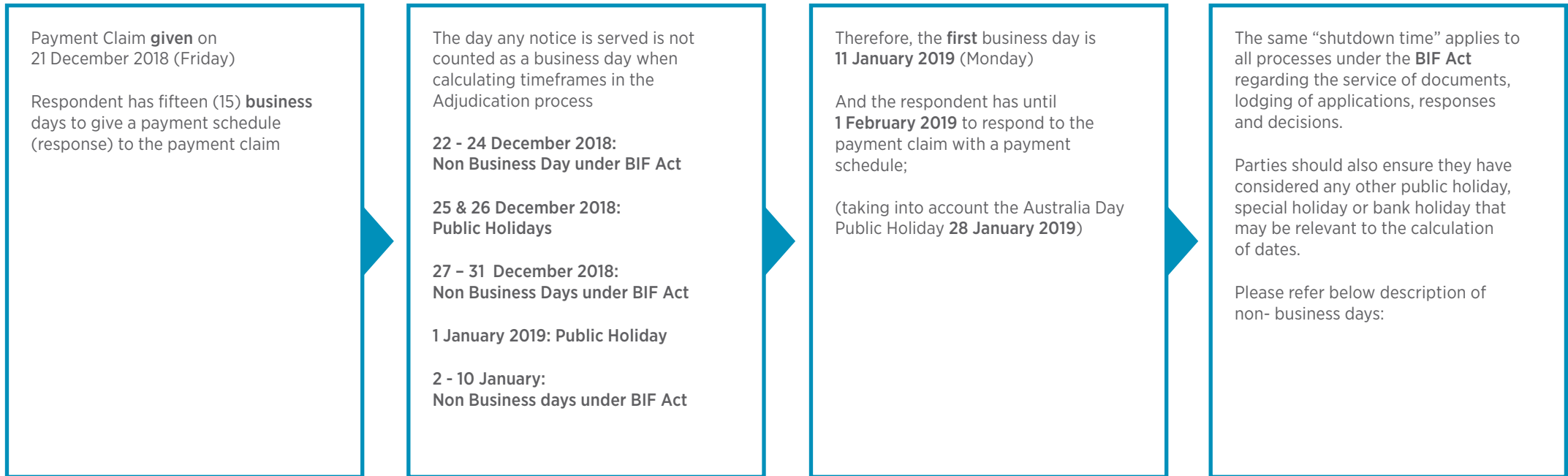


All days between 22nd December and 10th January are classed as “non business days” under the *Building Industry Fairness (Security of Payment) Act 2017 (Qld) (BIF Act)*. If you wish to lodge your application for adjudication during the non-business day period (22 December 2018 to 10 January 2019) you still can, however, the lodgement date for the purposes of the BIF Act will be considered as Friday 11 January 2019.



What are NON business days as defined by the BIF Act?

A business day does not include - (a) Saturday or Sunday; or (b) a public holiday, special holiday or bank holiday in the place in which any relevant act is to be or may be done; or (c) any day occurring within any of the following periods - (i) 22 to 24 December; (ii) 27 to 31 December; (iii) 2 to 10 January. Therefore, in addition to the normal public holidays over the Christmas/New Year break the above days in (c) are excluded as business days.

DUE DATES FOR PAYMENT IN THE 'NON-BUSINESS DAY' PERIOD:

Section 73 of the BIF Act provides when a progress payment under a construction contract becomes payable. If the parties have a written contract that provides terms related to the due date of a progress payment then the contract terms should be adhered too unless:

1. The contract contains a provision that is void under s.74 of BIF Act (effect of paid when paid provisions) or void under section 67U or 67W of the *QBCC Act 1991*; or
2. The contract does not contain a provision about the due date of a progress payment.

If either paragraphs 1 or 2 above apply, then the default payment terms for a progress payment/ claim under the BIF Act is 10 business days and the non-business days should be considered when determining the due date of the payment claim. The non-business day period under the BIF Act only applies to a due date if the contract is silent on the due date of a progress payment or there is no contract and section 73 of the BIF Act is to be applied.