

Due Date for Payment under the Security of Payment Act

Jurisdiction	Section
ACT <i>Building and Construction Industry (Security of Payment) Act 2009 (ACT)</i>	Section 13: The earlier of: <ul style="list-style-type: none"> ➤ 15 business days after a payment claim is given; or ➤ the date provided in the contract. <u>No differentiation between head contracts and subcontracts.</u>
NSW <i>Building and Construction Industry Security of Payment Act 1999 (NSW)</i>	Section 11: <ul style="list-style-type: none"> ➤ By the principal to a head contractor: <ul style="list-style-type: none"> ❖ 15 business days after a payment claim is given; or ❖ an earlier date as provided in the contract. ➤ By the head contractor to a subcontractor: <ul style="list-style-type: none"> ❖ 20 business days after a payment claim is given; or ❖ an earlier date as provided in the contract.
VIC <i>Building and Construction Industry Security of Payment Act 2002 (VIC)</i>	Section 12: <ul style="list-style-type: none"> ➤ The date provided in the contract; or ➤ if the contract provides no express provision, 10 business days after a payment claim is made. <u>No differentiation between head contracts and subcontracts.</u>
SA <i>Building and Construction Industry Security of Payment Act 2009 (SA)</i>	Section 11: <ul style="list-style-type: none"> ➤ The date provided in the contract; or ➤ if the contract provides no express provision, 15 business days after a payment claim is made. <u>No differentiation between head contracts and subcontracts.</u>
QLD <i>Building Industry Fairness (Security of Payment) Act 2017 (QLD)</i>	Section 73: <ul style="list-style-type: none"> ➤ In a commercial building contract, must not be more than 15 business days, otherwise the provision is void. ➤ In a construction management trade contract or subcontract, must not be more than 25 business days, otherwise the provision is void. ➤ If the contract provides no express provision, 10 business days after a payment claim is made.
WA <i>Building and Construction Industry (Security of Payment) Act 2021 (WA)</i> (for contracts entered into on or after 1 Aug 2022)	Section 20: <ul style="list-style-type: none"> ➤ By the principal to a head contractor: <ul style="list-style-type: none"> ❖ 20 business days after a payment claim is given; or ❖ an earlier date as provided in the contract. ➤ By the head contractor to a subcontractor: <ul style="list-style-type: none"> ❖ 25 business days after a payment claim is given; or ❖ an earlier date as provided in the contract.

Jurisdiction	Section
<p>NT <i>Construction Contracts (Security Of Payments) Act 2004 (NT)</i></p>	<p>Section 13 and 20:</p> <ul style="list-style-type: none"> ➤ Is the date provided in the contract, however, if that date is more than 30 working days after the payment claim, then it must be read as being amended to require payment within 30 working days. ➤ If the contract provides no express provision, then: <ul style="list-style-type: none"> ○ within 20 working days after receiving the payment claim; or ○ (if an amount is in dispute) within 10 business days after a payment claim is made, the Respondent must give the Claimant a notice of dispute <u>and</u> pay the amount of the claim that is not in dispute (Schedule 1, Division 5). <p><u>No differentiation between head contracts and subcontracts</u></p>
<p>TAS <i>Building and Construction Industry Security of Payment Act 2009 (TAS)</i></p>	<p>Section 15 and 19(3):</p> <p><u>The earlier of:</u></p> <ul style="list-style-type: none"> ➤ the date provided in the contract; or ➤ if the contract does not expressly provide a date, before the expiry of the “<i>applicable day</i>”, as determined under section 19(3): <ul style="list-style-type: none"> ○ 20 business days after the payment claim is served on the respondent, if the claim relates to a residential structure to be built on land, the respondent is the owner of the land; and the respondent is not a building practitioner; or ○ 10 business days after the payment claim is served on the respondent, in any other case. <p><u>No differentiation between head contracts and subcontracts</u></p>