

Building Industry Fairness (Security of Payment) Bill 2017

Amendments during consideration in detail to be moved by
The Honourable the Minister for Housing and Public Works and Minister
for Sport

45 **Clause 76 (Responding to payment claim)**

Page 73, lines 26 to 32 and page 74, lines 1 to 30—

omit, insert—

76 Responding to payment claim

- (1) If given a payment claim, a respondent must respond to the payment claim by giving the claimant a payment schedule before the end of the response period.

Maximum penalty—100 penalty units.

Note—

A failure to give a payment schedule or pay a claimed amount within the response period is also grounds for taking disciplinary action under the *Queensland Building and Construction Commission Act 1991*.

- (2) However, the respondent is not required to give the claimant a payment schedule if the respondent pays the amount claimed in the payment claim in full before the end of the response period.
- (3) To remove any doubt, it is declared that nothing in this section prevents the respondent—
 - (a) paying an amount to the claimant earlier than the date payment is requested under the payment claim; or
 - (b) giving the claimant the payment schedule before the end of the response period.
- (4) In this section—

response period, for responding to a payment claim, means the shorter of the following periods—

- (a) if the relevant construction contract is written—the period provided for under the contract for—
 - (i) responding to a payment claim; or
 - (ii) paying the full amount stated in the payment claim to the claimant;
- (b) the period that is 25 business days after the day the payment claim is given to the respondent.

98A Before clause 201

Page 152, before line 25—

insert—

200B Act does not prevent early payment

Nothing in this Act prevents a person paying an amount due under a contract before the latest date allowed under the contract for payment of that amount.

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