

INFORMATION ABOUT THIS TEMPLATE

Section 97B(5) of the *Building Industry Fairness (Security of Payment) Act 2017* provides that a person who is given a payment withholding request that is not the higher party, must notify the claimant within 5 business days of receiving the request that they are not the higher party.

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

WHO IS A 'HIGHER PARTY'?

If the claimant is a subcontractor — the person responsible for paying the respondent for the construction work (or supply of related goods and services) to which the unpaid adjudicated amount relates.

If the claimant is a head contractor—the person who finances the principal contractor or owner in relation to the construction work (or supply of related goods and services) to which the unpaid adjudicated amount relates.

A person or company is not a higher party if they no longer owe money to the respondent, have paid all amounts liable to be paid under the contract or the contract with the respondent is completed.

A payment withholding request cannot be given to higher party that is a resident owner.

COMPLETING AND GIVING THIS NOTICE

This template is to be completed by a person that has received a payment withholding request who is not the higher party to the respondent. It must be given to the claimant within 5 business days of receiving the payment withholding request.

COMPLETING THIS FORM

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

PLEASE COMPLETE ALL DETAILS OF THIS APPLICATION WHERE APPLICABLE.

NOTICE TO CLAIMANT ABOUT NOT BEING THE HIGHER PARTY

To : Full name of claimant

In relation to the payment withholding request received on ^D ^D / ^M ^M / ^Y ^Y ^Y ^Y

relating to an unpaid adjudication amount owed to you by:

Respondent name:

Adjudication application number: Adjudication decision date: ^D ^D / ^M ^M / ^Y ^Y ^Y ^Y

I advise that I am not the higher party to the respondent in relation to the construction work and/or supply of goods and services related to the unpaid adjudicated amount.

Name:

on behalf of

Signature Date: ^D ^D / ^M ^M / ^Y ^Y ^Y ^Y