

Sample Form – Performance Security Claim

April 2026

INTRODUCTION

This document provides information about preparing a **performance security claim** under the *Building and Construction Industry Security of Payment Act 2002* (SOP Act).

The sample form included in this document is **not** a prescribed form. There is no prescribed form for a **performance security claim**.

The information and sample form can be used by a **claimant** to prepare a **performance security claim** under the SOP Act.

BEFORE YOU START

When to make a performance security claim

Earliest time

A performance security claim can be served on a person no earlier than the **earliest** of the following:

- a day that is at least 20 business days after the end of the defects liability period to which the performance security relates; and
- on or after a day, or on or after the occurrence of an event, specified in the construction contract.

If a performance security claim is served earlier than it should have been, it will be deemed to be served on the **earliest day** on which it could have been served.

A claimant's entitlement to serve a performance security claim is not affected by the termination, purported termination or expiry of the construction contract.

Latest time

A performance security claim cannot be served later than **the latest of**:

- the day determined under the construction contract as the latest day on which a performance security claim can be served; or

- the last day of the month following the month in which the last defects liability period set out in the construction contract ends.

REQUIRED INFORMATION

A performance security claim **must**:

- identify the construction work or related goods and services to which the performance security and the claim relates
- specify the type and amount of performance security claimed
- include the 'Security of Payment Statement':
'This is a performance security claim under the *Building and Construction Industry Security of Payment Act 2002*.'

ADDITIONAL INFORMATION

Performance securities

A performance security includes a performance bond and retention money.

A **performance bond** is a security issued to or executed in favour of a party to a construction contract to secure the performance by another party of obligations under the contract.

- A performance bond includes—
 - a guarantee; and
 - a bond.

Retention money is either—

- money (inclusive of GST) retained by a party to a construction contract, out of money payable by that party under the contract to another party to the contract, as security for the performance of obligations of that other party under the contract in relation to the carrying out of construction work, or the supply of related goods and services, by that other party; or

- money (inclusive of GST) paid to a party to a construction contract, by or on behalf of another party to the contract, and retained as security for the performance of obligations of that other party under the contract in relation to the carrying out of construction work, or the supply of related goods and services, by that other party.

SERVING THE PERFORMANCE SECURITY CLAIM ON THE RESPONDENT

The performance security claim must be served on the respondent (see 'When to make a performance security claim' above).

A performance security claim can be served in the manner (if any) required by the construction contract. In any other case, it can be served by one of the following means:

1. by delivering it in person;
2. by leaving it at the respondent's ordinary place of business;
3. by posting it to the respondent's ordinary place of business;
4. in any manner instructed by the respondent as being an acceptable manner for service; or
5. in the prescribed manner (if any)¹.

The performance security claim can also be served on the respondent's agent.

The performance security claim is not served until it is delivered to the respondent or left at the respondent's ordinary place of business. If it is posted, service is 7 business days after the day on which it was posted, or on any earlier day on which it was delivered to the respondent. If it is emailed or served electronically, it is served at the time the email or electronic communication is received.

A 'business day' under the SOP Act excludes Saturdays, Sundays, Victorian public holidays, and the period 22 December to 10 January.

NOTES FOR THE CLAIMANT

Preparing a performance security claim

¹ Not currently prescribed.

Security of Payment Statement

Ensure the performance security claim includes the Security of Payment Statement. The performance security claim **must** include this statement.

1. Claimant's details

Provide the name of the person or company that entered into the contract with the respondent and provide the contact details for your ordinary place of business.

2. Respondent's details

Provide the name of the person or company that entered into the contract with you and the contact details for their ordinary place of business.

3. Performance security claim details

Identify the performance security claim number, if used, identify the performance security claim type and provide sufficient information to identify the construction work or related goods or services to which the performance security and the claim relate.

4. Due date for release

The due date for release is the date specified by the construction contract (which must not be later than 20 business days after the performance security claim is served under the SOP Act) or, if not specified by the contract, 10 business days after the earliest day on which the performance security claim may be served under the SOP Act.

5. Construction work or related goods and services, type and amount of performance security claimed

The performance security claim **must**:

- identify the construction work or related goods and services to which the performance security and the claim relate
- specify the type and amount of performance security claimed.

6. List of attachments

Attach any relevant information to support the claim. List the attached documents on the form.

7. Signature of Claimant

Check that the details you have provided are accurate and then sign the form.



SAMPLE FORM – PERFORMANCE SECURITY CLAIM

This is a performance security claim under the *Building and Construction Industry Security of Payment Act 2002*.

1. Claimant's details

Company	
Contact Person	
Address	
Phone	Fax
Email	

2. Respondent's details

Company	
Contact Person	
Address	
Phone	Fax
Email	

3. Performance security claim details

Performance security claim number	
Performance security claim type	
Project/Site/Job Description	
Contract number (if applicable)	
Date of contract	DD / MM / YYYY
Amount claimed	\$
Date performance security claim served on Respondent	DD / MM / YYYY

4. Due date for release

Due date for release DD / MM / YYYY

5. Construction work or related goods and services, type and amount of performance security claimed

Item No.	Description of work, goods or services	Type of performance security	Amount claimed
			\$
			\$
Total amount claimed			\$

6. List of attachments

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7. Signature of Claimant

Signature of Claimant
Date DD / MM / YYYY



Accessibility

For enquiries in languages other than English, contact the Translating and Interpreting Service on 131 450. Say the name of your language in English and ask the interpreter to call 1300 815 127.

If you have difficulties with hearing or speech, you can contact the **Building and Plumbing Commission** via the [National Relay Service](#). Simply enter 1300 815 127 as the number you want to call.

Users of TTY services can also contact the BPC via our direct TTY line: 133 677.

Acknowledgment of Country

The Building and Plumbing Commission (BPC) respectfully acknowledges the Traditional Owners and custodians of the land and water upon which we rely. We pay our respects to their Elders past and present. We recognise and value the ongoing contributions of Aboriginal and Torres Strait Islander peoples and communities to Victorian life.

We embrace the spirit of reconciliation, working towards equality of outcomes and an equal voice.



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Want to know more?

If you have any questions about this information, please contact the Building and Plumbing Commission.

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