

Sample Form – Section 18A(2) Notice – Notice of intention to apply for adjudication and opportunity to serve a performance security schedule

April 2026

INTRODUCTION

This document provides information about preparing a **section 18A(2) notice** 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 **section 18A(2) notice**.

The information and sample form can be used by a **claimant** to prepare a **section 18A(2) notice** under the SOP Act.

BEFORE YOU START

When is a section 18A(2) notice required

A claimant is required to notify the respondent of the claimant's intention to apply for adjudication of the performance security claim **when**:

- the respondent fails to serve a performance security schedule on the claimant, **and**
- the respondent fails to release the whole or any part of the amount claimed by the due date for release of the amount.

In those circumstances, the claimant cannot make an adjudication application **unless** the claimant has served a notice under section 18A(2) on the respondent.

Ensure the section 18A(2) notice is served within time

A section 18A(2) notice **must** be served on the respondent **within** 10 business days after the due date for release of the amount claimed.

The due date for release of the amount claimed is the date specified in 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 a performance security claim may be served

under the SOP Act in relation to the performance security.

REQUIRED INFORMATION

A section 18A(2) notice **must**:

- inform the respondent that the claimant intends to apply for adjudication of the performance security claim, **and**
- inform the respondent that the respondent may serve a performance security schedule on the claimant within 5 business days after receiving the section 18A(2) notice.

ADDITIONAL INFORMATION

The claimant's entitlement to make an adjudication application

Where the respondent fails to serve a performance security schedule on the claimant **and** fails to release the whole or any part of the amount claimed by the due date for release, a claimant may make an adjudication application **only if**:

- the claimant serves a section 18A(2) notice on the respondent, **and**
- that notice is served within 10 business days after the due date for release, **and**
- the respondent has been given a further opportunity to serve a performance security schedule on the claimant within 5 business days after receiving the claimant's notice under section 18A(2).

Adjudication application

A claimant that has served a section 18A(2) notice may make an adjudication application – whether or not the respondent provides a performance security schedule – **within 5 business days** after the end of the 5 business day period referred to in the section 18A(2) notice.



The claimant **must not** make the adjudication application before the end of the 5 business day period referred to in the section 18A(2) notice.

SERVING THE SECTION 18A(2) NOTICE ON THE RESPONDENT

The section 18A(2) notice must be served on the respondent (see 'When is a section 18A(2) notice required' above).

A section 18A(2) notice 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 section 18A(2) notice can also be served on the respondent's agent.

The section 18A(2) notice 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 section 18A(2) notice

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

Identify the contract number, if applicable, and relevant contract details.

Specify the amount claimed – the amount you claimed in the performance security claim.

4. Due date for release

The due date for release is the date specified in 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.

Specify the date the performance security claim was served on the respondent.

5. Notice requirements

The notice **must** include sufficient information and be served in a manner that meets the requirements of a section 18A(2) notice, including informing the respondent:

- of the claimant's intention to apply for adjudication of the performance security claim, **and**
- the respondent's opportunity to provide a performance security schedule to the claimant within 5 business days after receiving the claimant's notice under section 18A(2).

It is also useful to advise the respondent that, whether or not the respondent serves a performance security schedule, the claimant may make an adjudication application within 5 business days after the end of the 5 business day period referred to in the notice.

6. Signature of Claimant

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

¹ Not currently prescribed.



SAMPLE FORM – SECTION 18A(2) NOTICE – NOTICE OF INTENTION TO APPLY FOR ADJUDICATION AND OPPORTUNITY TO SERVE A PERFORMANCE SECURITY SCHEDULE

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. Notice requirements

Notice under Section 18A(2) of the *Building and Construction Industry Security of Payment Act 2002*

This is a notice under section 18A(2) of the *Building and Construction Industry Security of Payment Act 2002*.

The respondent is notified that the claimant intends to apply for adjudication of the performance security claim referred to above.

The respondent is advised that the respondent may serve a performance security schedule on the claimant within 5 business days after receiving this notice.

The respondent is advised that, whether the respondent serves a performance security schedule, the claimant may make an adjudication application within 5 business days after the end of the 5 business day period referred to in this notice.

6. Signature of Claimant

Signature of Claimant
Date of Notice 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.

Telephone: 1300 067 088

Email: customerservice@bpc.vic.gov.au

Building and Plumbing Commission

Level 19, 242 Exhibition Street

Melbourne, Victoria

Australia 3000

bpc.vic.gov.au