

# Sample Form – Performance Security Schedule

April 2026

## INTRODUCTION

This document provides information about preparing a **performance security schedule** 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 schedule**.

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

## BEFORE YOU START

### Check to ensure that you serve the performance security schedule on time

The performance security schedule must be served on the claimant within the time required by the construction contract or within 10 business days after you were served with a performance security claim – whichever is **earlier**.

Subject to any specified earlier date in the construction contract, the SOP Act specifies the **earliest day** on which a performance security claim can be served. The requirement to serve a performance security schedule within 10 business days does not commence until the earlier of the date specified in the contract or the earliest day on which the performance security claim can be served.

## REQUIRED INFORMATION

A performance security schedule **must**:

- identify the performance security to which it relates
- identify the amount of the performance security that is proposed to be released if it is not the same amount of the performance security that relates to the performance security claim

- indicate when you propose to release the performance security
- if the performance security amount proposed to be released is less than the performance security claim, indicate why the amount to be released is less and provide reasons for this.

## ADDITIONAL INFORMATION

### Consequences of not serving a performance security schedule

If you do not serve a performance security schedule and do not release the amount claimed on or before the due date for release, the claimant may recover this amount as a debt due in court or apply for adjudication. In either case, you may incur associated court or adjudication costs as well as having to release the amount claimed. You may also be charged interest on the unpaid amount of a performance security that has become due to be released.

If you fail to serve a performance security schedule, the claimant must give you written notice of their intention to apply for adjudication. You then have 5 business days to serve a performance security schedule.

If the claimant applies for adjudication, a respondent who has not served a performance security schedule may not submit an Adjudication Response.

### Consequences of not releasing performance security in accordance with performance security schedule

If you serve a performance security schedule and do not release the performance security indicated in the performance security schedule on or before the due date for release, the claimant may recover this amount as a debt due in court or apply for adjudication. In either case, you may incur associated court or adjudication costs as well as having to pay the amount claimed. You may also



be charged interest on the unpaid amount of a performance security that has become due to be released.

### Precondition for recourse to performance security

The SOP Act provides that a party to a construction contract is not entitled to have recourse to the whole or a part of a performance security **unless** that party has served a notice of intention to have recourse to the performance security **and** at least 5 business days have passed since that notice was served, or any longer period (specified in the contract) has passed.

The requirements and content of a notice of intention to have recourse to a performance security are specified in the SOP Act. Those requirements form part of every construction contract.

## SERVING THE PERFORMANCE SECURITY SCHEDULE ON THE CLAIMANT

The performance security schedule must be served on the claimant (see 'Check to ensure that you serve the performance security schedule on time' above).

A performance security schedule 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 claimant's ordinary place of business;
3. by posting it to the claimant's ordinary place of business;
4. in any manner instructed by the claimant as being an acceptable manner for service; or
5. in the prescribed manner (if any)<sup>1</sup>.

The performance security schedule can also be served on the claimant's agent.

The performance security schedule is not served until it is delivered to the claimant or left at the claimant'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 claimant. 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 RESPONDENT

### Preparing a performance security schedule

#### 1. Respondent's details

Provide the contact details for your ordinary place of business.

#### 2. Claimant's details

These are likely to have been provided by the claimant on the performance security claim, if not on the contract.

#### 3. Performance security claim details

You must identify the performance security. The performance security schedule **must** include this information. Provide as much information as you can from the performance security claim itself.

#### 4. Amount and date to be released

Indicate the amount of the performance security (if any) that you propose to release **and** the date you propose to release that amount. The performance security schedule **must** include this information.

#### 5. Reasons amount to be released is less than the amount claimed

If you propose to release less than the amount claimed, you must indicate why the amount to be released is less and provide reasons for this. The performance security schedule **must** include this information.

#### 6. List of attachments

Attach copies of any documents that will help to explain a difference between the amount claimed and the amount of the performance security that is proposed to be released. List the attached documents on the form.

#### 7. Signature of Respondent

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

<sup>1</sup> Not currently prescribed.



# SAMPLE FORM – PERFORMANCE SECURITY SCHEDULE

## 1. Respondent's details

Company	
Contact Person	
Address	
Phone	Fax
Email	

## 2. Claimant'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. Amount and date to be released

Amount to be released	\$
Date to be released	DD / MM / YYYY

## 5. Reasons amount to be released is less than the amount claimed

Item No.	Performance security claim and type	Amount claimed	Amount to be released (if any)	Reasons amount to be released is less than the amount claimed (show calculations)
		\$	\$	
		\$	\$	
<b>Totals</b>		\$	\$	

## 6. List of attachments


## 7. Signature of Respondent

Signature of Respondent
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.

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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](mailto:customerservice@bpc.vic.gov.au)

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