

# Sample Form – Adjudication Response – Performance Security Claim

April 2026

## INTRODUCTION

This document provides information about preparing an **adjudication response** in respect of 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 an **adjudication response**.

The information and sample form can be used by a **respondent** to prepare an **adjudication response** in respect of a **performance security claim** under the SOP Act.

## BEFORE YOU START

### When you can make an adjudication response in respect of a performance security claim

You may lodge a response to the claimant's adjudication application if you served a performance security schedule on the claimant within the time specified by the SOP Act.

Your adjudication response **must** be lodged with the adjudicator within:

- 5 business days after receiving a copy of the application, or
- 2 business days after receiving notice of an adjudicator's acceptance of the application,

whichever is the later.

## REQUIRED INFORMATION

An adjudication response **must**:

- identify the adjudication application to which it relates
- include the name and address of any relevant principal of the respondent

- include the name and address of any other person who the respondent knows has a financial or contractual interest in the matters that are the subject of the adjudication application.

## ADDITIONAL INFORMATION

### Relevant principal

The adjudicator must notify any relevant principal of the adjudication application. A relevant principal is any person who has engaged the respondent under a construction contract to provide construction work, goods or services, if the work that the claimant has done or the goods or services that the claimant has supplied under the contract to the respondent is, or is part of or incidental to, the construction work, goods or services that the respondent was engaged to carry out or supply.

### Any other person with a financial or contractual interest in the application

The adjudicator must notify any other person identified in the adjudication response and any person the adjudicator reasonably believes, on the basis of any submission from the claimant or the respondent, is a person who has a financial or contractual interest in the adjudication application of the application.

### Submissions relevant to the adjudication response

The adjudication response may contain any submissions relevant to the response that the respondent chooses to include but may not contain reasons why the respondent did not offer to release the whole or part of the performance security in the performance security schedule served on the claimant if that reason was not set out in the performance security schedule.

Copies of documents relevant to the submissions should be attached, including the performance security schedule.



## SERVING THE ADJUDICATION RESPONSE ON THE CLAIMANT

A copy of the adjudication response (including attachments) **must** be served on the claimant within 3 business days after it is lodged with the adjudicator.

The claimant's copy of the adjudication response 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 adjudication response can also be served on the claimant's agent.

The adjudication response 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 an adjudication response

#### 1. Adjudication application details

An adjudication response must identify the adjudication application to which it relates. The adjudication response **must** include this information.

#### 2. Respondent's details

Provide your name and contact details for your ordinary place of business.

#### 3. Relevant principal

Provide the name(s) of any relevant principal. The adjudication response **must** include this information.

#### 4. Any other person with a financial or contractual interest in the application

The adjudication response **must** provide details of any other person who you know has a financial or contractual interest in the matters that are the subject of the adjudication application. The adjudication response **must** include this information.

#### 5. Performance security schedule details

Provide details of the performance security schedule you served on the claimant. If you did not serve a performance security schedule on the claimant within the time required by the SOP Act you may not lodge an adjudication response.

#### 6. Reasons amount to be released is less than the amount claimed set out in the performance security schedule

Provide details of the reasons the amount proposed to be released is less than the amount claimed set out in the performance security schedule you served on the claimant. You cannot identify any new reasons the amount proposed to be released is less than the amount claimed that were not specified in the performance security schedule you served on the claimant.

#### 7. Submissions relevant to the adjudication response

The adjudication response may contain any submissions relevant to the response that the respondent chooses to include but may not contain reasons why the respondent did not offer to release the whole or part of the amount claimed in the performance security schedule served on the claimant if that reason was not set out in the performance security schedule.

#### 8. List of attachments

Attach copies of any documents which support your submissions. List the attached documents on the form.

#### 9. Signature of Respondent

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

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



# SAMPLE FORM – ADJUDICATION RESPONSE – PERFORMANCE SECURITY CLAIM

## 1. Adjudication application details

Claimant	
Authorised Nominating Authority (ANA)	
Adjudicator nominated by ANA	
Application number assigned by ANA	
Date you received a copy of the application	DD / MM / YYYY
Date you received notice that the Adjudicator accepted the application	DD / MM / YYYY

## 2. Respondent's details

Company	
Contact Person	
Address	
Phone	Fax
Email	

## 3. Relevant principal

Company	
Contact Person	
Address	
Phone	Fax
Email	

## 4. Any other person with a financial or contractual interest in the application

Company	
Contact Person	
Address	
Phone	Fax
Email	

## 5. Performance security schedule details

Date of performance security schedule	DD / MM / YYYY
Date performance security schedule served on Claimant	DD / MM / YYYY
Amount claimed in performance security claim	\$
Amount you proposed to release in the performance security schedule	\$
Amount released in accordance with the performance security schedule	\$
Amount not released	\$

## 6. Reasons amount to be released is less than the amount claimed set out in the performance security schedule

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**7. Submissions relevant to the adjudication response**


**8. List of attachments**


**9. Signature of Respondent**

<b>Signature of Respondent</b>
<b>Date</b> DD / MM / YYYY

SAMPLE FORM



## 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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## Disclaimer

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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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