

**From:** s 47F  
**To:** s 47E(d), s 47F, s 47G(1)(a)  
**Subject:** CA55180 - Quinn Civil Pty Ltd - North East Link (Early Works) - Borlase Reserve, VIC [SEC=OFFICIAL]  
**Date:** Tuesday, 9 November 2021 3:11:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image005.png](#)  
[image007.jpg](#)  
[image009.jpg](#)

**OFFICIAL**

s 47E(d), s 47F, s 47G(1)(a)

s 47E(d), s 47G(1)(a)

The [ABCC's jurisdiction](#) with regards to security of payment extends to building contractors and building industry participants who tender for or express interest in Commonwealth funded building work (code covered entities). Code covered entities may be required to comply with the *Code for the Tendering and Performance of Building Work 2016 or the Building Code 2013* on [both privately and Commonwealth funded projects](#). Both Codes include specific [security of payment obligations](#) including making payments in a timely manner and not unreasonably withholding payments which have become due and payable. An amount may become due and payable under the Codes and/or state or territory security of payment laws in the following scenarios:

- An amount is certified by a Principal (or Superintendent) under a contract and not paid within the contractual timeframe.
- An amount is specified in a payment schedule/notice of dispute issued under the security of payment laws and not paid by the date prescribed by those laws.
- Other than in Western Australia and the Northern Territory, no payment schedule/notice of dispute is issued in response to a valid payment claim and the full amount of the payment claim is not paid by the date prescribed by the security of payment laws.
- An adjudicator makes a determination under the relevant state and territory security of payment legislation and the adjudicated amount is not paid by the date prescribed by the security of payment laws.
- A third party such as a court, arbitrator, or expert issues a binding determination and the amount determined is not paid in accordance with the determination.

To assist the ABCC's enquiries, it is requested that you provide the following information by completing the attached table below (relating to the complaint detailed above):

Information requested:	Details
Have you, or a <a href="#">related entity</a> , tendered for or expressed interest in Commonwealth funded building work on or after 2 December 2016?	Yes/No
If not, have you tendered for or expressed interest in Commonwealth funded building work prior to 2 December 2016?	<p>If yes, provide details of first Commonwealth funded building work you, or your related entity, tendered for or expressed interest in:</p> <p><b>Project Name:</b>  <b>Project Address:</b>  <b>Client:</b></p>

	<b>Date of Tender/EOI submission:</b>
On what date were tenders called on the Project that is subject of this complaint?	<b>Date:</b>
On what date were you awarded the contract on the Project that is subject of this complaint?	<b>Date:</b>
Please describe the nature of the work being conducted by the claimant to which this complaint relates	<b>Details:</b>
What are the reasons for the alleged failure to pay the amount claimed by the due date for payment?	<b>Details:</b>
Please provide any other details and/or documents that you believe the ABCC should consider when assessing this complaint	<b>Details:</b>

Please provide your response to the ABCC **within 7 days**.

Upon receipt of this further information, the ABCC may take further investigative action or refer the matter to the relevant state or territory authority.

For further information, advice or assistance please visit [Security of payment | ABCC](#) or call the ABCC Hotline on 1800 003 338.

Kind regards

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