CONSTRUCTION CLAIMS AND DISPUTES

Notice Delivery Checklist

Before you write “given” on the file.

Job: _____ Notice: _____ Clause: _____ Due: _____

BEFORE IT GOES

- [ ] Read the notices clause. Who gets it, at which address, and by what method. Email isn't a method on every contract.
- [ ] Count the deadline from the trigger, under the clause's own period. An 'after 5pm counts as next day' line tells you when it counts, not when it's due.
- [ ] Signed, dated, and it says what the clause says it must.
- [ ] Don't leave it to the last day where you're allowed to send it early. (Payment claims: on or after your date, never before.)

BY EMAIL

- [ ] Every person and address the contract names goes in the To line. Not cc.
- [ ] Attach a signed PDF. Check your Sent folder that it actually went.
- [ ] Watch for a bounce for the next hour. A bounce means it wasn't given. Read who it bounced from before you decide why.
- [ ] Keep the original sent email. Save it as a file (drag it out of Outlook or Gmail). Don't rely on a forward.

BY HAND

- [ ] One signed copy for every person the contract names, even two people at the same office.
- [ ] If someone else prints and delivers it, the signatory signs first and scans it to them.
- [ ] Record each copy: the time, who took it, and a photo.
- [ ] It's given when the last copy lands, not the first.

BY POST

- [ ] Use the registered office from a current ASIC search, unless the contract names another address.
- [ ] Express Post with signature on delivery. Keep the receipt and the tracking number.
- [ ] Put a list of everything enclosed on top. Photograph the contents next to the addressed envelope before you seal it.

WHEN THE EMAIL'S DOWN

- [ ] Send by another method the contract allows: by hand or by post.
- [ ] Have a second email account set up now, with a different provider. Say why it's coming from a new address.
- [ ] Ring the registry or nominating authority the same day if you're in an adjudication.
- [ ] Screenshot the outage page and the error, and write down the times.
- [ ] Don't count on an outage buying you time. The deadlines don't move.

AFTER IT'S GONE

- [ ] File the proof with the notice: sent email, delivery notes, photos, tracking.
- [ ] Diary the next step and the date it's due.
- [ ] Got an acknowledgment from the other side? Save it. It fixes the date they got it.

NOTES: WHO TOOK IT, WHEN, WHERE THE PROOF IS FILED

General information only. Your contract's notices clause decides who a notice goes to and how it is given. Construction Claims and Disputes is not a law firm and Jason Audsley is not an Australian legal practitioner. Independent legal advice should be obtained on any legal question.