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| **Supporting statement and declaration by head contractor - payment to subcontractors**  This statement must accompany any payment claim served on a principal to a construction contract by a head contractor.  For the purposes of this statement, the terms “principal”, “head contractor”, “subcontractor”, and “construction contract” have the meanings given in section 4 of the *Building and Construction Industry Security of Payment Act 1999* (NSW) (the Act). | | | | | | | |
| Head contractor: [business name of head contractor] | | | | | | | |
| Click or tap here to enter text. | | | | | | | |
|  | | |  |  | |  |  |
| ABN: | | |  |  | |  |  |
| Click or tap here to enter text. | | | |  | |  |  |
|  | | |  |  | |  |  |
|  | **1.** has entered into a contract with: [business name of subcontractor] | | | | | | |
| Click or tap here to enter text. | | | | | | | |
|  | | |  |  | |  |  |
| ABN: | | |  | Contract number/ identifier | | | |
|  | | |  |  | | | |
| Click or tap here to enter text. | | |  | Click or tap here to enter text. | | | |
|  | | |  |  | |  |  |
| **OR** | | |  |  | |  |  |
|  | **2.** has entered into a contract with the subcontractors listed in Schedule 1 and Schedule 2 of this statement | | | | | | |
|  | | |  |  | |  |  |
| This statement applies for work between [*start date*] | | | Click or tap to enter a date. | | and [*end date*] | Click or tap to enter a date. | |
|  | | |  |  | |  |  |
| **OR** This statement applies to work completed in Stage [*number*]of the construction contract | | | | | |  | |
| subject of the payment claim dated [*date*] | | | | | |  | |
|  | | |  |  | |  |  |
| **Declaration** | | | | | | | |
|  | | |  |  | |  |  |
| I, [*full name*] | | Click or tap here to enter text. | | | | | |
|  | | |  |  | |  |  |
| being the head contractor, a director of the head contractor or a person authorised by the head contractor on whose behalf this declaration is made, hereby declare that to the best of my knowledge and belief all subcontractors, if any, have been paid all amounts that have become due and payable (including any retention amounts) in relation to the construction work that is the subject of this payment claim. These subcontractors and the amounts paid to them are identified in Schedule 1 on page 2. Any subcontractors with whom an amount has not been paid by the head contractor are identified in Schedule 2 on page 3. | | | | | | | |
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| **NOTE: it is an offence under s 13(7) of the Act for a head contractor to serve a payment claim on the principal, if it is not accompanied by a supporting statement that indicates that it relates to that payment claim. The maximum penalty is $110,000 for corporations, and $22,000 for an individual.**  **It is also an offence under the Act, for a head contractor to knowingly make a statement that is false or misleading in a material particular in the particular circumstances. The maximum penalty is $110,000 for corporations, and $22,000 or 3 months imprisonment (or both) for individuals.** | | | | | | | |
|  | | |  |  | |  |  |
| Signature | | |  | Full name: | |  |  |
|  | | |  | Click or tap here to enter text. | | | |
| Position/ Title: | |  |  |
| Click or tap here to enter text. | | | |
| Date: | |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name of Subcontractor** | **ABN** | **Contract number/identifier** | **Date of works (period or stage)** | **Date of subcontractor’s payment claim** |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap to enter a date. |  |
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**Schedule 1**

Subcontractors paid all amounts due and payable in relation to the construction work that is the subject of the payment claim which this supporting statement accompanies.

NOTE: Amounts due and payment includes retention money that is due and payable. Retention money is defined by the Act to mean money retained by a head contractor out of money payable by the head contractor to a subcontractor under a construction contract, as security for the performance of obligations of the subcontractor under the contract.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name of Subcontractor** | **ABN** | **Contract number/identifier** | **Date of works (period or stage)** | **Date of subcontractor’s payment claim** |
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**Schedule 2**

Subcontractors with whom an amount has not been paid in relation to the construction work that is the subject of the payment claim which this supporting statement accompanies.