Statutory Declaration

 **DEFINITIONS**

 The Principal is: »

 The Contractor is: »

 The Contract: The contract between the Principal and the Contractor

 Contract Title: »

 Contract Number: »

 Dated: »…………… (Date of Contract) between the party identified as the Principal and the party identified as the Contractor.

 Subcontractors means any entity engaged by the Contractor to carry out part of the work under the Contract including a Subcontractors, supplier or consultant.

**Declaration**

Full Name: I »………………………………………………

 of»

 »

do hereby truly and solemnly declare the following and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1936 (SA):

1. I am a director, senior executive or project manager of the Contractor and authorised by the Contractor to make this statutory declaration on its behalf;
2. I am in a position to make this statutory declaration about the facts attested to.

**Remuneration of Contractor's employees engaged to carry out work in connection with the Contract**

1. All remuneration payable to the Contractor's relevant employees and Subcontractors for work done in connection with the Contract has been paid and the Contractor has made provision for all other benefits accrued in respect of the employees and Subcontractors. Relevant employees and Subcontractors are those engaged in carrying out the work done in connection with the Contract. Remuneration means remuneration or other amounts payable to relevant employees and Subcontractors by legislation, or under an industrial instrument, in connection with work done by the employees and Subcontractors.

**Workers Compensation Insurance of the Contractor's workers**

1. All workers compensation insurance premiums payable by the Contractor in respect of the work done in connection with the Contract have been paid and the insurance policy is current.

**Workers Compensation insurance for workers of Subcontractors**

1. The Contractor has been given a written statement that all workers compensation insurance premiums payable by each Subcontractor in respect of that work done have been paid and the insurance policy is current.

**Payments to Subcontractors**

1. Except for amounts identified in the table below, the Contractor has paid every Subcontractor all amounts due and payable to each of them as at the date of this statutory declaration with respect to the work or the supply of materials for or in connection with the Contract.
2. The Contractor has entered into contracts with Subcontractors in accordance with the prescribed requirements of the Contract and otherwise complied with the provisions relating to Subcontractors.
3. The Contractor has paid to the Subcontractors any adjustments calculated and payable to the Subcontractors under the Rise and Fall clause in the Contract.

**Subcontract Cash Security**

1. All subcontract security held in the form of cash and all cash retentions from Subcontractors payments are held in trust by the Contractor. The cash security and retentions are held in trust for whichever party is entitled to them, until payment is made to that party.
2. The Contractor is maintaining complete records to account for the cash. The records are available to the relevant Subcontractors and the Principal on request.

**Industry Participation and Skills Development**

1. The Contractor has complied with the requirements under the Contract of skills development and Industry Participation policies including all reporting requirements.

**Status of Subcontractors Payments**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Subcontractor Name and ACN/ABN** | **Contract No.** | **Date of works (period)** | **Payment claim dated (head contractor claim)** | **Amount of claim (previous period)** | **Amount Paid** **(previous period)** | **Reasons for Difference** |
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I acknowledge that this declaration is true and correct and I make it with the understanding and believe that a person who makes a false declaration may be guilty of an offence.

Signature of Declarant:

 **declared at:**

Place: »

 on»

 **before me:**

Signature of legally authorised
person\* before whom the
declaration is made: ……………………………………………………….

Name and title of person\*
before whom the declaration
is made ……………………………………………………….

*\* "The declaration must be made before one of the following persons:*

*1. where the declaration is sworn within the State of South Australia:*

*(i) a justice of the peace of the State of South Australia;*

*(ii) a solicitor of the Supreme Court of South Australia with a current practising certificate;*

*(iii) a notary public; or*

*(iv) another prescribed person legally authorised to administer an oath under the Oaths Act 1936, or.*

*2 where the declaration is sworn in a place outside the State of South Australia:*

1. *a notary public; or*
2. *any person having authority to administer an oath in that place*