

PAYMENT CLAIM

[FOR USE WITH MASC-1 2021 and MESC-1 2021]

To: **Contractor's Representative**

|  |  |
| --- | --- |
| Contractor’s Representative’s email address: | ***[INSERT]*** |

This is a payment claim under clause ***[12.2 – if MASC-1 2021 / 11.2 – if MESC-1 2021]*** of the Subcontract.

|  |  |
| --- | --- |
| **Project Number:** | ***[INSERT]*** |
| **Project:** | ***[INSERT]*** |
|  |  |
| **Name (including ABN) of Subcontractor:** | ***[INSERT]*** |
| Subcontractor's email address: | ***[INSERT]*** |
| Subcontractor's Representative's phone number: | ***[INSERT]*** |
|  |  |
| **Payment claim number (if any):** | ***[INSERT]*** |
| Payment claim period: | ***[INSERT]*** |
| Payment claim date: | ***[INSERT]*** |
| **Total payment claim amount(if any) (including GST):** | ***$[INSERT]*** |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. General description of the work, goods or services to which the payment claim relates:

***[INSERT]***

1. This payment claim is for the following amounts (if any) claimed for the period described above on account of:

|  |  |  |
| --- | --- | --- |
|  | the Subcontract Price | $***[INSERT]*** |
|  | all other amounts then payable by the Contractor to the Subcontractor under the Subcontract | $***[INSERT]*** |
|  | GST | $***[INSERT]*** |
|  | **Total payment claim amount (including GST)** | $***[INSERT]*** |

The construction work and any related goods and services to which this payment claim relates, together with all other details, calculations, supporting documentation and other information in respect of the total payment claim amount (including details of any GST) is/are set out in the section titled 'Particulars' to this payment claim.

***[NOTE: THE SUBCONTRACTOR SHOULD NOTE CLAUSE [12.3 – if MASC-1 2021 / 11.3 – if MESC-1 2021] OF THE SUBCONTRACT WHEN SUBMITTING ITS PAYMENT CLAIM]***

|  |  |  |  |
| --- | --- | --- | --- |
| **Signature:** |  | **Date:** | ***[INSERT]*** |
|  |  |  |  |
| **Full name:** | ***[INSERT]*** | **Title:** | **Subcontractor's Representative** |

PARTICULARS

|  |  |
| --- | --- |
| **Project Number:** | ***[INSERT]*** |
| **Project:** | ***[INSERT]*** |
| **Payment claim number:** | ***[INSERT]*** |

The construction work and any related goods and services to which this payment claim relates, together with all other details, calculations, supporting documentation and other information in respect of the amounts claimed (including details of any GST) is/are set out below or attached as follows:

**SUBCONTRACT PRICE**

***[INSERT]***

**ALL OTHER AMOUNTS THEN PAYABLE BY THE CONTRACTOR TO THE SUBCONTRACTOR UNDER THE SUBCONTRACT**

***[INSERT]***

***[NOTE: THE VALUE OF ANY ITEMS OF UNFIXED GOODS AND MATERIALS AND THE DETAILS OF THOSE ITEMS MUST BE SEPARATELY IDENTIFIED - SEE CLAUSE [12.7 - if MASC-1 2021 / 11.7 - if MESC-1 2021]***

***[NOTE: THE SUBCONTRACTOR MUST PROVIDE A STATUTORY DECLARATION, WHICH MAY ALSO INCLUDE A SUPPORTING STATEMENT REGARDING PAYMENT OF WORKERS AND SUBCONTRACTORS AND OTHER INFORMATION WITH EACH PAYMENT CLAIM – SEE CLAUSE [12.16 – if MASC-1 2021 / 11.14 – if MESC-1 2021].***

**SCHEDULE 1 - PAYMENT OF WORKERS AND SUBSUBCONTRACTORS - DECLARATION**

***[INCLUDE IF CLAUSE [12.16 - IF MASC-1 2021/ 11.14 - IF MESC- 2021] APPLIES]***

1. The Subcontractor must complete this Schedule 1 for payment claims submitted in connection with the Subcontractor's Activities or Works carried out in the Australian Capital Territory, Northern Territory, South Australia, Tasmania, Victoria or Western Australia.
2. In this Schedule 1, the Subcontractor must provide:
   * 1. a statutory declaration in the format of the jurisdiction where the Subcontractor's Activities or the Works were carried out, (see guidance formats below) together with any supporting evidence which may be reasonably required by the Contractor's Representative, duly signed by the Subcontractor or, where the Subcontractor is a corporation, by a representative of the Subcontractor who is in a position to know the facts declared, that, except to the extent disclosed in the statutory declaration (such disclosure to specify all relevant amounts, workers and subsubcontractors):
        1. all workers who have at any time been employed by the Subcontractor in connection with the Subcontractor's Activities or the Works have at the date of the payment claim been paid all moneys due and payable to them in respect of their employment in connection with the Subcontractor's Activities or the Works; and
        2. all subsubcontractors have been paid all moneys due and payable to them in respect of the Subcontractor's Activities or the Works; and
     2. documentary evidence that, except to the extent otherwise disclosed (such disclosure to specify all relevant amounts and workers), as at the date of the payment claim, all workers who have been employed by a subsubcontractor have been paid all moneys due and payable to them in respect of their employment in connection with the Subcontractor's Activities or the Works.

[SUBCONTRACTOR TO DELETE JURISDICTIONS THAT ARE NOT RELEVANT]

AUSTRALIAN CAPITAL TERRITORY

STATUTORY DECLARATION

*Statutory Declarations Act 1959*

I, ***[INSERT NAME]***, ***[INSERT ADDRESS]***, ***[INSERT OCCUPATION]***, make the following declaration under the *Statutory Declarations Act* *1959* (Cth):

1. ***[INSERT MATTER TO BE DECLARED IN NUMBERED PARAGRAPHS]***

I believe that the statements in this declaration are true in every particular, and I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act* *1959* (Cth), the punishment for which is imprisonment for a term of 4 years.

|  |  |
| --- | --- |
| Signature of declarant |  |
| Declared at on the day of 20  Before me: | |
|  |  |
| Signature of person before whom the declaration is made |  |
|  |  |
| Full name, qualification and address of person before whom the declaration is made |  |

NORTHERN TERRITORY OF AUSTRALIA

STATUTORY DECLARATION

*Oaths Affidavits and Declarations Act 2010*

I, ***[INSERT NAME]***, solemnly and sincerely declare:

1. ***[INSERT MATTER TO BE DECLARED IN NUMBERED PARAGRAPHS]***

I make this solemn declaration by virtue of the *Oaths, Affidavits and Declarations Act 2010* (NT) and conscientiously believing the statements contained in this declaration to be true in every particular and knowing that it is an offence to make a statutory declaration that is false in any material particular.

|  |  |  |  |
| --- | --- | --- | --- |
| Declared at  this                             day of                             20  Before me: |  |  |  |
|  |  |  |  |
| Signature of person before whom the declaration is made |  |  | Signature of declarant |
|  |  |  |  |
| Full name and contact address or telephone number of person before whom the declaration is made |  |  |  |

NOTE: This declaration may be witnessed by any person who is at least 18 (eighteen) years of age.

NOTE: This written statutory declaration must comply with Part 4 of the *Oaths Affidavits and Declarations Act 2010*.

NOTE: A person wilfully doing anything to a statutory declaration that results in it becoming false or misleading is liable to a penalty of up to 400 penalty units or imprisonment for 4 years.

SOUTH AUSTRALIA

STATUTORY DECLARATION

*Oaths Act 1936*

I, ***[INSERT NAME]*** of ***[INSERT ADDRESS]***, do solemnly and sincerely declare that:

1. ***[INSERT MATTER TO BE DECLARED IN NUMBERED PARAGRAPHS]***

And I makethis solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936* (SA).

|  |  |  |  |
| --- | --- | --- | --- |
| Declared at  this                             day of                             20  Before me: |  |  |  |
|  |  |  |  |
| Signature of person before whom the declaration is made |  |  | Signature of declarant |
|  |  |  |  |
| Full name and qualification of person before whom the declaration is made |  |  |  |

TASMANIA

STATUTORY DECLARATION

*Oaths Act 2001*

I, ***[INSERT NAME]*,*****[INSERT ADDRESS]***, ***[INSERT OCCUPATION]***, do solemnly and sincerely declare that:

1. ***[INSERT MATTER TO BE DECLARED IN NUMBERED PARAGRAPHS]***

I makethis solemn declaration under the *Oaths Act* *2001* (Tas).

|  |  |  |  |
| --- | --- | --- | --- |
| Declared at  on  Before me: |  |  |  |
|  |  |  |  |
| Signature of person before whom the declaration is made |  |  | Signature of declarant |
|  |  |  |  |
| Full name and qualification of person before whom declaration is made |  |  |  |

VICTORIA

STATUTORY DECLARATION

*Oaths and Affirmations Act 2018*

I, ***[INSERT NAME]***, ***[INSERT ADDRESS]***, ***[INSERT OCCUPATION]***, make the following statutory declaration under the *Oaths and Affirmations Act 2018* (Vic):

1. ***[INSERT MATTER TO BE DECLARED IN NUMBERED PARAGRAPHS]***

I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.

|  |  |  |  |
| --- | --- | --- | --- |
| Declared at                                      in the State of Victoria on |  |  |  |
| I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration: |  |  |  |
| on |  |  |  |
| Signature of person before whom the declaration is made |  |  | Signature of declarant |
| Name  Address  Capacity |  |  |  |
| A person authorised under section 30(2) of the *Oaths and Affirmations Act 2018* (Vic) to witness the signing of a statutory declaration. |  |  |  |

WESTERN AUSTRALIA

STATUTORY DECLARATION

*Oaths, Affidavits and Statutory Declarations Act 2005*

I, ***[INSERT NAME]***, ***[INSERT ADDRESS]***, ***[INSERT OCCUPATION]***, sincerely declare as follows:

1. ***[INSERT MATTER TO BE DECLARED IN NUMBERED PARAGRAPHS]***

This declarationis true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is madeunder the *Oaths, Affidavits and Statutory Declarations Act* *2005* (WA) at ***[INSERT PLACE]*** on ***[INSERT DATE]*** by:

|  |  |  |  |
| --- | --- | --- | --- |
| Signature of person making declaration |  |  |  |
| In the presence of: |  |  |  |
|  |  |  |  |
| Signature of person before whom the declaration is made |  |  |  |
|  |  |  |  |
| Full name and qualification of person before whom the declaration is made |  |  |  |

**SCHEDULE 2 - PAYMENT OF WORKERS AND SUBSUBCONTRACTORS - STATUTORY DECLARATION COMBINED SUBCONTRACTOR'S STATEMENT AND SUPPORTING STATEMENT - NSW ONLY**

***[INCLUDE IF CLAUSE [12.16 - IF MASC-1 2021 / 11.14 IF MESC-1 2021] APPLIES]***

1. The Subcontractor must complete this Schedule 2 for payment claims submitted in connection with the Subcontractor's Activities or Subcontract Works carried out in New South Wales.
2. In this Schedule 2, the Subcontractor must provide a completed and true Combined Subsubcontractor's Statement and Supporting Statement, executed on the date of the payment claim, in the form of the statutory declaration set out below.[[1]](#footnote-1)
3. 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).
4. The Subcontractor is both a “head contractor” for the purposes of the *Building and Construction Industry Security of Payment Act 1999* (NSW), and a “subcontractor” for the *Workers Compensation Act* *1987* (NSW), *Payroll Tax Act* *2007* (NSW) *and Industrial Relations Act* *1996* (NSW), and makes relevant statements below accordingly.
5. This Statement must be signed by the Subcontractor (or by a person who is authorised, or held out as being authorised, by the Subcontractor to sign the statement).
6. Relevant legislation includes the *Workers Compensation Act* *1987* (NSW), s175B; *Payroll Tax Act* *2007* (NSW), Schedule 2 Part 5; *Industrial Relations Act* *1996* (NSW), s127; and *Building and Construction Industry Security of Payment Regulation* *2020* (NSW), s18.

COMBINED SUBSUBCONTRACTOR'S STATEMENT AND SUPPORITNG STATEMENT

STATUTORY DECLARATION

*OATHS ACT 1900*, NSW, EIGHTH SCHEDULE

**SUBCONTRACT**

The Subcontractor is ***[INSERT NAME] [INSERT ABN]*** of ***[INSERT ADDRESS OF SUBCONTRACTOR]*** and has entered into a subcontract with ***[INSERT NAME] [INSERT ABN]***.

Subcontract number/identifier ***[INSERT SUBCONTRACT NUMBER OR UNIQUE IDENTIFIER]***.

**SUBCONTRACT/S**

The Subcontractor has entered into ***[A SUBSUBCONTRACT/SUBSUBCONTRACTS]*** with the ***[SUBSUBCONTRACTOR/ SUBSUBCONTRACTORS]*** described below.

**PERIOD OF STATEMENT & DECLARATION**

This statement and declaration applies for work between ***[INSERT DATE]*** and ***[INSERT DATE]*** inclusive (the construction work concerned), the subject of payment claim number***[INSERT].***

I, ***[INSERT NAME OF DIRECTOR OR A PERSON AUTHORISED BY THE SUBCONTRACTOR ON WHOSE BEHALF THE DECLARATION IS MADE]*** of ***[INSERT ADDRESS - INCLUDE STATE/ TERRITORY]*, *[INSERT OCCUPATION]***, do solemnly and sincerely declare that:

* 1. The abovementioned Subcontractor has ***[DELETE OPTION THAT IS NOT APPLICABLE]***:
     1. ***[employed or engaged workers or subsubcontractors during the above period of this contract (in which case the Subcontractor is to comply with paragraphs b to g below, as applicable)]***; ***[OR]***
     2. ***[not employed engaged workers or subsubcontractors during the above period of this contact or is an exempt employer for workers compensation purposes (in which case the Subcontractor to complete paragraphs e to g*** ***below]***;
  2. all workers compensation insurance premiums payable by the Subcontractor in respect of the work done under the subcontract have been paid. The Certificate of Currency for that insurance is attached and is dated ***[INSERT DATE]***;
  3. all remuneration payable to relevant employees for work under the subcontract for the above period has been paid;
  4. where the Subcontractor is required to be registered as an employer under the *Payroll Tax Act 2007* (NSW), the Subcontractor has paid all payroll tax due in respect of employees who performed work under the subcontract, as required at the date of this statement;
  5. where the Subcontractor is also a principal contractor to subsubcontracts in connection with the work, the Subcontractor has in its capacity of principal contractor been given a written Subsubcontractor’s Statement by its subsubcontractor(s) in connection with that work for the period stated above;
  6. all amounts due and payable to subsubcontractors have been paid (including any retention amounts) in relation to the construction work that is the subject of this payment claim; and
  7. the subsubcontractors and the amounts paid to them are identified in Table 1 but the amounts do not include any amounts in dispute between the head contractor and any subsubcontractors. Any subsubcontractors with whom an amount is in dispute with the head contractor are identified in Table 2,

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act* *1900* (NSW).

Declared at: ***[INSERT PLACE]*** on ***[INSERT DATE]***

|  |
| --- |
|  |
| Signature of declarant |

in the presence of an authorised witness, who states:

I, ***[INSERT NAME OF AUTHORISED WITNESS]***, a ***[INSERT QUALIFICATION OF AUTHORISED WITNESS],*** certify the following matters concerning the making of this statutory declaration by the person who made it: [\* delete any text that does not apply]

1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. \*I have known the person for at least 12 months OR \*I have confirmed the person’s identity using an identification document and the document I relied on was ***[INSERT DESCRIPTION OF IDENTIFICATION DOCUMENTS RELIED ON]***.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Signature of authorised witness |  |  | Date |

**NOTE:** It is an offence under section 13(7) of the *Building and Construction Security of Payment Act* *1999* (NSW) 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 1,000 penalty units in the case of a corporation or 200 penalty units in the case of an individual.

It is also an offence under section 13(8) of the *Building and Construction Security of Payment Act* *1999* (NSW), 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 1,000 penalty units in the case of a corporation or 200 penalty units or 3 months imprisonment (or both) in the case of an individual.

**NOTE:** Where required above, this Statement must be accompanied by the relevant Certificate of Currency to comply with section 175B of the *Workers Compensation Act* *1987* (NSW).

**Table 1 - Subsubcontractors 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 *Building and Construction Security of Payment Act* *1999* (NSW) 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.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SUBSUBCONTRACTORS PAID ALL AMOUNTS DUE AND PAYABLE** | | | | |
| **NAME OF SUBSUBCONTRACTOR** | **ABN** | **SUBSUBCONTRACT NUMBER OR OTHER IDENTIFIER EG DATE** | **DATE OF WORKS (PERIOD)** | **DATE OF SUBCONTRACTOR PAYMENT CLAIM** |
| ***[INSERT]*** | ***[INSERT]*** | ***[INSERT]*** | ***[INSERT]*** | ***[INSERT]*** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**Table 2 - Subsubcontractors with whom an amount is in dispute and have not been paid in relation to the construction work that is the subject of the payment claim which this supporting statement accompanies.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SUBSUBCONTRACTORS FOR WHICH AN AMOUNT IS IN DISPUTE AND HAS NOT BEEN PAID** | | | | |
| **NAME OF SUBSUBCONTRACTOR** | **ABN** | **SUBSUBCONTRACT NUMBER OR OTHER IDENTIFIER EG DATE** | **DATE OF WORKS (PERIOD)** | **DATE OF SUBCONTRACTOR PAYMENT CLAIM** |
| ***[INSERT]*** | ***[INSERT]*** | ***[INSERT]*** | ***[INSERT]*** | ***[INSERT]*** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**SCHEDULE 3 - PAYMENT OF WORKERS AND SUBSUBCONTRACTORS - STATUTORY DECLARATION AND SUPPORTING STATEMENT - QUEENSLAND ONLY**

***[INCLUDE IF CLAUSE [12.16 IF MASC-1 2021 / 11.14 IF MESC-1 2021] APPLIES]***

1. The Subcontractor is to complete this Schedule 3 for payment claims submitted in connection with the Subcontractor's Activities or Subcontract Works carried out in Queensland.
2. In this Schedule 3, the Subcontractor must provide a completed supporting statement in accordance with section 75(7) of the *Building Industry Fairness (Security of Payment) Act 2017* (Qld).

STATUTORY DECLARATION

*Oaths Act 1867*

**SUPPORTING STATEMENT**

* 1. I, ***[INSERT FULL NAME OF DECLARANT]*** of ***[INSERT DECLARANT'S QUEENSLAND ADDRESS],*** being the head contractor (the Subcontractor), a director of the head contractor or a person authorised by the head contractor on whose behalf this declaration is made, in relation to the contract between:
     1. ***[INSERT SUBCONTRACTOR'S NAME]***("the Subcontractor");
     2. ***[INSERT SUBSUBCONTRACTOR'S NAME]***("the Subsubcontractor"); or
     3. ***[INSERT SUBCONTRACT NUMBER]***("the Subcontract"),
  2. do solemnly and sincerely declare that:
     1. unless stated in subparagraph ii., all subsubcontractor(s) for the Subcontractor engaged under the construction contract for which this claim has been made, have been paid all amounts owed to them by the Subcontractor at the date of giving this payment claim ***[INSERT NUMBER]***.
     2. the following subsubcontractor(s) have not been paid the full amount that is owed to them by the Subcontractor at the date of giving this payment claim ***[INSERT NUMBER]*** for the reasons set out below.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Details of unpaid subsubcontractors** | | | | | |
| Subsubcontractor full name | Payment claim details (e.g. invoice number) | Date(s) of work or supply of related goods and services by subsubcontractor | Amount owed[[2]](#footnote-2) to the subsubcontractor ($) | Amount unpaid | Reason for not paying amount owed to the subsubcontractor in full |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act* *1867* (Qld).

|  |
| --- |
|  |
| Signature of declarant |

Taken and declared before me at ***[INSERT PLACE]*** this ***[INSERT DATE]*** day of ***[INSERT MONTH]*** ***[INSERT YEAR]***

Before me:

|  |
| --- |
|  |
| Signature of person before whom the declaration is made |

|  |
| --- |
|  |
| Full name and qualification of person before whom the declaration is made |

1. This Schedule 2 is prepared for the purpose of section 175B of the *Workers Compensation Act* *1987* (NSW), Schedule 2 Part 5 of the *Payroll Tax Act* *2007* (NSW), section 127 of the *Industrial Relations Act* *1996* (NSW) and sections 13(7) and 13(9) of the *Building and Construction Industry Security of Payment Act* *1999* (NSW). If this Schedule 2 is completed in accordance with these provisions, a contractor is relieved of liability for workers compensation premiums, payroll tax and remuneration payable by the subcontractor. [↑](#footnote-ref-1)
2. Amount owed is either the amount stated in a payment schedule, or if no payment schedule is given, the full amount claimed under the payment claim. This amount only needs to be detailed on the supporting statement if the due date for payment has passed (i.e. the amount is unpaid). [↑](#footnote-ref-2)