

PAYMENT STATEMENT

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

To: **The Subcontractor**

|  |  |
| --- | --- |
| Subcontractor's email address: | ***[INSERT]*** |

 **Cc: The Contractor**

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

This is a payment statement under clause ***[12.4 - IF MASC-1 2021 /11.4 - IF MESC-1 2021]*** of the Subcontract.

|  |  |
| --- | --- |
| **Project Number:**  | ***[INSERT]*** |
| **Project:** | ***[INSERT]*** |
|  |  |
| **Name (including ABN) of Subcontractor:**  | ***[INSERT]*** |
| **Contractor's Representative:**  | ***[INSERT]*** |
| Contractor’s Representative’s email address: | ***[INSERT]*** |
| Contractor’s Representative’s phone number:  | ***[INSERT]*** |
|  |  |
| **Payment claim number (if any):** | ***[INSERT]*** |
| Payment claim period: | ***[INSERT]*** |
| Payment claim date:  | ***[INSERT]*** |
| Payment claim received: | ***[INSERT]*** |
| **Total Claim Amount (if any) (including GST):** | ***$[INSERT]*** |
|  |  |
| **Payment statement number:**  | ***[INSERT]*** |
| Payment statement period: | ***[INSERT]*** |
| Payment statement date: | ***[INSERT]*** |
| **Total Schedule Amount (if any) (including GST):** | ***$[INSERT]***  |
| **Difference between Total Claim Amount and Total Schedule Amount (if any) (including GST):** | ***$[INSERT]*** |

The amount previously paid to the Subcontractor on account of the Subcontract Price and otherwise in accordance with the Subcontract is:

|  |  |  |
| --- | --- | --- |
| (a) | the Subcontract Price | $***[INSERT]*** |
| (b) | otherwise in accordance with the Subcontract | $***[INSERT]*** |
| (c) | GST | $***[INSERT]*** |
|  | **Total Amount Paid (including GST)** | $***[INSERT]*** |

The amount (if any) that the Contractor’s Representative believes to be then payable to the Subcontractor on account of the Subcontract Price and otherwise in accordance with the Subcontract and which the Contractor proposes to pay the Subcontractor is:

|  |  |  |
| --- | --- | --- |
|  | the Subcontract Price  | $***[INSERT]*** |
|  | otherwise in accordance with the Subcontract | ***$[INSERT]*** |
|  | GST | $***[INSERT]*** |
|  | **Total Schedule Amount (including GST)** | $***[INSERT]*** |

If the Total Schedule Amount is less than the Total Claim Amount, the reasons are set out in the Particulars to this payment statement.

|  |  |  |  |
| --- | --- | --- | --- |
| **Signature:** |  | **Date:** | ***[INSERT]*** |
|  |  |  |  |
| **Name:** | ***[INSERT]*** | **Position/Title:** | ***[INSERT]*** |

**Contractor’s Representative (as agent for the Contractor)**

**PARTICULARS**

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

**[*Note: The Contractor’s Representative must select Option 1, Option 2 or Option 3 and complete the details for that selected option. The options which are not selected must be deleted.]***

***[OPTION 1]*** ***[The Contractor’s Representative should use Option 1 when the Total Claim Amount and the Total Schedule Amount are the same.]***

None stated.

***[OPTION 2] [The Contractor’s Representative should use Option 2 when the Total Schedule Amount is less than the Total Claim Amount.]***

The Total Schedule Amount is less than the Total Claim Amount by $***[INSERT]*** because:

***[INSERT DETAILED REASONS - EXPLAIN IN DETAIL WHY THE CONTRACTOR IS ENTITLED TO******RETAIN, DEDUCT, WITHHOLD OR SET‑OFF AGAINST MONEYS WHICH WOULD OTHERWISE BE DUE TO THE SUBCONTRACTOR]***.

***[OPTION 3] [The Contractor’s Representative should use Option 3 when the Total Schedule Amount is Nil for any reason e.g. the Subcontractor is not yet entitled to submit the payment claim, the Subcontractor is not yet entitled to payment or otherwise.]***

The Total Schedule Amount is $Nil because:

***[INSERT DETAILED REASONS - EXPLAIN IN DETAIL WHY THE SUBCONTRACTOR HAS NOT YET BECOME ENTITLED TO SUBMIT THE PAYMENT CLAIM, TO PAYMENT OR WHY THE CONTRACTOR IS ENTITLED TO******RETAIN, DEDUCT, WITHHOLD OR SET‑OFF AGAINST MONEYS WHICH WOULD OTHERWISE BE DUE TO THE SUBCONTRACTOR]***.

Further and without prejudice to the above, if the Subcontractor is entitled to submit the payment claim or payment, the amount (if any) that the Contractor’s Representative believes to be then payable to the Subcontractor on account of the Subcontract Price and otherwise in accordance with the Subcontract and which the Contractor proposes to pay the Subcontractor is:

|  |  |  |
| --- | --- | --- |
| (a) | the Subcontract Price | ***$[INSERT]*** |
| (b) | otherwise in accordance with the Subcontract | ***$[INSERT]*** |
| (c) | GST | ***$[INSERT]*** |
|  | **Total Schedule Amount (including GST)** | ***$[INSERT]*** |

The Total ScheduleAmount is less than the Total Claim Amount by $***[INSERT]*** because:

***[INSERT DETAILED REASONS - EXPLAIN IN DETAIL WHY THE CONTRACTOR IS ENTITLED TO******RETAIN, DEDUCT, WITHHOLD OR SET‑OFF AGAINST MONEYS WHICH WOULD OTHERWISE BE DUE TO THE SUBCONTRACTOR]****.*

**ATTACHMENTS TO PARTICULARS**

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

|  |
| --- |
| **Attachment** |
| ***[NONE STATED/INSERT DESCRIPTION OF ATTACHMENTS]*** |
| ***[NONE STATED/INSERT DESCRIPTION OF ATTACHMENTS]*** |

**IMPORTANT NOTE:**

Any evaluation or issue of a payment statement by the Contractor’s Representative will not constitute:

* + 1. approval of the Subcontractor's Activities or the Subcontract Works nor will it be taken as an admission or evidence that the part of the Subcontractor's Activities or the Subcontract Works covered by the payment statement has been satisfactorily carried out in accordance with the Subcontract;
		2. a waiver of the requirements of clauses ***[12.2 and 12.3 - IF MASC-1 2021 / 11.2 and 11.3 - IF MESC-1 2021]*** in relation to any payment claim other than to the extent (if any) to which the Contractor expressly waives such requirements in respect of the payment claim the subject of the payment statement;
		3. an admission or evidence of the value of the Subcontractor's Activities or the Subcontract Works or that the Subcontractor's Activities or the Subcontract Works comply with the Subcontract;
		4. an admission or evidence of liability; or
		5. otherwise, any approval, admission or evidence by the Contractor or the Contractor’s Representative of the Subcontractor's performance or compliance with the Subcontract.

This payment statement is a "payment schedule" for the purposes of any Security of Payment Legislation.

***[NOTE TO CONTRACTOR’S REPRESENTATIVE: IT IS CRITICAL (FOR REASONS RELATED TO AND CONSEQUENCES ARISING OUT OF THE SECURITY OF PAYMENT LEGISLATION) THAT EACH PAYMENT STATEMENT IS ISSUED IN TIME AND THAT THE CONTRACTOR’S REPRESENTATIVE TAKES APPROPRIATE STEPS TO SATISFY ITSELF AND CLEARLY DOCUMENT THAT THE SUBCONTRACTOR HAS RECEIVED THE PAYMENT STATEMENT IN TIME.]***