

PAYMENT STATEMENT

[FOR USE WITH ECI HEAD CONTRACT ONLY]

**To: The Contractor**

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

 **Cc: The Commonwealth**

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

This is a payment statement under clause 12.4of the Contract.

|  |  |
| --- | --- |
| **Project Number:** | ***[INSERT]*** |
| **Project:** | ***[INSERT]*** |
|  |  |
| **Name (including ABN) of Contractor:** | ***[INSERT]*** |
| **Contract Administrator:** | ***[INSERT]*** |
| Contract Administrator's email address: | ***[INSERT]*** |
| Contract Administrator'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 Contractor on account of the Contract Price and otherwise in accordance with the Contract is:

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

The amount (if any) that the Contract Administrator believes to be then payable to the Contractor on account of the Contract Price and otherwise in accordance with the Contract and which the Commonwealth proposes to pay the Contractor is:

|  |  |  |
| --- | --- | --- |
| (a) | the Contract Price | ***$[INSERT]*** |
| (b) | otherwise in accordance with the Contract | ***$[INSERT]*** |
| (c) | 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]*** |

**Contract Administrator (as agent for the Commonwealth)**

**PARTICULARS**

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

**[*Note: The Contract Administrator 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 Contract Administrator should use Option 1 when the Total Claim Amount and the Total Schedule Amount are the same.]***

None stated.

***[OPTION 2] [The Contract Administrator should use Option 2 when the Total Schedule Amount is less than the Total Claim Amount.]***

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

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

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

The Total Schedule Amount is $Nil because:

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

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

|  |  |  |
| --- | --- | --- |
| (a) | the Contract Price | ***$[INSERT]*** |
| (b) | otherwise in accordance with the Contract | ***$[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 COMMONWEALTH IS ENTITLED TO******RETAIN, DEDUCT, WITHHOLD OR SET‑OFF AGAINST MONEYS WHICH WOULD OTHERWISE BE DUE TO THE CONTRACTOR].***

**ATTACHMENTS TO PARTICULARS**

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

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

**IMPORTANT NOTE:**

1. Any evaluation or issue of a payment statement by the Contract Administrator will not constitute:
	* 1. approval of the Contractor's Activities or the Works, nor will it be taken as an admission or evidence that the part of the Contractor's Activities or the Works covered by the payment statement has been satisfactorily carried out in accordance with the Contract;
		2. a waiver of the requirements of clauses 12.2 and 12.3in relation to any payment claim other than to the extent (if any) to which the Commonwealth 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 Contractor's Activities or the Works or that the Contractor's Activities or the Works comply with the Contract;
		4. an admission or evidence of liability; or
		5. otherwise, any approval, admission or evidence by the Commonwealth or the Contract Administrator of the Contractor's performance or compliance with the Contract.

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

***[NOTE TO CONTRACT ADMINISTRATOR: 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 CONTRACT ADMINISTRATOR TAKES APPROPRIATE STEPS TO SATISFY ITSELF AND CLEARLY DOCUMENT THAT THE CONTRACTOR HAS RECEIVED THE PAYMENT STATEMENT IN TIME.]***