C41 – NOTICE THAT A LEGISLATIVE REQUIREMENT IS AT VARIANCE WITH THE CONTRACT

(Subclause 11.1)

DATE: [INSERT DATE OF NOTICE]

TO SUPERINTENDENT: [INSERT SUPERINTENDENT NAME]

PROJECT NAME: [INSERT PROJECT/CONTRACT NAME]

CONTRACT No.: [INSERT CONTRACT NUMBER]

The Contractor notifies the Superintendent that a legislative requirement namely [SET OUT DETAILS OF THE LEGISLATIVE REQUIREMENT WHICH IS AT VARIANCE WITH THE CONTRACT] is at variance with the Contract as follows:

|  |
| --- |
| [SET OUT DETAILS OF THE PROVISIONS OF THE CONTRACT WHICH DO NOT COMPLY WITH THE LEGISLATIVE REQUIREMENT SET OUT ABOVE] |

The Contractor requests a direction on the action that the Contractor must now take.

|  |  |
| --- | --- |
| Signed by the Contractor: |  |
|  |  |
| Signature |  |
|  |  |
| Name |  |
|  |  |
| Date |  |

|  |  |
| --- | --- |
| [REMOVE BEFORE SENDING] Notes: | |
| a) | Legislative requirement is defined in clause 1 and includes not only the requirements of legislation and subordinate legislation but also certificates, licences, consents and permits and the like of organisations having jurisdiction in connection with the carrying out of WUC and fees and charges in connection with same. |
| b) | Subclause 11.1 requires the Contractor to notify the Superintendent whenever the Contractor discovers that a legislative requirement is at variance with a Contract requirement. |
| c) | Who bears the risk of the Contractor satisfying (complying with) such a legislative requirement which is at variance with the Contract is dealt with in subclause 11.2. |
| d) | As to service of Form C41, refer to clause 7. |