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| ***Oaths Act 1867***  **STATUTORY DECLARATION**  QUEENSLAND  TO WIT  I,       of       in the State of Queensland, do solemnly and sincerely declare that, in relation to the Contract between [COUNCIL NAME] and       (Contractor), for the       (Contract):   * 1. I hold the position of      . Having made all reasonable inquiries, I am in a position to know the facts contained herein and am duly authorised by the Contractor to make this declaration on its behalf.   2. All subcontractors, suppliers, and consultants ('subcontractors') of the Contractor have been paid all that:      1. is due and payable to them up to the date of submission by the Contractor of the payment claim with which this declaration is submitted in respect of their part of the work under the Contract; and      2. the subcontractors have claimed is due and payable to them up to the date of submission by the Contractor of the payment claim with which this declaration is submitted in respect of their part of the work under the Contract,   except as disclosed in paragraph 3.   * 1. The Contractor has not paid the following amounts which are due and payable to subcontractors or which subcontractors claim are due and payable to them:  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Name of subcontractor** | **Date of claim** | **Date work the subject of the claim carried out** | **Amount claimed** | **Amount paid** | **Reason for not paying amount claimed** | |  |  |  |  |  |  | |  |  |  |  |  |  |  * 1. All the Contractor's employees who at any time have been engaged on work under the Contract by the Contractor have been paid, in accordance with the relevant award or industrial instrument, all moneys due and payable to them up to the date of submission by the Contractor of the payment claim with which this declaration is submitted (including, without limitation building industry superannuation and long service leave levies), except as disclosed in paragraph 5.   2. The Contractor has not paid the following amounts which are due and payable to workers:  |  |  |  |  | | --- | --- | --- | --- | | **Name of worker** | **Amount unpaid** | **Basis of payment (e.g. wages)** | **Reason for not paying amount claimed** | |  |  |  |  | |  |  |  |  |  * 1. All subcontracts and employee agreements are in accordance with applicable law and any specific requirements in the Contract.   2. The Contractor is not aware of any current or potential legal action against it which it has not previously disclosed to the Purchaser.   3. The Contractor remains able to pay its debts as and when they become due and payable. None of the events described in subclause 39.11(a), (b), (c) or (d) of the AS4902–2000 General conditions of contract for design and construct (or any analogous event) has occurred in relation to the Contractor since the date on which the Contractor submitted its tender for the Contract to the Purchaser.   4. No non-conforming building products or building products the subject of a warning statement issued by the Minister have been incorporated into the works and all required information has been obtained and provided to the Purchaser or the Superintendent (where ‘building product’, ‘Minister’, ‘non-conforming building product’ and ‘required information’ each have the respective meanings given to those terms in the *Queensland Building and Construction Commission Act 1991* (Qld)).   5. All insurances which are required to be effected and maintained under the Contract remain in place.   And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.  I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.  I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the *Criminal Code Act 1899* (Qld).  I state that:   1. This declaration was made in the form of an electronic document.\* 2. This declaration was electronically signed.\* 3. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867.*\*   *(\*delete whichever statements are not applicable)* | | | |
| **DECLARED** by  ……………………………………………..  [insert full name of declarant]  at ………………………………………….  [insert place where declarant is located] | | )  )  )  )  )  )  )  )  )  ) | ……………………………………………..  [signature of declarant]  ……………………………………………..  [date] | |
| In the presence of:  ……………………………………………..  [insert full name of witness]  ……………………………………………..  [insert type of witness]  ……………………………………………..  [insert name of law practice / witness’s  place of employment]\*  **\****delete if not applicable* | | )  )  )  )  )  )  )  )  )  )  )  )  )  )  )  ) | ……………………………………………..  [signature of witness]  ……………………………………………..  [date] | |
| ***For special witnesses to complete – Tick as applicable*** | | | | |
|  | I am a special witness under the Oaths Act 1867. (see section 12 of the Oaths Act 1867) | | | | |
|  | This document was made in the form of an electronic document. | | | | |
|  | I electronically signed this document. | | | | |
|  | This statutory declaration was made, signed and witnessed under part 6A of the Oaths Act 1867 – I understand the requirements for witnessing a document by audio visual link and have complied with those requirements. | | | | |

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| [REMOVE BEFORE SENDING] Notes: | |
| a) | This form is to be provided with the Contractor’s progress claim. |
| b) | It is a substantial breach of the Contract for the Contractor to fail to provide this declaration or to provide such a declaration which is false, misleading or deceptive in any material respect. |
| c) | A person who makes a declaration that the person knows is false in a material particular, whether or not the person is permitted or required by law to make the declaration, before a person authorised to take or receive declarations, commits a misdemeanour under section 194 of the *Criminal Code Act 1899* (Qld) for which the maximum penalty is 3 years imprisonment. |