**HAC Project Bank Account Pack**

**ANNEXURE E**

**Statutory Declaration**

*[****Note:*** *This statutory declaration must be issued at the same time as (and no earlier than) the Progress Payment Instruction(s) is issued pursuant to clause 42.2.]*

Statutory Declaration

I, [***Full name***]

of [***Address***]

[***Position and Company***]

Sincerely declare as follows:

1. I hold the position of [***Position***] and am duly authorised by the Contractor to make this declaration in accordance with the provisions of clause 42.2 of the General Conditions of Contract as amended (**Contract**).
2. In respect of [***Contract***] and Progress Payment Instruction(s) PPI Nos [***Transaction ID – PPI number***] of [***Date***]:
   * 1. the Progress Payment Instruction(s) are true and accurate and comply with the Contract (and to avoid doubt and without limitation, properly allocate amounts payable to Subcontractors pursuant to their subcontracts);
     2. all Opt-in Subcontractors have supplied an Opt-in Notice to the Contractor;
     3. to the extent that any previously issued Progress Payment Instruction was not correct or for any other reason, the Contractor has no outstanding liabilities to Subcontractors or any other subcontractor or supplier (regardless of subcontract value) in connection with the Works, other than the payments the subject of the Progress Payment Instruction;
     4. the Payment Report issued with the Progress Payment Instruction(s) is true and accurate; and
     5. there has been no change (since the date of the PBA Trust Deed) in the identity of the party with any registered security interests over the Contractor (as identified under the "Personal Properties Securities Register" maintained pursuant to the *Personal Properties Securities Act 2009* (Cth)) or if there has been, a duly executed deed of priority or deed of subordination (in form and substance acceptable to the Principal) has been executed,

in each case as at the date of the Progress Payment Instructions issued pursuant to special condition 3.7 of the Contract, where terms defined in the Contract have the same meaning in this statutory declaration.

This declaration is 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 made under the *Oaths, Affidavits and Statutory Declaration Act 2005* at:

[***insert location***]

On [***Date***]

by:

[*Signature of person making the declaration*]

In the presence of

[*Signature of authorised witness*]

[*Name of authorised witness and qualification as such a witness*