|  |  |
| --- | --- |
| **Date** | [type here] |
| **To** | Contractor |

Dear Sir/Madam/Miss, etc.

|  |  |
| --- | --- |
| **Contact number** | [type here] |
| **Road name** | [type here] |
| **Local government name** | [type here] |
| **Principal’s Notice to Show Cause** | |

This is a Notice under Clause 44 of the *General Conditions of Contract*. I hereby notify you that you have committed a substantial breach of the Contract as outlined below:

1. failing to lodge security of breach of Clause 5.2
2. failing to lodge a deed of Guarantee, undertaking and substitution, in breach of Clause 5.11
3. failing to comply with requirements of Clause 8.6
4. failing to comply in any respect with Clause 9.2
5. failing to comply with the requirements of Clause 14.5.2
6. failing to comply with the requirements of Clause 14.6
7. failing to rectify a non-conformance identified on three separate occasions in the safety auditing process under Clause 15.3
8. failing to provide evidence of insurance, in breach of Clause 21.1
9. failing to comply with a direction of the Administrator under Clause 30.6 in breach of Clause 23
10. repeatedly failing to ensure the Contractor(s) representative is present on the site in accordance with Clause 25
11. failing to comply with the requirements of Clause 29.2.2
12. failing to use the materials or standards of workmanship required by the Contract in breach of Clause 30.1
13. failing to either establish, implement or maintain a Quality System in accordance with Clause 30.2
14. suspension of work in breach of Clause 33.1
15. failing to proceed with due expedition and without delay in breach of Clause 33.1
16. failing to comply with the provisions of Clause 33.3.1
17. failing to deliver a statutory declaration or supporting documentary evidence in breach of Clause 43
18. failing to provide a supporting statement with a payment claim required by the *Payments Act*
19. providing a statutory declaration pursuant to Clause 43 which is false, misleading or deceptive in any respect
20. providing a supporting statement required by the *Payments Act* which is false or misleading, and/or
21. failing to comply with the requirements of Clause 14.11(b), and/or
22. any other breach identified by the Principal as a 'substantial breach'.

I require you to show cause in writing as to why I should not exercise my right referred to in Clause 44.4 either to take the whole or part of the works remaining to be completed under the Contract out of your hands, or to terminate the Contract.

I hereby advise you that unless you, by 4pm (3) on the (4) [type here] by notice addressed to me at (5) [type here], show cause why I should not exercise a right under Clause 44.4, I may either take the whole or part of the works still to be completed under the Contract out of your hands, or terminate the Contract.

Yours sincerely

[type here]

**Principal**

c/c: Administrator  
 District Director

|  |
| --- |
| 1. Delete as appropriate (the above listing is an example and there are other situations which may warrant a breach). 2. Details of each breach should be provided as appropriate. 3. It is desirable to state 4pm because of insurance considerations. 4. The date must be five clear Business Days or more after service of the Notice. Note Clause 7 concerning the requirements of service of notices. 5. A place, usually the Principal’s address, must be stated. 6. Seek legal advice prior to issue of this letter.   Note:  Great care must be taken in drafting a Show Cause Notice and legal advice be sought where appropriate.  If more than one breach is to be specified, amend the notice appropriately. |