

Money owed

Under the Minimum Financial Requirements for Licensing, it is a requirement that a Licensee must at all times pay all undisputed debts as and when the debts fall due and within industry trading or agreed terms. Failure to pay a legitimately owed debt that is not subject to genuine dispute, will result in loss of licence.

Judgment debts

If you take legal action against a contractor and judgment is awarded in your favour by a court, please advise the QBCC. It is a requirement under the Minimum Financial Requirements (MFR's) that QBCC-licensed contractors must not have an unpaid judgment debt.

Judgment debts owing that are awarded against QBCC-licensed contractors will result in failure to meet the MFR's which will in turn put the licence at risk of suspension or cancellation.

In addition to this, existing laws mean the QBCC will also allocate 10 demerit points to the licence of a person or company for outstanding judgment debts.

Licensed contractors who accumulate 30 demerit points within a three year period can be disqualified from holding a QBCC licence for a period of three years. To promote payment, demerit points imposed for unsatisfied judgment debts will be removed once the QBCC is satisfied the debt has been paid in full.

Getting paid

As the QBCC is a regulatory body, it has no judicial power to make decisions in relation to contractual disputes. Whilst QBCC's investigation may result in the debt being paid, the QBCC is not responsible for the collection of the debt. Therefore, you should also consider taking your own civil action to recover the monies owed.

If you have already obtained a judgment, it is recommended that you contact your solicitor or industry association to discuss the most appropriate next action to take in your circumstances.

If you have not yet obtained a judgment, the avenues available in order to recover your debt include, but are not limited to:

- using the Adjudication process, made available through the *Building and Construction Industry Payment Act (2004)* - for further information please visit qbcc.qld.gov.au or call us on 139 333
- the Queensland Civil and Administrative Tribunal (QCAT) - For further information please call 1300 753 228 or visit the QCAT's website at www.qcat.qld.gov.au
- lodging a charge under the *Subcontractors Charges Act 1974*
- dispute resolution centres
- state and federal courts
- the Small Claims Tribunal
- industry associations.

Your solicitor or industry association will be able to advise you of the best course of action.

Protect yourself

If you are a supplier, you should protect yourself from potential further loss by not providing further materials on credit.

If you are a subcontractor, you should seek professional advice from a lawyer or your industry association about exercising your contractual or statutory rights to suspend work.

Completing the monies owed complaint form

The ability of the QBCC to take action is dependent on industry participants and suppliers informing us of overdue debts. If you are owed money by a licensed contractor and wish to make a complaint to the QBCC, complete this form and submit it to us.

Please note that there are certain required fields contained within this form. If you are unable to provide all of the required information there will be insufficient information to substantiate your complaint and the QBCC will not be able to conduct an investigation relating to the monies owed to you.

Anonymous complaints do not give the QBCC grounds to commence an investigation and no action can be taken by us. Please note that upon signing the monies owed complaint form, you will be acknowledging that QBCC may, at its discretion, contact the contractor, and divulge the full details about your allegation of monies owed. This is to enable QBCC to investigate the matter, request an explanation from the licensee on why the monies have not been paid, and take action as appropriate.

Completing this form

- Use BLACK pen only
- Print clearly in BLOCK LETTERS
- DO NOT use correction fluid — any amendments should be crossed out and initialled

Complete this form to notify QBCC of an overdue debt owed to you by a licensed contractor.

This information is provided to the QBCC to be used as part of an investigation of a contravention or possible contravention of the law. You can choose your confidentiality option at Section 4.

Do not send original documents - the QBCC cannot return documents. Any documents provided by you will be destroyed in accordance with Principle 7 - Information Standard 40.

Fields with * are mandatory. All of these fields must be completed before any action can be taken by the QBCC.

1. YOUR DETAILS

* Name of person or business owed the debt:																					
Trading name: (if any)																					
Contact name:																					
Postal Address:																Postcode:					
* Phone:											QBCC licence no:										
Email:																					

2. WHO IS THE COMPLAINT AGAINST (DEBTOR) ?

* Contractor name:																					
* QBCC Lic. no:											ABN/ACN:										
Postal address:																Postcode:					
Phone:											Fax:										
Email:																					

PRIVACY NOTICE: The QBCC is collecting your personal information on this form to assist in the investigation of your complaint. The information will only be used to investigate your complaint, This information can be disclosed by the QBCC to another party with your consent or as authorised or required by law. All information held by the QBCC may be subject to application for access under the *Right to Information Act 2009* (the Act).

OFFICE ONLY	CRN:											Licence No:										
	Application ID:											ATFO:										

3. DETAILS OF THE DEBT OWED TO YOU

Are you a supplier or sub-contractor?

Supplier Sub-contractor

Is the debt a Judgment Debt? YES NO **If YES, go to Section 4, if NO, continue below.**

What was the contract amount plus any variations?

(State the amount of the contract originally entered into plus the value of any variations)

\$.

* What amount is owed to you? (State the \$ amount currently outstanding)

\$.

How much have you been paid to date? (State the \$ amount of any payments to date)

\$.

* On what date was the debt due for payment? / /

Breakdown of debt by age:

Total	0-30 days	30-60 days	60-90 days	90+ days
\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

When was the last payment received?

* Have you attempted to contact the licensee to resolve this matter? YES NO

If yes, when?

Has the licensee disputed the debt for any reason? YES NO

What are the terms for payment?

Have you agreed to extend the terms for payment of the debt? YES NO **If YES, what are the terms?**

Have you agreed to a repayment arrangement with the debtor? YES NO **If YES, please provide details for the arrangement and any payments made to date (e.g. agreement made to pay \$500 per week for six weeks)**

* What is the location of the site where you carried out the work?

* What type of work did you perform or what goods were supplied? (Describe what the debt relates to e.g. carpentry work - erection of the frame of a two storey house or concrete supplied for the pouring of a slab.)

3. DETAILS OF THE DEBT OWED TO YOU (continued)

Can you provide supporting documentation to substantiate the debt owed? YES NO

(e.g. copies of quotes, contracts, invoices, account statements, statutory demand, judgment certificates etc.

Do not send original documents as the QBCC cannot return them)

If you cannot provide supporting documentation, QBCC’s ability to investigate the matter may be limited.

Have you commenced legal action to recover the monies owed?

NO YES - please select one of the following options:

BCIPA adjudication Courts Debt collector Queensland Civil and Administrative Tribunal

Other (please provide details):

Please provide any other information relevant to your complaint

(e.g. What did the licensee tell you when you asked for your overdue debt to be paid?)

4. JUDGMENT DETAILS

If not a Judgment Debt - proceed to Section 5

Amount of judgment \$

Interest \$

Costs awarded \$

Total \$

Date judgment was obtained in court - -

Has the debtor been made aware of the judgment awarded against them? YES NO

If yes, how and when:

(e.g. letter from our solicitor dated 1 June 2012, telephone call made by us to the debtor on 1 June 2012, the debtor was present in court when Judge made the order, etc.)

Does the debtor have a copy of the Judgment Certificate? YES NO

If yes, how and when:

(e.g. letter from our solicitor dated 1 June 2012, etc.)

Please provide a copy of the Judgment Certificate and a copy of the letter or other means of service.

4. JUDGMENT DETAILS *(continued)*

Have you agreed to a repayment arrangement with the debtor?

YES

NO

If yes, please provide details of the arrangement and any payments made to date:

(e.g. agreement made to pay \$500 per week for 6 weeks)

Has any amount of the judgment been paid but no agreement has been entered into?

YES

NO

If yes, how much and when:

\$

Date: - -

\$

Date: - -

\$

Date: - -

Please attach details of any further payments.

How much remains outstanding?

\$

Has the debtor commenced an appeal in the court or applied to have the judgment set aside?

YES

NO

If yes, please provide details, including relevant dates of applications and hearings.

5. CONFIDENTIALITY - AUTHORITY TO DISCUSS MONIES OWED COMPLAINT WITH LICENSEE

Please ensure you have completed all mandatory fields and have included all relevant documentation and evidence. If the QBCC is not provided with sufficient information your complaint may not be investigated and you will be notified accordingly.

I/We declare the information provided in this complaint, to the best of my/our knowledge is true and correct and;

I/We acknowledge that QBCC may, at its discretion, contact the contractor, and divulge the full details about my allegation of monies owed and request an explanation on why the monies have not been paid. I acknowledge that the QBCC is not a judicial body and is unable to make a decision on the validity of any debt, and that while QBCC's enquiries may result in the debt being paid, the QBCC is not responsible for the collection of the debt. I also acknowledge that QBCC may, at its discretion, choose not to contact the contractor about the debt.

Send all mail to: Queensland Building and Construction Commission, GPO Box 5099, Brisbane QLD 4001

6. COMPLAINANT/S DECLARATION

Upon your signing of Section 6 of this form (Complainant/s Declaration) and lodgement of this form with QBCC, you acknowledge that QBCC may, at its discretion, contact the contractor, and divulge the full details about the allegation of monies owed and request an explanation from the contractor on why the monies have not been paid.

I/We declare the information provided in this complaint, to the best of my/our knowledge, is true and correct.

Print name:

Signature:

Date: / /