

# NOTIFICATION OF OFFENCE

EFFECTIVE APRIL 2021

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

If you don't understand one of the questions in this form, please refer to the following notes to assist you.

1. It is important that you identify exactly what you are complaining to the QBCC about. If you wish to complain about defective or incomplete building work, use the 'Residential and Commercial Construction Work Complaint Form'. You may tick more than one box from the selection provided and include details in the "Other" section if one of the other boxes does not suit. Refer to the QBCC's website for more information in relation to each of these investigation types.
2. The QBCC does accept anonymous complaints however this can greatly diminish its ability to assess information and investigate which can result in less favourable outcomes. QBCC's regulatory actions need to be evidence-based and when gathering and assessing potential evidence, investigators often seek further information so being able to contact notifiers is very useful in that process. To enable the QBCC to best investigate your information - please provide your contact details. The QBCC realises many people who provide information do not want their personal details shared with entities subject of investigations and we are sensitive to that. Most investigations are completed without the need for investigators to obtain much more than verbal information from notifiers and copies of documents, text messages or emails and sometimes photographs. On occasions however some cases do end up in court and at that time an evidentiary statement might be sought from relevant people however this is rare.
3. Please provide as much detail as possible in relation to the contractor. If the QBCC cannot successfully identify or locate the offender, no action can be taken.
4. It is important to know how you came about dealing with the contractor. This helps the QBCC understand the whole story, assists with locating the contractor, and in cases of rogue contractors, understand their patterns of behaviour to help stop them from awful actions.
5. The site of the building work is vital to prove an offence. It will help determine if it is exempt building work, domestic building work or residential construction work.
6. These questions will help the QBCC investigate your complaint. Information provided here may mean the QBCC will not need to contact you further about the investigation unless there is something else we need to prove an offence. This will ensure the QBCC investigator's time is used efficiently and effectively. You will still be notified about the result of the investigation on its completion.
7. Please give a general detailed description of your complaint. This will assist the QBCC to understand the whole story in relation to the complaint and what offences may have occurred that you may not be aware of. Include details of how you came to engage the contractor, any monies paid and any other concerns you had in your dealings with the contractor. Attach an additional document if there is insufficient space.
8. When submitting your notification please also provide a copy of any documents, emails and text messages that are relevant to the issue you are notifying about. Large volumes of documents are sometimes not helpful however things that directly relate to the subject of the notification can assist in making investigations more timely and efficient. Remember to keep originals with you and ensure they are secure as they can become very important. If originals are required an investigator will contact you and make arrangements to obtain them.

Section 6 gives you a list of documents the QBCC may be able to use to prove the offence. If you have these documents please include them all with your complaint form. If there is insufficient evidence, no action will be taken by the QBCC and a letter will be sent advising you of this. To assist investigating complaints about no payment schedule given or non-payment of an adjudicated amount, please provide a copy of the adjudicators decision and if possible the decision certificate issued by the Registrar.

The QBCC cannot pursue all the complaints it receives. Your complaint will be carefully considered however it may not be investigated. Please refer to the Compliance and Enforcement Policy on the QBCC website for more information.

## Was the work valued at \$3,300 or less?

The QBCC can only assist with a complaint if the work was 'building work' that was valued at more than \$3,300. The 'value' of the work means the reasonable cost of the work, including labour and materials.

The QBCC is unable to assist if the work was valued at \$3,300 or less (including labour and materials), UNLESS the work was plumbing, drainage, gas fitting, building design, site classification, chemical termite management, or fire protection, or over \$1,100 for hydraulic services design work.

For investigations into breaches of domestic building contract requirements, the contract value must be in excess of \$3,300.

For investigations into breaches of the Queensland Home Warranty Scheme, the value of residential construction work must be over \$3,300.

**COMPLETING THIS FORM**

- Use BLACK pen only
- Print clearly in BLOCK LETTERS
- DO NOT use correction fluid – ~~cross-out~~ and initial amendments.

**PLEASE NOTE:**

While all complaints are carefully considered by the QBCC, we cannot pursue them all. To make the best use of our resources and increase benefits to the public, we target areas where there is evidence or where there may be potential loss to consumers.

**Return your fully completed form and ALL required documents by:**

Post: GPO Box 5099 Brisbane QLD 4001  
 in person: [QBCC Service Centres](#) are listed on our website  
 Email: [qbcc.complaints@qbcc.qld.gov.au](mailto:qbcc.complaints@qbcc.qld.gov.au)  
 Online: Lodge via [myqbcc](#).

**PRIVACY NOTICE**

The QBCC is collecting the information on this form to assist in the investigation of your complaint, on a confidential basis and in furtherance of an investigation or possible contravention of the law. The information will only be used to investigate your complaint or for surveying purposes to assist the QBCC to improve its services.

Please note, however, that:

- some information used in taking disciplinary action against an offender may indicate the origin of the complaint
- supporting evidence provided by you, including documents such as quotations, contracts, invoices etc may be provided to the alleged offender
- in relation to complaints about fitness to hold a licence, details of all allegations must be provided to the alleged offender
- you may be required to give evidence in court.

All information held by the QBCC may be subject to application for access under the Right to Information and Privacy legislation or as authorised or required by law.

For further information visit the Privacy Statement on the QBCC website at [qbcc.qld.gov.au](http://qbcc.qld.gov.au).

**1. NATURE OF THE COMPLAINT**

It is important that you identify exactly the nature of your complaint in the text field below.

For example

**Home or building owners:**

- unlicensed building work – have you had work completed by someone who does not hold a QBCC licence but should
- non-payment of the Qld home warranty scheme by a contractor doing work for you
- domestic contractual issues such as no or non-compliant contract
- advertising offences

**For contractors**

- commercial contract issues such as no or non-compliant contract
- advertising offences
- fit and proper concerns
- failing to carry out commercial or statutory obligations

- progress payment issues such as not receiving a payment schedule or payment of adjudicated amount
- the provision of false and misleading information relating to a contractors' minimum financial requirements

**Other matters that QBCC can address**

- Defective or incomplete building work, please use the [Residential and Commercial Construction Work Complaint Form](#).
- If someone owes you money you can lodge a [Monies Owed Complaint Form](#)
- Trust account complaints can be lodged via the [Trust Account Complaint Form](#)
- Complaints against an adjudicator please use the [Complaints Against an Adjudicator Form](#)

**!** **IMPORTANT:** Please refer to Section 6 for the evidence the QBCC requires before being able to investigate your complaint.

<b>OFFICE USE ONLY</b>	CRN:	<input type="text"/>	Licence number	<input type="text"/>
	Receipt amount	<input type="text"/>	Receipt number	<input type="text"/>

## 2. COMPLAINANT'S DETAILS

Name  
(Company/individual)

Contact name

ABN ACN

QBCC Licence

Postal address

State Postcode

Home phone Mobile

Email

Preferred method of correspondence Post Email Phone

## 3. WHO IS THE COMPLAINT AGAINST?

Name  
(Company/individual)

Contact name

ABN ACN

QBCC Licence

Postal address

State Postcode

Home phone Mobile

Email

Preferred method of correspondence Post Email Phone

## 4. LOCATION OF BUILDING WORK (see Note 5 for assistance with this question)

Real Property Description: these details can be found on your rates notice or your Certificate of Title. Please provide as much information as possible.

Lot no Plan (e.g. RP/  
SP/BUP/GTP) Plan no.  
(numeric)

Street address  
(include no, street,  
suburb or locality) State Postcode

Local government  
area (LGA)

Are you the owner of the property? No Yes Is this a residential property? No Yes

If you are not the owner, what is your  
relationship/involvement with the contractor?  
(e.g. a subcontractor to the builder etc.)

Are you the owner/builder permit holder? No Yes ▶ What is your owner/  
builder permit number?

**5. GOING TO A COURT OR TRIBUNAL**

Are you prepared to appear before a court or tribunal if required? No  Yes

**6. COMPLAINT DETAILS (see Note 6 for assistance with this question)**

Answer the following questions if they are applicable

**For all complaints**

What is the contractual arrangement with the contractor?

(a) Has work commenced, and if so on what date? No  Yes  D D / M M / Y Y Y Y

What is the value of work or quoted/  
contracted amount?

\$ Inc.GST

(b) Has the work been completed, and if so on what date? No  Yes  D D / M M / Y Y Y Y

(c) Were you provided with a written contract and if so on what date was it signed? No  Yes  D D / M M / Y Y Y Y

**6. COMPLAINT DETAILS** (see Note 6 for assistance with this question)

Answer the following questions if they are applicable

**For owners of residential properties**

	No	Yes ▶	D	D	M	M	Y	Y	Y	Y
(d) On what date did you accept the quote or offer to do building work?				/		/				
(e) Did you pay a deposit, and if so what amount and on what date did you pay?	No	Yes ▶	D	D	M	M	Y	Y	Y	Y
				/		/				

\$		Inc.GST
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(f) Have you made any other payments to the contractor? and if so, on what date, what for and what amount?	No	Yes								
			D	D	M	M	Y	Y	Y	Y
				/		/				

\$		
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D	D	M	M	Y	Y	Y	Y
	/		/				

\$		
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D	D	M	M	Y	Y	Y	Y
	/		/				

\$		
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(g) Were you provided with a written contract signed by both you and the contractor and if so what date was the contract signed?	No	Yes ▶	D	D	M	M	Y	Y	Y	Y
				/		/				

(h) Did you receive a commencement notice?	No	Yes
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(i) Did you receive a copy of the QBCC Consumer Building Guide?	No	Yes
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**7. OTHER INFORMATION**

(a) Do you require a translator or other special services?	No	Yes ▶
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Please provide details

(b) Do you believe the subject of this complaint poses a health or safety risk?	No	Yes ▶
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Please provide details

(c) Have you lodged a complaint about this matter with any other regulatory body?	No	Yes ▶
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Please provide details

## 7. OTHER INFORMATION

Further information

## 8. EVIDENCE CHECKLIST

ITEM	Yes
Copy of contract	
Copy of quotation	
Copies of invoices issued to you or by you	
Copies of receipts	
Copies of advertisements	
Copy of business card or other documentation to help identify the contractor	
Copy of any correspondence between you and the contractor	
Copies of complaints made to police	
Copies of plans and specifications	
Photos of building work performed, the contractor, the contractor's vehicle etc.	
Other (please specify)	

**! IMPORTANT**

**DO NOT SEND ORIGINAL DOCUMENTS** – the QBCC can not return documents. Any documents provided by you will be destroyed in accordance with Principle 7 - Information Standard 40.

**Is there a time limit for making a complaint?**

**QBCC Act Offences**

Prosecution must be three years from the date the offence was committed or two years after the offence comes to the knowledge of QBCC (whichever is later).

To allow for investigation time, the QBCC requests that complaints be made within two years of the offence date.

**What if the QBCC can not investigate the complaint?**

The QBCC cannot pursue all the complaints it receives. Your complaint will be carefully considered however it may not be investigated. If the QBCC does not investigate you may still have civil rights you can pursue. You should seek legal advice in relation to any civil remedies.

If the QBCC does investigate and take action, we may use a range of remedies which include education, advice, warnings, fines, demerit points, conditions on your licence, public warnings, injunctions, disciplinary action or prosecutions.

**How will this information be used?**

The QBCC may use the information provided in this complaint for intelligence purposes related to administration and enforcement of the QBCC Act and PD Act.

**9. COMPLAINANT/S DECLARATION**

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.

Complainant name

Signature

Date

D D M M Y Y Y Y

Complainant name

Signature

Date

D D M M Y Y Y Y