

ADVERTISING REQUIREMENTS FOR LICENSEES

In the highly competitive building industry, advertising is a valuable tool for attracting new business. It is, however, mandatory for licensees to comply with the advertising requirements set out in the *Queensland Building and Construction Commission Act 1991* (QBCC Act).

What constitutes an advertisement?

The definition of an advertisement under the QBCC Act, and the associated Regulation, is very broad and includes spoken words (e.g. television or radio advertisements) as well as printed material. For example, advertisements would include but are not limited to:

Yellow Pages advertisements

- advertisements on the side of a vehicle
- newspaper advertisements
- radio/television advertisements
- websites and social media promotions.

Advertising requirements

A licensee who publishes or causes to be published any advertisement in connection with their business must ensure that the advertisement meets the requirements below:

- contains the name under which the licensee is licensed
- states that the licensee is licensed under the QBCC Act and the number of the licensee's licence
- does not include any false or misleading information
- does not omit any information, if the omission of the information causes the advertisement to be misleading
- if the advertisement consists of or includes written material, the licensee's licence details must be included in an easily legible and reasonably prominent form

- if the advertisement appears on television or other 'visual' media, the licensee's licence details must be included in an easily legible and reasonably prominent form, or if spoken, it must be no less audible and clear than other spoken material contained in the advertisement.

Examples of advertisements which are acceptable to the Commission:

Individual

Joseph Brown

Kitchen Renovations

Call 0400 000 000

QBCC Licence No: 12345

Company

ABC Construction Pty Ltd

We service all Brisbane suburbs

Call 1300 000 000

QBCC Act Licence No: 12345

Business name

X & Z Builders Pty Ltd

Trading as: X & Z Builders

Call 3000 0000 for a quote

QBCC Licence No: 12345

Business name

Jim's Roofing

Licensee: James Cooper

Call: 0400 000 000

QBCC Act Licence No: 12345

Penalty for non-compliant advertising

Advertising in a manner which fails to comply with the requirements of the legislation could result in the QBCC initiating prosecution or disciplinary action under Section 54 of the QBCC Act (maximum penalty: 35 penalty units = \$4,670).

QBCC logo use

The QBCC logo is artwork owned by QBCC and protected by *Copyright Act 1968*. The QBCC logo cannot be used in any form. Any use of QBCC's logo is a breach of this legislation and may be subject to legal action.

If you were unaware that you were not allowed to use the logo and are currently doing so, you must:

- immediately cease using any documentation/display that contains QBCC's logo and then make corrections to avoid future use, and/or
- write to the QBCC providing suitable evidence that the publishers, web designers etc. have been contacted and a request made to remove the logo as soon as practicable.

QBCC website link use

Links to QBCC's website may be placed on other websites however, as stated above, QBCC's logo cannot be used.

When is a QBCC licence required?

A QBCC licence is required when an individual or company wants to carry out, undertake to carry out or supervise building work valued over \$3,300 (including labour and materials) in Queensland.

- Carrying out or undertaking to carry out building work includes:
- directly or indirectly causing building work to be carried out
- providing advisory, administrative, management or supervisory services in relation to building work
- entering into a contract or submitting a tender for building work or offering (quoting and tendering) to carry out building work
- receiving payment
- arranging payment of subcontractors
- arranging labour
- arranging and conducting on-site meetings and inspections
- preparing plans and specifications

- coordinating the scheduling of work by building contractors including as an agent for another person
- obtaining engineering or soil reports
- arranging for certificates from local government to be issued
- contracting for work as a subcontractor to a builder.

A licence is required for the following work, regardless of the value:

- drainage
- plumbing and drainage
- gas fitting
- fire protection
- hydraulic services design (work up to \$1,100 can be done without a licence)
- termite management – chemical
- completed residential building inspection
- building design - low rise, medium rise and open
- site classification.

Need more information

Call QBCC on 139 333, check out our website at www.qbcc.qld.gov.au or visit your local QBCC office.