

COMPANY NOMINEES

The following information relates to your role and obligations as nominee of a QBCC-licensed company. QBCC can only issue a licence to a company where that company has a director, secretary or employee who holds a QBCC licence in the same class the company has applied for. For example, a company applying for a Builder Open licence must have a director, secretary or employee who holds a Builder Open licence.

- As nominee, you are the technical expert of the company. It is your expertise that has allowed the company to obtain and/or maintain a QBCC licence, therefore you have a responsibility to the company and QBCC to uphold this level of expertise.
- Your name will be publicly displayed as nominee for the company on QBCC's Online Licence Search facility.
- You and the company are responsible for ensuring that all building work carried out by the company is "adequately supervised". This means that you and the directors of the company must put in place a system of supervision that ensures the company's building work complies with the plans and specifications and is of a competent standard expected of a licensee.
- You and the company share supervision responsibilities and if supervision is not adequate, both you and the company may be found guilty of committing an offence and can be prosecuted. There is no requirement for you to be on site every day but as nominee you must be satisfied that a system of supervision exists to ensure all work is "adequately supervised".
- If the company carries out grossly defective building work (Tier 1 Defective Work, s67AB of the *Queensland Building*

and Construction Commission Act 1991 (QBCC Act)), it may lose its licence. You may also lose your licence.

- You can choose to withdraw as a nominee of a company by completing a Nominee Form and submitting it to QBCC. Section 55 of the QBCC Act requires notice to be given to QBCC within 14 days of when a nominee ceases to act as nominee for a company.
- You will need to maintain your licence to ensure the company licence remains active.
- If the company is involved in a 'financial failure', you may also lose your licence.
- A director, secretary or influential person for a company at any time up to two years before the company has a provisional liquidator, liquidator, administrator or controller appointed, faces losing their QBCC contractor or nominee supervisor licence and being an excluded individual for three years.
- An influential person, for a company is an individual, other than a director or secretary of the company, who is in a position to control or substantially influence the company's conduct.

Need more information

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