Non-Completion Claim Form

Before you start the Non-Completion Claim Form

When to lodge a claim for Non-Completion

You should complete this form if your construction work is not complete and you have terminated your contract with the contractor due to their default.

If you need help terminating the contract please see the fact sheet on our website: https://www.qbcc.qld.gov.au/sites/default/files/How_to_terminate_a_building_contract.pdf

If the date of your contract is on or after 28 October 2016 you do not have to terminate the contract if the contractor:
- has died, or in the case of a company, has been deregistered
- has had their licence cancelled and they are bankrupt, or in the case of a company, in liquidation.

If the construction work has been completed but you have concerns about defective work then you should complete a Residential and Commercial Construction Work Complaint Form. If your work isn’t complete, but you have defects in what has been completed, then you are in the right place.

Lastly, we wish to recommend the following if you have terminated your contract:
- Secure the building site from all unauthorised parties
- Do not make any further payments to your contractor, even if the contractor is still requesting them
- Do not make any payment to subcontractors (eg plumbers, painters etc).

Who can lodge?

Property owner - You are the owner of the house/unit where building work or renovations have or are being undertaken.

Body corporate - You represent the body corporate of a residential complex where building work or renovations have or are being undertaken. Your complaint relates to common property only and does not relate to a single unit.

Authorised agent - If you have authorised someone to act as your agent, they are eligible to lodge on your behalf.

How to complete this form

• To assist the QBCC in assessing your claim please complete all relevant sections of the form.
• Read the check list below to find out which documents you need to supply (Do not send originals as we cannot return them).
• We cannot assess your claim without the mandatory documents.

What documents to include

Mandatory documents
• Evidence of contract termination, eg. A copy of all termination notices and any other correspondence about terminating the contract sent to the contractor
• Building Contract including all terms and conditions
• Contract Specifications if referred to in your contract
• Approved building plans if applicable in your circumstances, i.e. the work requires approval
• Council development/Building Approval if applicable in your circumstances, ie the work requires approval
• Contract variation documents
• Evidence of payments made to the contractor e.g. copies of receipts issued by the contractor
Other useful documents:

- Engineering or other types of Inspection Certificates for work completed to date
- Quotes to complete work
- Evidence of Site Work not having commenced if making a claim for refund of deposit
- Pest inspection report
- Drainage plan
- Written notification to contractor alerting to non-completed work
- Relevant correspondence between you and the contractor

This may not be all the information we will need to assess your claim, we may contact you after lodgement of your claim to request more documents.
Non-Completion Claim Form
RESIDENTIAL CONSTRUCTION WORK

Completing this form
• Use BLACK pen only
• Print clearly in BLOCK LETTERS
• DO NOT use correction fluid — any amendments should be crossed out and initialed

Before you submit this form, carefully read the information provided on pages 1 and 2 for a complete list of evidence and documents needed to process your complaint. Post this form to: GPO Box 5099 Brisbane QLD 4001, or drop it off at your nearest QBCC office.

1. WHO ARE YOU OR WHO ARE YOU REPRESENTING?
Claimant ☐ Body corporate ☐ Authorised agent ☐

2. CLAIMANT’S DETAILS
Please select title Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other ☐
Surname
First names
Company name
ACN
Postal address
Home ph
Mobile
Email
Contact person
Contact person ph
Preferred method of written correspondence

Are you/the Claimant registered for GST for the purposes of Claiming GST return on this building site: YES ☐ NO ☐
What is the percentage of GST claimable on your GST return for this building site?

3. LOCATION OF BUILDING WORK
Real Property Description: these details can be found on your rates notice or your Certificate of Title
Lot no (e.g.6)
Plan type (e.g. RP/SP/BUP/GTP)
plan no (numeric)
Address
House no
Unit no
Street name
Suburb/Town
Postal address
Postcode

PRIVACY NOTICE: The QBCC is collecting the information on this form to assist in resolving your dispute with your contractor and/or to assess whether you are entitled to an insurance claim. We may provide all or some of this information to your contractor, and/or members of our panel of technical consultants/rectifying builders. We may do this to provide information for the purpose of facilitating rectification or quoting for the completion or rectification of building work in relation to your dispute. Technical consultants include licensed contractors, registered engineers and industry specialists. Collection of this information is authorised by the Queensland Building and Construction Commission Act 1991. This information can be disclosed by the QBCC to another party with your consent or as authorised or required by law. For further information visit the QBCC website at www.qbcc.qld.gov.au.

OFFICE ONLY
CRN: Licence No:
Action Officer: File number:
4. OWNER’S AGENT
For agents acting on owners behalf, please provide a copy of the written authorisation.

Please select title  Mr  Mrs  Miss  Ms  Other

<table>
<thead>
<tr>
<th>Surname</th>
<th>First names</th>
<th>Company name</th>
<th>ACN</th>
<th>ABN</th>
<th>Postal address</th>
<th>Home ph</th>
<th>Work ph</th>
<th>Mobile</th>
<th>Email</th>
</tr>
</thead>
</table>

5. WHO IS THE CONTRACTOR?

<table>
<thead>
<tr>
<th>Contractor name</th>
<th>QBCC Licence No</th>
<th>ABN/ACN</th>
<th>Postal address</th>
<th>Postcode</th>
<th>Home Ph</th>
<th>Work Ph</th>
<th>Mobile</th>
<th>Fax</th>
<th>Email</th>
</tr>
</thead>
</table>

6. OTHER INFORMATION
Please tick either YES or NO for each question.

Do you hold an Owner Builder permit for this work?

Is there a family relationship between you and your contractor? e.g. sibling

If yes, please provide details: (Please only use the space provided)
6. OTHER INFORMATION (continued)

Please tick either YES or NO for each question.

Have you previously had any other complaint lodged with QBCC? YES ☐ NO ☐

If yes, when was it lodged? D D / M M / Y Y

What was the case number?

Case number ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Has this matter been the subject of a settlement/mediated agreement?

If yes, please provide a copy of the agreement. YES ☐ NO ☐

7. BUILDING WORK

Q1. What type of work does your complaint relate to? Construction of a new home ☐ (go to Q1A below) OR

Trade work - e.g. landscaping, tiling, painting ☐ Renovation ☐ Swimming pool ☐ Extension ☐

Other ☐ (please specify) ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ (go to Q1B below)

Q1A. What stage is the work up to? (New home construction)

Deposit paid ☐ Base stage ☐ Frame stage ☐ Enclosed stage ☐ Fixing stage ☐

Q1B. What stage is the work up to? (Renovation or trade work)

You must provide a copy of your building contract and/or quotation.

Please tick which item/s you have supplied: Building contract ☐ Quotation ☐ Invoice ☐

8. HAS WORK STARTED ON SITE?

Work has not started if all that has occurred is earthmoving, excavation or demolition. For a house, construction starts when footings are commenced. For a renovation, work commences when something has been physically changed on site.

Has work started on site? YES ☐ NO ☐

Only complete this section if building work has NOT started.

Date contract signed: D D / M M / Y Y Contract amount: $ .

Date deposit paid: D D / M M / Y Y Amount of deposit paid $ .

Were any other payments made? If so, provide details.

Only complete this section if building work has started.

Date contract signed: D D / M M / Y Y Contract amount: $ .

Date work commenced: D D / M M / Y Y Cost of variations $ .

Date of final payment: D D / M M / Y Y Payments to date: $ .

When did the work stop?: D D / M M / Y Y Amount still owing: $ .
9. OTHER HELP

Have you asked any other organisation for help?  YES ☐  NO ☐

If yes, which organisation was it?  Queensland Civil and Administrative Tribunal ☐  District or Magistrates Court ☐

Application no. __________________________ Have they helped so far?  YES ☐  NO ☐

If yes, what help have they given you? (Use the space provided below)


10. DEFECT LIST?

In addition to the work not being complete, is any completed work defective?  Yes ☐  Not that I know of ☐

If yes, please fill out the template after Section 11 (Declaration). List all of the defects. Accurate completion of this section will allow us to have a greater understanding of your complaint.

11. DECLARATION

I/We understand that the documentation submitted with this form may be made available to other parties under the Right to Information Act 2009 or Information Privacy Act 2009.

I declare the information provided in this claim form is correct to the best of my/our knowledge that as per Section 108C of the QBCC Act, providing information to the Commission that I know to be false or misleading is committing an offence that could lead to prosecution.

(a) The Insured has duty to the QBCC to act in utmost good faith in respect of any matter arising under or in relation to this policy.

(b) This duty includes, but is not limited to, as responsibility to disclose to the QBCC every matter the Insured knows, or could reasonably be expected to know, which may be relevant to a determination of the liability or the extent of the liability of the QBCC to pay a claim under this policy.

(c) If the Insured fails in the duty of utmost good faith, the Insure is liable to pay the QBCC any amount paid in excess of the QBCC’s actual liability to pay for loss under this policy, and the QBCC may recover such a sum accordingly.

QBCC also retains the right to disclose the information provided via this form to external parties and consultants for the purposes of assessing and resolving the Non-Completion Claim.

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

Print name __________________________ Signature __________________________ Date __________/________/________
<table>
<thead>
<tr>
<th>Item no.</th>
<th>Date item noticed</th>
<th>Room/Location of item</th>
<th>Component</th>
<th>Brief description</th>
<th>Photo reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12/10/15</td>
<td>Office/room</td>
<td>Woods</td>
<td>Checked: tiles in the shower.</td>
<td>X</td>
</tr>
</tbody>
</table>
### External Complaint Items

**Step 1.** Enter Item number and date.

<table>
<thead>
<tr>
<th>Item</th>
<th>no.</th>
<th>Date item noticed</th>
<th>Location of item</th>
<th>Brief description</th>
<th>Photo reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>112/10/15</td>
<td>Building foundations</td>
<td>Pools</td>
<td>External stair treads are loose and timber is splitting.</td>
<td>Photo 2</td>
</tr>
<tr>
<td>2</td>
<td>12/10/15</td>
<td>Building systems i.e. termite barriers, fire safety, alarm systems</td>
<td>Roof and related structures i.e. guttering, soffits and eaves</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Fences, walls and retaining walls</td>
<td>Water tanks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>External walls (building or dwelling)</td>
<td>Structures on property i.e. shade sails</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Site drainage or storm water</td>
<td>Sheds, carports and garages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Stairs and steps</td>
<td>Decks and porches</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Decks and porches</td>
<td>Shade sail structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Decks and porches</td>
<td>Windows</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>Doors</td>
<td>Windows</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item no.</td>
<td>Date item noticed</td>
<td>Unit or location</td>
<td>Brief description</td>
<td>Photo reference</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>12/10/15</td>
<td>Basement</td>
<td>Concrete floor is cracked and lifting in two places.</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

**Step 1.** Enter item number and date. 
**Step 2.** Tick location/room and/or component. 
**Step 3.** Write a brief concise description of each item. 
**Step 4.** Add a reference for your photos if including them.
## Body Corporate - External Complain Items

<table>
<thead>
<tr>
<th>Item no.</th>
<th>Date noticed</th>
<th>Unit or Location</th>
<th>Brief description</th>
<th>Photo reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12/10/15</td>
<td>Unit 2A</td>
<td>Fire separating walls have not been constructed in accordance with Australian standards.</td>
<td>Photo 2</td>
</tr>
</tbody>
</table>

**Step 1:** Enter Item number and date

**Step 2:** Tick Location/Room and/or component

**Step 3:** Write a brief concise description of each item

**Step 4:** Add reference for your photos if including them.