



TRUST ACCOUNTS

FORM TA6 - TRUST ACCOUNT COMPLAINT FORM

WHEN TO USE THIS FORM

Use this form to notify the QBCC of a suspected breach of the project trust and/or retention trust requirements.

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 public interest. Please refer to the Trust Account Regulatory Guide for further information.

Additionally, this form is to be used by:

- contracting parties to notify the QBCC of a contracted party's failure to establish a project trust.
- registered company auditors engaged by a trustee, to notify the QBCC of serious breaches in relation to a trust account. Notification must be given within 5 business days of forming the belief that a breach has occurred.

Is there a time limit for making a complaint? BIF Act offences

Any legal proceedings taken in relation to an offence must be commenced within one year from the date the complainant first become aware of the offence, but no later than two years after the offence was committed. This form should be submitted to the QBCC as soon as possible after becoming aware of a potential offence.

What if the QBCC cannot 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 the licence, public warnings, injunctions, disciplinary action or prosecutions.

Can a person submit a complaint anonymously?

We value the information you provide about trust account and payment offences but have limited capacity to progress anonymous or unsubstantiated claims. Please provide all of your details so that we may contact you about the investigation. We may require more information to investigate a complaint so it is important that we are able to contact you. In some cases where a prosecution is commenced it is vital to obtain a statement from you.

Failing to notify QBCC of a trust account or providing false or misleading information to the QBCC about a trust account are both serious offences and can result in a fine or imprisonment.





APPLICABLE LEGISLATION

General complaints in relation to a trust account and notifications made under sections 24A and 57C of the *Building Industry Fairness (Security of Payment) Act 2017.*

PRIVACY NOTICE

The QBCC is collecting personal information on this form to regulate trust accounts. This is authorised by the *Building Industry Fairness (Security of Payment) Act 2017* (BIF Act).

The QBCC must keep a register of trust accounts. The QBCC may publish information about trust accounts as determined by the Commissioner and may report statistics to other agencies. The QBCC Privacy Policy contains full use and disclosure details. All information held by the QBCC may be subject to application for access under the *Right to Information Act 2009* or the *Privacy Act 2009*.

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.

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 qbcc.qld.gov.au

1. YOUR DETAILS						
Do you have a QBCC lie	nce?					
Yes	Enter number No					
Are you completing thi	Are you completing this form as an individual or on behalf of a company or an organisation?					
An individual						
Name						
Postal address						
Suburb						
Postcode	State Phone					
Email						
A company or an organisation						
Company/ organisation name						
Your position						
ABN						
ACN						
Business address						
Suburb						
Postcode	State Phone					
Email						

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2. WHAT IS YOUR RELATED AT THE STATE OF THE	TIONSHIP TO THE TRUST				
Trustee	Beneficiary Principal / owner / developer				
Registered company auditor	Other				
3. WHO IS THE COMPLA What is the person's relation Trustee Other — please description Are they an individual or a Individual — enter incomplete.	be the rolecompany/organisation?				
Company/organisation — enter company/organisation's name Does the entity have a QBCC licence?					
Yes Ente	number No or unknown — enter as many details below as are known to you				
ABN					
ACN					
Business address					
Suburb					
Postcode	State Phone				
Email					

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4. NATURE OF	E COMPLAINT					
Trust acco	Trust account not opened					
Payment	ment not made to/from trust account					
Improper	er withdrawal from trust account/account overdrawn					
Informati	Information — notification about trust account not given					
Auditor notification of breach/date you formed your belief about the breach?						
Other— p	please specify					
	de trust account details for the complaint?					
Yes	Complete the following:					
Account type						
Project trust account	Retention trust account					
Account name						
Name of financial institution						
BSB	Account number					
No	Enter as many details below as are known to you:					
Contracting party						
Contracted party						
	D D M M Y Y Y					
Contract date						
Contract value (ex GST)						
Project description						

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Lot on pl	an a				
Site addre					
Site addre					
Subu	rb				
Postco	de State Phone				
Em	ail ail				
Note: Pleas	ER INFORMATION see give a description of your complaint. This will assist the QBCC to understand the complaint and what offences occurred. Attach any additional document if there is insufficient space.				
7. SUPPORTING DOCUMENTS					
Сору	v of contract				
Copy of invoices, payment claims and or payment schedules					
Сору	Copy of correspondence — communications — notices				
Сору	Copy of bank statements and/or other financial documents				
Othe	Other — please specify				
IMPORTANT: Do not send original documents — the QBCC cannot return documents					

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8. DECLARATION				
The information I have provided in this form is, to the best of my knowledge, true and accurate.				
I have read and understood the Privacy Notice on page two of this form.				
Full name of person making declaration				
Signature	Date Date			

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