

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.

Lot on plan (if known)

Site address

Suburb

Postcode State Phone

Email

6. FURTHER INFORMATION

Note: Please give a description of your complaint. This will assist the QBCC to understand the complaint and what offences may have occurred. Attach any additional document if there is insufficient space.

7. SUPPORTING DOCUMENTS

- Copy of contract
- Copy of invoices, payment claims and or payment schedules
- Copy of correspondence – communications – notices
- Copy of bank statements and/or other financial documents
- Other – please specify _____

IMPORTANT: Do not send original documents – the QBCC cannot return documents

