

Information regarding form. This form is to be used by head contractors and principals to advise the Commissioner and principal that a subcontract under a PBA building contract has been entered into with a *'related entity'*. Pursuant to section 21 (4) of the *Building Industry Fairness (Security of Payment) Act 2017*, this form must be provided to the Commissioner and the principal within 5 business days after entering into the subcontract. Related entities are defined in s19 of the Act and the application of 'related entity' provisions are set out in ss 20-21 of the Act. Please see Attachment 1 for further detail.

Privacy Notice. The QBCC is collecting personal information on this form to ensure compliance of a Project Bank Account. This is authorised by the *Building Industry Fairness (Security of Payment) Act 2017*.

This information may be used for auditing purposes or to investigate complaints in relation to your Account.

All information held by the QBCC may be subject to application for access under the *Right to Information Act 2009 (RTI Act)* and *Information Privacy Act 2009 (IP Act)*.

Both the head contractor AND the principal are required to lodge this form to QBCC.

1. DETAILS OF BUILDING CONTRACT

Principal name																												
Project description																												
Site Address																												
															State				Postcode									

2. HEAD CONTRACTOR DETAILS

Company/ business name																												
Full name of business owner																												
Full name of company director (if different to owner)																												
ABN/ACN															QBCC Licence No													
Postal Address																												
															State				Postcode									

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3. SUBCONTRACTOR DETAILS

Company/ business name																					
Full name of business owner																					
Full name of company director																					
ABN/ACN											QBCC Licence No										
Postal Address																					
																State				Postcode	

4. RELATED ENTITY DETAILS

Head Contractor (if required)

Name of person in relationship with related entity																				
Position/role of related entity																				

Subcontractor (if required)

Name of person in relationship with related entity																				
Position/role of related entity																				

Please outline the nature of the relationship between the head contractor and the subcontractor.

Has the related entity subcontractor entered into a subcontract (or intends to enter) into a second tier subcontract (sub-sub contract) for all or part of the work required under the first tier/higher subcontract?

Yes No

Please list names/business names of second tier/sub-sub contractors (where known)

Continue to the next page >

Continuing 4. Related entity details:

5. DECLARATIONS

Note: Failure to provide the required information or intentionally providing misleading information may result in prosecution under the relevant Acts or Regulations (Maximum penalty—200 penalty units).

Head Contractor Declaration

- I declare that the information provided is true and accurate to the best of my knowledge.
- I understand that all information supplied on with this notice may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

Head Contractor's
Full Name

Head Contractor's
Signature

Date

D	D	/	M	M	/	Y	Y	Y	Y
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Subcontractor Declaration

- I declare that the information provided is true and accurate to the best of my knowledge.
- I am aware of my obligations to establish a project bank account pursuant to s20 of the *Building Industry Fairness (Security of Payment) Act 2017* if I further subcontract all or part of the building work for which I am engaged under the subcontract; and that I must also comply with the obligations within Chapter 2 of the Act as if I were a head contractor.
- I understand that all information supplied on with this notice may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

Subcontractor's
Full Name

Subcontractor's
Signature

Date

D	D	/	M	M	/	Y	Y	Y	Y
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6. PRINCIPAL DECLARATION

Full Name																													
Position/title																													
Company/ Organisation name																													
Postal Address																													
																					State				Postcode				
Contact ph																Mobile													
Email																													
Date form received from head contractor	D	D	/	M	M	/	Y	Y	Y	Y																			
Received by																													

- I declare that I have been notified that a related entity relationship exists between the subcontractor beneficiary and the head contractor detailed in this form.
- I declare that the information provided is true and accurate to the best of my knowledge.

Principal Signature		Date	D	D	/	M	M	/	Y	Y	Y	Y
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Note: Where the principal has become aware of a possible related entity relationship and the head contractor has not provided a copy of this form, the principal should notify the QBCC using the Project Bank Account Complaint form.

ATTACHMENT 1

DEFINITION OF RELATED ENTITY UNDER THE ACT:

19 Who is a *related entity*

(1) A person is a related entity for another person if—

- (a) for individuals—they are members of the same family; or
- (b) for an individual and a corporation—the individual or a member of the individual's family—
 - (i) is a majority shareholder, director or secretary of the corporation or a related body corporate of the corporation; or
 - (ii) has an interest of 50% or more in the corporation; or
- (c) for an individual and a trustee of a trust—the individual or a related entity under another provision of this section is a beneficiary of the trust; or
- (d) for corporations—they are related bodies corporate; or
- (e) for a corporation and a trustee of a trust—the corporation or a related entity under another provision of this section is a beneficiary of the trust; or
- (f) for trustees of 2 or more trusts—
 - (i) a person is a beneficiary of both trusts; or
 - (ii) a person is a beneficiary of 1 trust and a related entity under another provision of this section is a beneficiary of the other trust.

(2) Also, a person is a related entity for another person if the persons acquire interests in a land holding trust and the acquisitions form, evidence, give effect to or arise from what is substantially 1 arrangement.

(3) In this section—*family*, for a person, means—

- (a) the person's spouse; or
- (b) a parent of the person or the person's spouse; or
- (c) a grandparent of the person or the person's spouse; or
- (d) a brother, sister, nephew or niece of the person or the person's spouse; or
- (e) a child of the person or the person's spouse; or
- (f) a grandchild of the person; or
- (g) the spouse of any person mentioned in paragraphs (b) to (f).