

## NON-COMPLETION CLAIM RESIDENTIAL CONSTRUCTION WORK

### Before you start the Non-Completion Claim

#### 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: [qbcc.qld.gov.au/sites/default/files/How\\_to\\_terminate\\_a\\_building\\_contract.pdf](http://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
- health and safety on the site is the responsibility of the property owner. QBCC does not provide a 'make safe' service. If there are any immediate safety concerns, we recommend you take steps to mitigate any risk to occupants and/or visitors (e.g. restrict access to any unsafe areas)
- do not make any further payments to your contractor, even if the contractor is still requesting them
- do not make any payment to subcontractors (e.g. 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 claim 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 will happen after you apply?

### What documents to include

#### Mandatory documents

- Evidence of contract termination, e.g. 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 the work.
- Evidence of Site Work not having commenced if making a claim for refund of deposit.
- 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.

DOCUMENTS REQUIRED (Only copies should be sent)	TYPE OF COMPLAINT					
	Before completion (your contract is still in progress)		After completion (your contract has been completed)			
	Defectivework	Contract dispute	Defective work	Consequential Damage (adjacent property)	Subsidence	Substandard Design or Building Inspection Services
Written notification to the contractor advising of all the complaint items. <b>See note below**</b>			✓	✓	✓	✓
<b>If the work was carried out for you:</b>						
Contract for the work	✓	✓	✓		✓	
Evidence of contract termination						
Contract variation documentation						
Contract specifications						
Evidence of payments						
Final Certification or Certificate of Practical Completion/Handover			✓		✓	
Rates Notice, Water Rates Notice or Current Title Search				✓		
<b>If the work was carried out before you purchased the property:</b>						
1. Purchase Contract (Contract of Sale)			✓		✓	
2. Pre-purchase inspection						✓
Pre-purchase Building or Pest Inspection Report						✓
Building design plans						✓
<b>For body corporate:</b> Contract for the work	✓		✓		✓	✓
<b>For body corporate:</b> Community Title Search document			✓	✓	✓	✓
<b>For body corporate:</b> Certificate of Classification			✓		✓	
<b>For body corporate:</b> Complete Survey Plan			✓		✓	
Council approved plans					✓	
Drainage plan					✓	
Engineering Inspection Certificates					✓	
Soil report and classification					✓	
Compaction certificate or inspection report (cut and fill site)					✓	

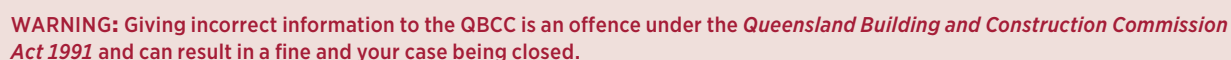
\* If applicable to your circumstances, please provide these documents where possible as they assist us in providing an accurate case assessment.

\*\* Not required if contractor is bankrupt (sole trader) or liquidated and/or deregistered (company) or the contractor is deceased.

## Your behaviour matters

The safety of our team members and all parties involved in your case is very important.

We will not accept hurtful or abusive language, or threats to our staff, or anyone related to your case. Aggressive behaviour that puts others at risk will not be tolerated. If your behaviour is unacceptable, we may not progress your case.



## DECLARATION

- A consumer for residential construction work has a duty to the QBCC to act in good faith in relation to a claim for assistance.
- This duty includes, but is not limited to, disclosing to the QBCC any matter the consumer knows, or could reasonably be expected to know, is relevant to QBCC making a decision on the claim.
- If the QBCC makes payment on a claim and the consumer has not acted in good faith, the QBCC may recover as a debt payable by the consumer, the amount paid exceeding what the QBCC would have paid if the consumer had acted in good faith in relation to the claim.

I agree

I agree

## Your behaviour matters

I agree

## Information privacy

I agree

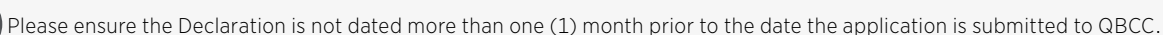
We may use your email address to contact you about improving the delivery and effectiveness of our services, including activities such as customer research and engagement, you will be able to opt-out of receiving this information.

All information held by the QBCC may be subject to application for access under the Right to Information and Privacy legislation or as authorised or required by law. For further information, please refer to the QBCC Privacy Policy on the QBCC website at <http://qbcc.qld.gov.au/privacy-policy>

Name of  
person  
providing the  
declaration

Applicant's  
signature

Date                    D D                    M M                    Y Y                    Y Y



## COMPLETING THIS FORM

This is an interactive PDF form that you may complete in a web browser or Acrobat Reader. Please save a copy before submitting. If you are completing this form in hard copy:

- Use BLACK pen only
- Print clearly in BLOCK LETTERS
- DO NOT use correction fluid – cross out and initial amendments.

## RETURN YOUR COMPLETED FORM AND ALL DOCUMENTS BY

Post: GPO Box 5099 Brisbane QLD 4001.

In person: QBCC service centres are listed on our website [qbcc.qld.gov.au](http://qbcc.qld.gov.au).

## 1. WHO ARE YOU OR WHO ARE YOU REPRESENTING?

Property owner

Body corporate

Authorised agent

## 2. PROPERTY OWNER'S DETAILS

Title

Mr

Mrs

Miss

Ms

Other

Surname

First name

Company  
name

ABN

ACN

Postal address

State

Postcode

Home phone

Mobile

Work

Email

Contact person

Contact phone

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

Plan (e.g. RP/  
SP/BUP/GTP)

Plan no.  
(numeric)

Street address  
(include no.,  
street, suburb or  
locality)

State

Postcode

#### 4. OWNER'S AGENT

For agents acting on owner's behalf, please provide a copy of the written authorisation.

I am an individual agent

I am a part of a company acting as an agent

Title

Mr

Mrs

Miss

Ms

Other

Surname

First name

Company name

ABN

ACN

Postal address

State

Postcode

Business phone

Mobile

Email

Contact person

Business phone

Mobile

Email

#### 5. WHO IS THE CONTRACTOR

Contractor  
name

QBCC Licence  
number

ABN

ACN

Postal address

State

Postcode

Home phone

Mobile

Work

Email

## 6. OTHER INFORMATION

Please tick either YES or NO for each question

Do you hold an owner builder permit for this work? Yes No

Is there a family relationship between you and your contractor? e.g. sibling Yes No

If yes, please provide details: (please only use space provided)

### Response character limit — max 150

Have you previously had any other complaint lodged with QBCC? Yes No

If yes, what date was it lodged?

D D M M Y Y Y Y  
 / /

What is the case number?

Has this matter been the subject of a settlement/mediated agreement? Yes No



If yes, please provide a copy of the agreement.

## 7. BUILDING WORK

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)

### Response character limit — max 60

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

Deposit paid

Base stage

Frame stage

Enclosed stage

Fixing stge

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

### Response character limit — maximum 150



You must provide a copy of your building contract

Building Contract provided

## 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 the site? Yes No



**Only complete this section if building work has NOT started.**

Date contract signed	D D M M Y Y Y Y	Contract amount	
	/ /	\$	.
Date deposit paid	D D M M Y Y Y Y	Amount of deposit paid	
	/ /	\$	.

Were any other payments made? If so please provide details:

**Response character limit — maximum 150**



**Only complete this section if building work HAS started.**

Date contract signed	D D M M Y Y Y Y	Contract amount	
	/ /	\$	.
Date work commenced	D D M M Y Y Y Y	Cost of variations	
	/ /	\$	.
Date of last payment	D D M M Y Y Y Y	Payments to date	
	/ /	\$	.
When did the work stop?	D D M M Y Y 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

What is the application number?

Have they helped so far? Yes No

If yes, what help have they provided you?

**Response character limit — maximum 460**

## 10. DEFECT LIST

In addition to the work not being complete, is any completed work defective?

Yes

No

If yes, please fill out the template on the following pages. List all of the defects.  
Accurate completion of this section will allow us to have a greater understanding of your claim.

## 11. DEFECT ITEMS

List every defective item individually on the following pages

**ONLY ITEMS LISTED ON THE FOLLOWING PAGES WILL BE CONSIDERED — EVEN IF THEY ARE INCLUDED IN A SEPARATE, ATTACHED REPORT.**

Failing to do this will delay our assessment of your submission – you will have to repeat this step before we can progress your submission.

**Need more space?** Print and attach extra pages to list more items.

### If you represent a body corporate:

- Use the **Body Corporate–Internal Defect items** page (Page 12) to list all items INSIDE the building
- Use the **Body Corporate–External Defect items** page (Page 13) to list all items OUTSIDE the building

### For all others:

- Use the **Internal Defect items** page (Page 10) to list all items INSIDE the building
- Use the **External Defect items** page (Page 11) to list all items OUTSIDE the building



# INTERNAL DEFECT ITEMS

INTERNAL

EXTERNAL

BODY CORPORATE  
INTERNAL

BODY CORPORATE  
EXTERNAL

**Step 1.** Enter Item number and date. **Step 2.** Select Room/Location **Step 3.** Write a brief concise description of each item. **Step 4.** Add a reference for your photos if including them.

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ITEM NO.	DATE ITEM NOTICED	LOCATION OF ITEM		BRIEF DESCRIPTION (Response character limit — maximum 255 per item)	PHOTO REFERENCE		
1	12/10/18	Bathroom/ensuite	<input checked="" type="checkbox"/>	Living room	<input type="checkbox"/>	Cracked tiles in the shower	Photo 1
		Bedroom	<input type="checkbox"/>	Dining room	<input type="checkbox"/>		
		Kitchen	<input type="checkbox"/>	Laundry	<input type="checkbox"/>		
		Office/rumpus	<input type="checkbox"/>	Loft/roof space	<input type="checkbox"/>		
		Other	<input type="checkbox"/>				
		Bathroom/ensuite		Living room			
		Bedroom		Dining room			
		Kitchen		Laundry			
		Office/rumpus		Loft/roof space			
		Other					
		Bathroom/ensuite		Living room			
		Bedroom		Dining room			
		Kitchen		Laundry			
		Office/rumpus		Loft/roof space			
		Other					
		Bathroom/ensuite		Living room			
		Bedroom		Dining room			
		Kitchen		Laundry			
		Office/rumpus		Loft/roof space			
		Other					

# EXTERNAL DEFECT ITEMS

INTERNAL

EXTERNAL

BODY CORPORATE  
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ITEM NO.	DATE ITEM NOTICED	LOCATION OF ITEM				BRIEF DESCRIPTION (Response character limit – maximum 255 per item)	PHOTO REFERENCE
1	12/10/18	Building foundations <input type="checkbox"/> Building systems i.e. termite barriers, fire safety, alarm systems <input type="checkbox"/> External walls (building or dwelling) <input type="checkbox"/> Stairs and steps <input checked="" type="checkbox"/>	Pools <input type="checkbox"/> Roof and related structures i.e. guttering soffits and eaves <input type="checkbox"/> Structures on property i.e. shade sails <input type="checkbox"/> Decks and patios <input type="checkbox"/>	Doors <input type="checkbox"/> Fences, walls and retaining walls <input type="checkbox"/> Site drainage or storm water <input type="checkbox"/> Other <input type="checkbox"/>	Windows <input type="checkbox"/> Water tanks <input type="checkbox"/> Sheds, carports and garages <input type="checkbox"/>	External stair treads are loose and timber is splitting.	Photo 2
		Building foundations <input type="checkbox"/> Building systems i.e. termite barriers, fire safety, alarm systems <input type="checkbox"/> External walls (building or dwelling) <input type="checkbox"/> Stairs and steps <input type="checkbox"/>	Pools <input type="checkbox"/> Roof and related structures i.e. guttering soffits and eaves <input type="checkbox"/> Structures on property i.e. shade sails <input type="checkbox"/> Decks and patios <input type="checkbox"/>	Doors <input type="checkbox"/> Fences, walls and retaining walls <input type="checkbox"/> Site drainage or storm water <input type="checkbox"/> Other <input type="checkbox"/>	Windows <input type="checkbox"/> Water tanks <input type="checkbox"/> Sheds, carports and garages <input type="checkbox"/>		
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# BODY CORPORATE – INTERNAL DEFECT ITEMS

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1	12/10/18	Building systems Electrical (fire safety) <input type="checkbox"/>	Stairs and steps <input type="checkbox"/>	Escalators <input type="checkbox"/>	Gymnasium <input type="checkbox"/>	Concrete floor is cracked and lifting in two places.	Photo 3
		Building systems Hydraulic <input type="checkbox"/>	Fire separating walls <input type="checkbox"/>	Lifts <input type="checkbox"/>	Hallways and corridors <input checked="" type="checkbox"/>		
		Building systems HVAC (Aircon) <input type="checkbox"/>	Communal space i.e. laundry <input type="checkbox"/>	Glass and glazing <input type="checkbox"/>	Shops, offices and amenities <input type="checkbox"/>		
		Carpark <input type="checkbox"/>	Other <input type="checkbox"/>				
		Building systems Electrical (fire safety)	Stairs and steps	Escalators	Gymnasium		
		Building systems Hydraulic	Fire separating walls	Lifts	Hallways and corridors		
		Building systems HVAC (Aircon)	Communal space i.e. laundry	Glass and glazing	Shops, offices and amenities		
		Carpark	Other				
		Building systems Electrical (fire safety)	Stairs and steps	Escalators	Gymnasium		
		Building systems Hydraulic	Fire separating walls	Lifts	Hallways and corridors		
		Building systems HVAC (Aircon)	Communal space i.e. laundry	Glass and glazing	Shops, offices and amenities		
		Carpark	Other				
		Building systems Electrical (fire safety)	Stairs and steps	Escalators	Gymnasium		
		Building systems Hydraulic	Fire separating walls	Lifts	Hallways and corridors		
		Building systems HVAC (Aircon)	Communal space i.e. laundry	Glass and glazing	Shops, offices and amenities		
		Carpark	Other				
		Building systems Electrical (fire safety)	Stairs and steps	Escalators	Gymnasium		
		Building systems Hydraulic	Fire separating walls	Lifts	Hallways and corridors		
		Building systems HVAC (Aircon)	Communal space i.e. laundry	Glass and glazing	Shops, offices and amenities		
		Carpark	Other				
		Building systems Electrical (fire safety)	Stairs and steps	Escalators	Gymnasium		
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		Pump room hydraulics Fire safety <input type="checkbox"/>	External wall (building or dwelling) <input type="checkbox"/>	Structures on property i.e. shade sails, sheds, carports <input type="checkbox"/>	Driveways and paths <input type="checkbox"/>		
		Pool <input type="checkbox"/>	Site drainage and storm water <input type="checkbox"/>	Fire separating walls <input checked="" type="checkbox"/>	Stairs and steps <input type="checkbox"/>		
		Roof and related structures i.e. guttering, soffits and eaves <input type="checkbox"/>	Other <input type="checkbox"/>				
		Building systems termite barriers, fire safety, alarm systems	Building foundations	Fences, walls and retaining walls	Decks and patios		
		Pump room hydraulics Fire safety	External wall (building or dwelling)	Structures on property i.e. shade sails, sheds, carports	Driveways and paths		
		Pool	Site drainage and storm water	Fire separating walls	Stairs and steps		
		Roof and related structures i.e. guttering, soffits and eaves	Other				
		Building systems termite barriers, fire safety, alarm systems	Building foundations	Fences, walls and retaining walls	Decks and patios		
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