

Owner Builder permit

Under the Queensland Building and Construction Commission Act 1991 you must obtain an Owner Builder permit before carrying out building work with a value of \$11,000 or more on your own property. The QBCC maintains a register of Owner Builder permit holders in the form of an on-line search at www.qbcc.qld.gov.au which is available for inspection by any person.

Owner builder application

To apply for an Owner Builder permit you must provide:

- a completed application form signed by all owners or company directors
- payment of the application fee
- an original or certified copy of a Current Title Search or Registration Confirmation Statement no older than 30 days
- proof of Identity, and
- proof of a completed Owner Builder course.

Company application

If a company owns the land where the work is to be performed, the application must be made in the company's name and include the names and signatures of all company directors. A Company Historical Extract or Company Current Extract issued by the Australian Securities Investment Commission must also be supplied.

Lease agreements

If you wish to apply for an Owner Builder permit and you are a lessee of the property, you should seek independent legal advice regarding your rights and responsibilities. Under a lease agreement you must provide:

- proof of ownership of the land (e.g. Title)
- a copy of the lease agreement, and
- written permission from the owner allowing you to perform the building work under an owner builder permit. A description of the intended building work must be included.

The application must be made by the lessee but must also include the owner's details in the application. The lessee will become the permit holder and is required to sign the application form. The lessee will not be eligible to hold a subsequent permit for six years from the date of issue of a previous permit.

Owner builder course

You must complete an owner builder course before lodging the application. Courses cannot be more than five years old from the date you lodge your application (refer to the Owner Builder Permit Course Providers fact sheet at www.qbcc.qld.gov.au).

The course must be completed by:

- a person listed on the property title
- a company director if the property is owned by a company
- a lessee if the property is under a lease agreement.

You may be exempt from completing the owner builder course (refer to the fact sheet, 'How to Obtain an Exemption from the Owner Builder Course', at www.qbcc.qld.gov.au). To apply for a course exemption, submit a written request and attach a copy of your technical qualification or your current QBCC licence details prior to lodging your Owner Builder permit application.

Value of owner builder work

The value of building work must be determined by calculating the cost of all materials and the cost a licensed contractor would charge you for the work, including GST.

If the value of the building work increases during construction, complete the Application to Amend an Existing Owner Builder Permit form at www.qbcc.qld.gov.au. The QBCC will only amend a permit within six months from the date of issue of the permit.

Notification on Certificate of Title

Upon approval of the Owner Builder permit, the QBCC must notify the Registrar of Titles who places notification of the Owner Builder permit on the Certificate of Title to the land. The notification may be removed by the Registrar of Titles after seven years.

Conditions of the permit

- Domestic building work is the only type of work you may perform under an Owner Builder permit.
- You can only personally carry out work requiring a fire protection licence where the value of the work is less than \$1,100 (including labour and materials). Otherwise, you must engage a contractor who holds the relevant QBCC licence.
- You cannot personally carry out any building work which involves plumbing, draining, gas fitting or termite management work unless you hold the appropriate occupational licence. If you do not hold the occupational licence the work must be carried out by a licensed contractor. You can be fined if you perform this work yourself.
- You may only carry out the building work as stated in the permit.
- If you engage anyone to carry out building work, the person/s must hold the relevant QBCC contractor's licence.
- You must be a person listed on the property title; a company director if the property is owned by a company or a lessee if the property is under a lease agreement.

Building approval

Approval of the building documents (plans, specification etc) must be obtained from a private building certifier or local government (council) before any building work is commenced (this includes any earthworks). Approval is also required at the completion stage of construction. The certifier is prevented from giving an approval until after receipt of the QBCC Owner Builder permit.

It is the responsibility of the owner builder to build in accordance with the approved documents. If it is necessary to change the design, the owner builder must consult with the certifier to ascertain if amended documents are required before any change is made to the construction.

Carrying out building work not included in your permit.

You must ensure all work being performed under your Owner Builder permit is identified in your permit documentation. If the work being performed is not included in your permit, you may be in breach of Section 42 of the *Queensland Building and Construction Commission Act 1997*, which may result in prosecution, the issue of a penalty and an order to stop work.

If necessary, you may amend the description of work on the existing permit during construction, within six months only from the date of issue of the permit. Complete the, Application to Amend an Existing Owner Builder Permit form, available from QBCC's website at www.qbcc.qld.gov.au

WARNING - insurance protection is not available to owner builders

By becoming an owner builder you forfeit your right to QBCC's dispute resolution service and QBCC insurance

on the building work performed. QBCC insurance protects consumers who have a contract with an appropriately licensed contractor. This insurance cover assists consumers in cases where:

- the contractor fails to complete the building work for reasons which are not the consumers fault
- the contractor fails to rectify defective building work
- the building suffers from the effects of subsidence or settlement.

As an owner builder you will be personally responsible for dealing with individual contractors if problems in workmanship occur. You will also be personally responsible for payment to rectify any defects in the building work or to complete any work left incomplete by an individual contractor.

If you are selling the property where you performed owner builder work within six years after completion, Section 47 of the *Queensland Building and Construction Commission Act 1991* states you **MUST**, before signing the contract of sale, provide the prospective purchaser with a notice which contains:

- details of the building work performed
- the name of the person (Owner Builder permit holder) who performed the work
- a statement confirming the work was performed under an Owner Builder permit, and
- the following warning:

“Warning - the building work to which this notice relates is not covered by insurance under the *Queensland Building and Construction Commission Act 1991* ”

This notice **MUST** be given in duplicate and the prospective purchaser must sign one copy of the notice and return it to the vendor on or before signing the contract of sale.

If this notice is not provided to the prospective purchaser the vendor is deemed to have given the purchaser a contractual warranty (which operates to the exclusion of any inconsistent provision of the contract of sale) that the building work was properly carried out.

Signs

Any person carrying out building work under an Owner Builder permit **MUST** display a sign in a prominent position on the building site. The sign must provide detail of the Owner Builder permit number and must have a surface area of at least 0.5m².

Penalty for non-compliant signage: failure by an owner builder to erect a sign complying with legislation could result in the QBCC initiating prosecution action under Section 52 of the *Queensland Building and Construction Commission Act 1991*.

(Maximum penalty - 20 penalty units = \$2,438)

Surrendering the permit

If you decide you do not want to carry out the work as an owner builder but choose to enter into a contract with a licensed building contractor to carry out the work, the permit **MUST** be surrendered **PRIOR** to signing the contract with the builder. To surrender the permit, you must give written notice to the QBCC and return the permit. You will be required to provide evidence no work has been carried out under the permit. An Application to Surrender an Owner Builder permit form is available on QBCC's website www.qbcc.qld.gov.au

Subsequent permits

You cannot obtain another permit within six years from the date of issue of a previous permit unless the QBCC is satisfied there are exceptional circumstances and has approved a six year exemption request. To apply for exemption from the six year ruling, complete the Application for Exemption from the Six-year Ruling form available from QBCC's website at www.qbcc.qld.gov.au

You cannot obtain another permit if you have had an Owner Builder permit cancelled in the three years preceding the application.

You cannot obtain an Owner Builder permit if you are a banned individual or if you are an enforcement debtor.

Payment disputes and owner building

Important information for owner builders about the **Building and Construction Industry Payments Act 2004 (BCIPA)**

A system of rapid adjudication for the quick resolution of payment disputes was established in 2004 following the introduction of the *Building and Construction Industry Payments Act 2004*. Adjudication is an alternative to using the court system and is a faster, cheaper way to help resolve disputes.

Benefits include the provision of quick interim decisions on disputed payments while encouraging communication between the parties about disputed matters.

How does this affect me?

If you become involved with a dispute over money with a contractor or supplier, they may lodge an adjudication application to try to resolve the issue.

How does adjudication work?

The contractor may serve you with a payment claim to which you have the ability to respond. If you provide a response (known as a payment schedule) and the claimant does not agree with it or you fail to provide a payment schedule, the claimant may apply for adjudication.

The Registry appoints an independent adjudicator with relevant expertise, to make a decision with 10 to 15 business days (depending on the type of claim: standard or complex) from either:

- receiving the respondent's (owner builders) adjudication response; or
- the expiry of the specified timeframe for receiving an adjudication response.

The adjudicator has the power to call for further submissions, hold a conference and view the relevant construction site.

Additionally, the adjudicator must provide to both parties reasons for a decision including the adjudicated amount and the payment date.

What happens if I don't pay the adjudicated amount?

The contractor or supplier (claimant) can request an adjudication certificate and lodge it in a court of competent jurisdiction as a judgment debt.

Other consequences include suspension of work or the supply of goods until payment of the adjudicated amount is received.

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

Each person listed on the Title is classed as a permit holder and must provide their details below. Names on the Owner Builder permit once issued, will be exactly the same as the name details shown on the Title Search. The nominated permit holder is the person who completes the Owner Builder course.

- If you are applying as a lessee, all lessees identified in the lease agreement must provide their details below.
- If there are more than four applicants, attach a separate list identifying the additional applicants.
- If the Title is in a company name, all directors listed on the company's extract must provide their details below.

1. PERMIT HOLDERS - each person on the title must complete this section

NOMINATED PERMIT HOLDER *(person who completed the course)*

Surname:

First names:

Postal address:

Postcode:

Business ph: Home ph:

Mobile ph: **Date of birth:** – –

Email:

PERMIT HOLDER

Surname:

First names:

Postal address:

Postcode:

Business ph: Home ph:

Mobile ph: **Date of birth:** – –

Email:

PRIVACY NOTICE: The QBCC is collecting information on this form to determine whether you are entitled to an Owner Builder Permit. This is authorised by the *Queensland Building and Construction Commission Act 1991*.

Some information collected on this form will be included in the QBCC register of holders of Owner builder permits, and will be also entered into the Titles Register by the Registrar of Titles as required by law. You may receive some related information from us for the purposes of marketing and communications. You will be able to opt-out/unsubscribe to receiving this information.

Please refer to our Privacy Policy for 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* (RTI Act).

OFFICE ONLY	CRN:	<input type="text"/>	Licence No:	<input type="text"/>
	Receipt Amount \$	<input type="text"/>	Receipt No:	<input type="text"/>

PERMIT HOLDER

Surname:

First names:

Postal address:
 Postcode:

Business ph: Home ph:

Mobile ph: Date of birth: - -

Email:

PERMIT HOLDER

Surname:

First names:

Postal address:
 Postcode:

Business ph: Home ph:

Mobile ph: Date of birth: - -

Email:

COMPANY APPLICATIONS ONLY

Company name:
 ACN:

Postal address:
 Postcode:

Business ph: Mobile:

One of the following documents is attached with this application:

Tick ONE only

Current Company Extract

Historical Company Extract

DESCRIPTION OF PROPOSED WORK

You must provide a detailed description of the work being performed under this permit including any additional features such as carports, swimming pools, pergolas etc. To assist you, when detailing your description ensure you cover the following factors:

New dwellings:

- number of bedrooms
- number of bathrooms
- number of storeys
- main construction material (e.g. brick veneer, timber etc)

Renovations/alterations/additions:

Provide the details and purpose of your renovation/alteration/extension/addition.

Inclusions:

- swimming pools (inground, aboveground, concrete etc.)
- garages or carports (single or double etc)
- shed (size and intended use).

Examples:

- New Dwelling – brick veneer, three bedroom two storey house with ensuite and rumpus room. Double carport, pergola and inground fibreglass swimming pool included.
- Completion of a new dwelling previously built by a QBCC-licensed builder to a stage defined in the contract. The new work is all internal lining, architraves, cornices, skirting, doors to rooms, wet area fit outs, floor tiling, built-in shelves, cabinets and cupboards, internal and external painting, double carport and pergola.
- Raising existing house, building in underneath to include a rumpus, additional bedroom and bathroom.
- Extending existing house, building deck and entertainment area and study.

WRITE THE DESCRIPTION OF YOUR WORK BELOW.

- If you do not provide enough detail you will be asked to provide additional information before your permit can be approved.
- *If you are applying for a permit to complete the new dwelling from a particular stage, a copy of the contract between the owner and the QBCC-licensed builder must be provided (for example, a QBCC-licensed builder was contracted to build the dwelling to the enclosed stage and you want to complete the dwelling).

6. VALUE OF WORK

The value of building work must be determined by calculating the cost of all materials and the cost a licensed contractor would charge you for the work as if they were performing the work including GST regardless of whether the contractor is performing the work or not. This means you cannot reduce the price if you obtain discounted or recycled materials or free labour.

Estimated Value \$.00

7. PROOF OF IDENTIFICATION

You must satisfy one of the following criteria (Proof of identification for one person only is required)

Please tick only one box

I hold an existing QBCC licence and my licence number is:

OR

I have provided a certified copy of photo identification (e.g. Driver's licence or passport)

8. ADDITIONAL REQUIREMENTS

You must answer both questions.

Has any applicant listed in this form (including directors of a company applicant) been served with a notice by the QBCC for carrying out Tier 1 defective work under the *Queensland Building and Construction Commission Act 1991*?

No Yes

Has any applicant listed in this form (including directors of a company applicant) been issued with an infringement notice for an offence under the *Queensland Building and Construction Commission Act 1991* or the *Domestic Building Contracts Act 2000* for which payment is still outstanding?

No Yes

9. CHECKLIST

Before you sign the declaration (refer section 11), use this checklist to ensure you have provided all the required information. If documentation or information is missing or incomplete, your application will take longer to process. The QBCC will ask for missing or incomplete information to allow the application to proceed.

Please provide copies of documents, as originals will not be returned (except Title Search- refer below).

I have supplied an original or certified copy of a current Title Search or Registration Confirmation Statement issued by the Department of Natural Resources which is no older than 30 days.

Yes

If this is a company application - I have enclosed a copy of a Current Company Extract or Historical Company Extract issued by the Australian Securities and Investment Commission, or if you are a lessee - I have enclosed a copy of the lease agreement and written permission from the owner.

Yes

If I have had a previous Owner Builder permit I have supplied details of the previous permit (refer Section 2).

Yes

I have attached a copy of my Owner Builder Course Completion certificate (refer Section 3), or I have attached a copy of the QBCC exemption approval letter or qualification suitable for exemption.

Yes

I have provided a detailed description of the works to be completed under this permit (refer Section 5)

Yes

I have provided an accurate estimated value of the work to be performed under this permit (refer Section 6)

Yes

I have provided Proof of Identity (refer Section 7)

Yes

