

## OWNER BUILDER PERMIT

Under the *Queensland Building and Construction Commission Act 1991* you must obtain an Owner Builder permit before performing 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 [qbcc.qld.gov.au](http://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](http://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 [qbcc.qld.gov.au](http://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.

### Work you can't do as an owner builder

- occupational work such as plumbing, draining, gasfitting or pest control unless you have an occupational licence
- fire protection or mechanical services work in excess of \$1,100 (unless you have the appropriate licence)
- build commercial or industrial buildings (e.g. shops, industrial sheds, farm buildings)
- removal of more than 10m<sup>2</sup> of asbestos
- build or renovate multiple dwellings (e.g. duplexes, attached granny flat, block of units).

NOTE: There are special provisions for farm buildings. If the value is no more than \$27,500, an owner can personally do that work

### 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 [qbcc.qld.gov.au](http://qbcc.qld.gov.au).

### 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

- Residential 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 1991*, 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, provided that work has not commenced. Complete the, Application to Amend an Existing Owner Builder Permit form, available from QBCC's website at [qbcc.qld.gov.au](http://qbcc.qld.gov.au)

## WARNING – insurance protection is not available to owner builders

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 payment to rectify any defects in the building work an individual contractor doesn't fix or to complete any work left incomplete by an individual contractor.

If you are selling the property where you carried out building 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 carried out
- the name of the person (Owner Builder permit holder) who carried out the work
- a statement confirming the work was carried out 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 0.5m<sup>2</sup>.

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)

## 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 [qbcc.qld.gov.au](http://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 [qbcc.qld.gov.au](http://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 Industry Fairness (Security of Payment) Act 2017 (BIF Act)*

The BIF Act provides a process of adjudication for the resolution of payment disputes related to work carried out under a construction contract or related goods and services. 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.

### You should never ignore a payment claim

If you don't agree with the payment claim because:

- you believe it's invalid;
- you are making a partial payment; or
- you are disputing the payment claim.

You must respond with a payment schedule within 15 business days (from receiving the payment claim) or earlier if provided for in the contract.

Failing to pay in full by the due date or give a payment schedule is an offence and QBCC may take disciplinary action. If the other party chooses to go to adjudication to dispute the payment, you won't have an opportunity during the adjudication process to provide a response.

## How does adjudication work?

An Adjudication application will be lodged by the claimant to the QBCC. The Adjudication Registry within the QBCC will refer the application to a suitable registered adjudicator.

An adjudicator will decide the application and the entitlement for payment within timeframes stated within the BIF Act.

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?

If an adjudicator decides that you are required to pay an adjudicated amount, you must pay the amount to the claimant:

- Within 5 business days of receiving a copy of the adjudicator's decision by the adjudicator; or
- The later due date as decided by the adjudicator.

## Significant penalties may apply if you do not to pay the adjudicated amount within the required timeframes.

The contractor or supplier (claimant) will receive an adjudication certificate and may 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.

Further information can be obtained at the QBCC website. The Adjudication Registry provides an advisory service about the adjudication process and can assist with enquiries. The Adjudication Registry does not provide legal advice.

**INFORMATION REGARDING THIS FORM**

Each person listed on the Title is classed as a permit holder and must provide their details below. 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.

**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. 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)*.

**RETURN YOUR COMPLETED FORM 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).

**COMPLETING THIS FORM**

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

**1. PERMIT HOLDERS**
**Each person on the title must complete this section**
**NOMINATED PERMIT HOLDER** (person who completed the course)

 Title  Mr  Mrs  Miss  Ms  Other

 Surname 

 First names 

 Postal Address 

 State 

 Postcode 

 Business phone 

 Home phone 

 Mobile 

 Date of Birth  /  / 

 Email 

Permit holders' details continued on next page

**OFFICE  
USE  
ONLY**

 CRN: 

 Receipt no: 

 Assignee: 

 Licence no: 

 Receipt amount: \$ 

 Received by: 

 Container:

**1. PERMIT HOLDERS CONTINUED**

**Each person on the title must complete this section**

PERMIT HOLDER

Title  Mr  Mrs  Miss  Ms  Other

Surname

First names

Postal Address

State

Postcode

Business phone

Home phone

Mobile

Date of Birth

Email

D D M M Y Y Y Y

PERMIT HOLDER

Title  Mr  Mrs  Miss  Ms  Other

Surname

First names

Postal Address

State

Postcode

Business phone

Home phone

Mobile

Date of Birth

Email

D D M M Y Y Y Y

**1. PERMIT HOLDERS CONTINUED**

**Each person on the title must complete this section**

**PERMIT HOLDER**

Title  Mr  Mrs  Miss  Ms  Other

Surname

First names

Postal Address

State  Postcode

Business phone  Home phone

Mobile  Date of Birth  /  /

Email

**COMPANY APPLICATIONS ONLY**

Company name

ACN  ABN

Postal Address

State  Postcode

Business phone  Mobile

Email

One of the following documents is attached with this application: Tick ONE only

Current Company Extract
  Historical Company Extract



**5. DESCRIPTION OF WORK**

A full description of the work being performed under the Owner Builder permit must be provided.

**TYPE OF WORK**

Please tick the boxes that best describe the work you are undertaking

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> New dwelling  | <input type="checkbox"/> Extension or addition to existing dwelling       | <input type="checkbox"/> Swimming pool                    |
| <input type="checkbox"/> New dwelling – complete from a particular building stage (see notes below*) | <input type="checkbox"/> Renovation or alteration to an existing dwelling | <input type="checkbox"/> Garage, carport or domestic shed |

**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).






**Our fees and charges increase on 1 July each year. On 1 July 2022 our fees and charges were increased by 2.5% in line with Government's indexation policy. You can contact us to find out details about specific fees, charges or prices.**

**10. FEES**

**The appropriate fee of \$446.54 accompanies this application form.**  
 This includes the cost of placing and removing the notification on Title.



I will be paying by Credit card

Name of card holder

Credit card number

Expiry Date 
M M / 
Y Y

**Total amount \$**

**11. DECLARATION**

**Each person on the title must complete this section**

**! WARNING: INCORRECT OR MISLEADING INFORMATION MAY LEAD TO A REVIEW AND POSSIBLE CANCELLATION OF THE PERMIT, PROSECUTION AND UP TO TWO YEARS IMPRISONMENT UNDER THE QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION ACT 1991.**

APPLICANT'S DECLARATION: "I declare that the statements contained in this application are true and correct. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*".

Name of applicant

Signature

Date   /   /

Name of applicant

Signature

Date   /   /

Name of applicant

Signature

Date   /   /

Name of applicant

Signature

Date   /   /

Name of applicant

Signature

Date   /   /

Please ensure your application is not dated more than one month prior to the date the application is submitted to the QBCC.  
Please allow one month for your application to be processed.