

IMPORTANT NOTICE TO OWNER BUILDER PERMIT APPLICANTS

ABOUT OWNER BUILDER PERMITS

Under the *Queensland Building Services Authority Act 1991* you are required to obtain an owner builder permit if you wish to perform building work to a value of \$11,000 or more on your own property. BSA is required to keep a register of all owner builder permit holders. The register is in the form of an on-line search facility and is available for inspection by any person.

DETERMINING THE 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 as if they were performing the work including GST.

If you discover during the construction process the value of work needs to be increased, simply complete the Application to Amend an Existing Owner Builder Permit form available at BSA's website from www.bsa.qld.gov.au. Amendments to an existing permit can only be made within 6 months from the date of issue of the permit.

CONDITIONS OF THE PERMIT

- Domestic building work is the only type of work you may perform under an owner builder permit.
- You cannot carry out building work for a multiple dwelling or for a building intended to be used for commercial purposes. However a permit may be issued for the renovation, alteration, extension, improvement or repair of an **EXISTING** unit.
- You can only personally carry out building work which requires a fire protection licence where the value of the work is less than \$1,100.00 (including labour and materials). Where the value of work is \$1,100.00 or over, the work must be carried out by a licensed contractor.
- 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 appropriate 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 BSA contractor's licence.
- You are 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.

APPROVAL PROCESS

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 BSA 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.

WARNING – INSURANCE PROTECTION IS NOT AVAILABLE TO OWNER BUILDERS

By becoming an owner builder you forfeit your right to BSA's dispute resolution service and BSA insurance on the building work performed. BSA 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 6 years after completion, Section 47 of the *Queensland Building Services Authority 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 SERVICES AUTHORITY 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.

FEES

The fee to submit an owner builder permit application is **\$323.50**. This fee includes the cost of placing and removing the notification from the Title.

PROCESSING TIME

Please allow one (1) month for your permit to be processed.

SUBSEQUENT PERMITS

You cannot obtain another permit within six years from the date of issue of a previous permit unless BSA is satisfied there are exceptional circumstances and has approved a six year exemption request. Should you wish to apply for exemption from the six year ruling the application form is available from BSA's website at www.bsa.qld.gov.au

You cannot obtain another permit if you have had an owner builder permit cancelled in the three (3) years preceding the application.

You cannot obtain an owner builder permit if you are a banned individual or if you are an enforcement debtor

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 permit holders name and 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 BSA initiating prosecution action under Section 52 of the *Queensland Building Services Authority Act 1991*

(Maximum penalty – 20 penalty units = \$2 000)

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 Services Authority Act 1991*, which may result in prosecution, the issue of a penalty of up to \$25,000 and an order to stop work.

If you genuinely discover during the construction process the description of work needs to be amended, simply complete the Application to Amend an Existing Owner Builder Permit form available from BSA's website at www.bsa.qld.gov.au. Amendments to an existing permit can only be made within 6 months from the date of issue of the permit.

HOW DO I OBTAIN AN OWNER BUILDER PERMIT?

To apply for an owner builder permit you must provide the following:-

- 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;
- Proof of a completed Owner Builder Course.

OWNER BUILDER COURSE

All owner builders are required to complete an Owner Builder Course run by a BSA recognised course provider (refer to the Owner Builder Permit Course Providers Fact Sheet available from BSA's website).

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.

Courses are presented in lecture style or through correspondence and cannot be more than five (5) years old from the date you lodge your application for the permit.

If you have gained a technical building qualification you may be exempt from completing the owner builder course. To determine eligibility for an exemption, visit BSA's website at www.bsa.qld.gov.au. If you are eligible for a course exemption, submit a written request and attach a copy of your technical qualification or your current BSA licence details prior to submitting your owner builder permit application.

LEASE AGREEMENTS

If you wish to apply for an owner builder permit and you are a lessee of the property, you will need to seek independent legal advice regarding your rights and responsibilities. Under a lease agreement you must provide:-

- proof of ownership of the land (eg 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 6 years from the date of issue of a previous permit.

COMPANY APPLICATIONS

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

SURRENDERING THE PERMIT

If you change your mind and 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 BSA and return the permit. You will be required to provide evidence no work has been carried out under the permit.



Building and Construction Industry Payments Agency

BUILDING AND CONSTRUCTION INDUSTRY PAYMENTS ACT 2004 INFORMATION FOR OWNER BUILDERS

Improving payment outcomes for all parties operating in the building and construction industry has been a key priority for a succession of governments. Now there's a new fairer, quicker payment system for everyone in the building and construction industry.

Security of payment has been an issue for many decades, particularly in relation to subcontractors. The building and construction industry is particularly vulnerable to payment problems because it generally operates under a hierarchical chain on contracts. The failure of any one party in the contractual chain to honour its obligations can cause a domino effect on other parties resulting in restricted cash flow and in some cases insolvency.

To improve contractual and payment outcomes within the building and construction industry, Parliament on 11 May 2004 passed the *Building and Construction Industry Payments Act 2004*. The act establishes a statutory based system of rapid adjudication for the quick resolution of payment disputes on an interim basis by an appropriately qualified and independent adjudicator. This will allow for payments to flow quickly down the contractual chain.

The adjudication process does not extinguish a party's ordinary contractual rights to obtain a final determination of a payment dispute by a court or tribunal of competent jurisdiction. The significance of an adjudicator's decision, however, is that pending financial determination of the payment dispute; the party with the most commendable case, as determined by the adjudicator retains the monies in dispute. Significantly, decisions by an adjudicator are enforceable as a judgement debt if a contracting party fails to pay monies to a contracted party as determined by the adjudicator.

The application of the Act covers all forms of construction contracts including contracts entered into by persons who hold, or who should hold an owner builder permit under the *Queensland Building Services Authority Act 1991*. This means owner builders who engage contractors and obtain supply will fall under the jurisdiction of the Act.

Owner builders need to be aware of the implications of the Act. These being:

- That if a contractor or supplier is experiencing payment problems with an owner builder they may lodge an adjudication application with an Authorised Nominating Authority.
- The Authorised Nominating Authority will appoint an independent adjudicator with relevant expertise and registered to hear such disputes.
- An adjudicator must make a decision on the dispute within 10 business days 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.
- An adjudicator must provide to both parties reasons for a decision including the adjudicated amount and the payment date. If the payment of the adjudicated amount is not made, the claimant can request an adjudication certificate, which can then be lodged in a court of competent jurisdiction as a judgement debt.

The important benefits of the adjudication process are that it allows for a prompt interim decision on disputed payments, encourages communication between the parties about disputed matters and provides parties with a much faster and cheaper alternative to resolve the dispute without entering the court system.

The adjudication process also allows unpaid parties to suspend work or the supply of goods until payment of the adjudicated amount is received.

The Act became fully operational on 1 October 2004. For more information please access our website at www.bcipa.qld.gov.au.



OWNER BUILDER PERMIT

APPLICATION FORM

OFFICE USE ONLY

- Use BLACK pen only

1. PERMIT HOLDERS

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 (4) 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.

Please allow one (1) month for your permit to be processed.

NOMINATED PERMIT HOLDER			
<small>(Person who Completed Course if Applicable and is Listed on Title, a Director or Lessee)</small>			
Surname			
Given Names			
Salutation (Mr, Mrs etc)		Date of Birth	
Postal Address			
		Post Code	
Contact Numbers			
Fax Number			
Email Address			

PERMIT HOLDER			
<small>(Person listed on Title)</small>			
Surname			
Given Names			
Salutation (Mr, Mrs etc)		Date of Birth	
Postal Address			
		Post Code	
Contact Numbers			
Fax Number			
Email Address			

PERMIT HOLDER			
<small>(Person listed on Title)</small>			
Surname			
Given Names			
Salutation (Mr, Mrs etc)		Date of Birth	
Postal Address			
		Post Code	
Contact Numbers			
Fax Number			
Email Address			

PERMIT HOLDER			
<small>(Person listed on Title)</small>			
Surname			
Given Names			
Salutation (Mr, Mrs etc)		Date of Birth	
Postal Address			
		Post Code	
Contact Numbers			
Fax Number			
Email Address			

COMPANY APPLICATIONS ONLY			
<small>Directors details must be supplied above and a Current Company Extract or Historical Company Extract issued by the Australian Securities and Investment Commission must be provided.</small>			
Company Name			
ACN Number			
Postal Address			
		Post Code	
Contact Numbers			
<p>One of the following documents is attached with this application:-</p> <p><input checked="" type="checkbox"/> Tick ONE box only.</p> <p><input type="checkbox"/> Current Company Extract</p> <p><input type="checkbox"/> Historical Company Extract</p>			

2. PREVIOUS PERMITS

(a) Have any of the applicants listed obtained an Owner Builder Permit in Queensland Previously?

Tick the appropriate response

- NO – Proceed to 2(b)
 YES – Continue following questions

Please provide the following details in relation to the previous permit:-

Permit Number		Site Address	
Work Performed			

Was the permit issued within the last six years?

Tick the appropriate response

- NO – Proceed to 2(b)
 YES – If you answer YES, you must obtain BSA approval for exemption from the six year ruling before your application can proceed. Application forms for exemptions are available from BSA's website at www.bsa.qld.gov.au

(b) Have any of the applicants listed had a permit cancelled by the BSA in the last three years preceding the permit?

Tick the appropriate response

- NO – Proceed to Section 3
 YES – If you answer YES, you are not eligible to obtain an owner builder permit

3. OWNER BUILDER COURSE

All applicants must complete an Owner Builder Course or obtain a Course Exemption. To obtain a course exemption you must submit a written request for Course Exemption and attach a copy of your technical qualification or current licence to BSA prior to lodging this application.

Tick the box which applies

- I have enclosed a copy of my Owner Builder Course completion certificate (no more than five years old).
 I have obtained a course exemption from BSA and a copy of the approval letter is attached.

4. SITE DETAILS

Details of where the owner builder work is being performed must be provided

REAL PROPERTY DESCRIPTION

(This information is obtained from your Title Search)

Lot Number		Plan Type (EG RP, Sp, CP etc)		Plan Number		Title Reference Number	
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SITE ADDRESS

(Physical address)

Street Number		Street Name		Street Type (EG Street, Road, Court etc)	
Suburb or Town				Post Code	

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
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7. CERTIFICATION

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 and the certifier is prevented from giving an approval until evidence of a BSA owner builder permit is provided. Provide details of the certifier or local government responsible for the certification of your owner builder work.

Certifier or Local Council Name	Contact Number
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8. PROOF OF IDENTIFICATION

You must satisfy **ONE** of the following criteria

tick one box only

I hold an existing BSA licence and my licence number is:..... OR

I have provided a certified copy of photo identification (eg Driver's licence or passport) OR

If you cannot provide one of the above, contact your nearest BSA office for a 100 point identification form.

9. ADDITIONAL REQUIREMENTS

You **MUST** answer all questions.

Tick each question

Has any applicant listed in this form (including directors of a company applicant) been served with a notice by BSA for carrying out tier 1 defective work under the Queensland Building Services Authority Act 1991?

Tier 1 defective work is building work of the most grossly defective nature. The formal definition of Tier 1 defective work is grossly defective work that falls below the standard reasonably expected of a licensed contractor for the type of building work; and either:-

- (a) adversely affects the structural performance of a building to the extent that a person could not reasonably be expected to use the building for the purpose for which it was, or is being erected or constructed; or:-
- (b) is likely to cause the death of, or grievous bodily harm to a person.

An example of tier 1 defective work would be substandard work that requires all or a significant part of a building to be demolished or substantially reconstructed.

Yes No

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 Services Authority Act 1991 or the Domestic Building Contracts Act 2000 for which payment is still outstanding?

Yes No

10. CHECKLIST

Before you sign the declaration (refer section 10), 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. BSA 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>I have completed all questions on the application form</i>	<input type="checkbox"/> Yes
<i>All persons identified on the Title Search are listed on this application (Refer Section 1);</i> <i>OR</i> <i>If the applicant is a company, <u>all directors</u> are listed on this application;</i> <i>OR</i> <i>If you are a lessee, all lessees and the owner are listed on this application</i>	<input type="checkbox"/> Yes
<i>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</i>	<input type="checkbox"/> Yes
<i>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;</i> <i>OR</i> <i>If I am a lessee I have enclosed a copy of the lease agreement and written permission from the owner.</i>	<input type="checkbox"/> Yes
<i>If I have had a previous owner builder permit I have supplied details of the previous permit (Refer Section 2)</i>	<input type="checkbox"/> Yes
<i>I have attached a copy of my Owner Builder Course Completion Certificate (Refer Section 3)</i> <i>OR</i> <i>I have attached a copy of the BSA exemption approval letter</i>	<input type="checkbox"/> Yes
<i>I have provided a detailed description of the works to be completed under this permit (Refer Section 5)</i>	<input type="checkbox"/> Yes
<i>I have provided an accurate estimated value of the work to be performed under this permit (Refer Section 6)</i>	<input type="checkbox"/> Yes
<i>I have provided the name and contact number of the person or Local Authority who will be certifying the work to be performed under this permit (Refer Section 7)</i>	<input type="checkbox"/> Yes
<i>I have provided Proof of Identity (Refer Section 8)</i>	<input type="checkbox"/> Yes

12. DECLARATION

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 Services Authority Act 1991.

PLEASE NOTE ALL PERSONS LISTED ON THE APPLICATION FORM MUST SIGN THE DECLARATION BELOW

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 <i>Oaths Act 1867</i> ".		
Signature of Applicant:	.....	Date:	/ /
Signature of Applicant:	.....	Date:	/ /
Signature of Applicant:	.....	Date:	/ /
Signature of Applicant:	.....	Date:	/ /
Signature of Applicant:	.....	Date:	/ /
Signature of Applicant:	.....	Date:	/ /
Signature of Applicant:	.....	Date:	/ /

Please ensure your application is not dated more than one (1) month prior to the date the application is submitted to BSA.

PRIVACY NOTICE

BSA is collecting the information on this form to determine whether you are entitled to an owner builder permit. Collection of this information is authorised by the *Queensland Building Services Authority Act 1991*. Some information collected on this form will be included in the Register of holders of owner-builder permits in accordance with Section 103 of the *Queensland Building Services Authority Act 1991*. In addition, BSA is obligated to notify the Registrar of Titles of the granting of the permit. On receipt of this information, the Registrar of Titles will enter the notification into the register. Disclosure of this information to other parties by BSA in circumstances other than as above can occur with your consent or as authorised or required by law. For further information visit the BSA website at www.bsa.qld.gov.au.

13. BSA OFFICE LOCATIONS



















PHONE BSA ON 1300 272 272

OR



VISIT OUR WEBSITE AT www.bsa.qld.gov.au

BRISBANE	CAIRNS
<p>299 Montague Road West End QLD 4101</p> <p> FAX: (07) 3225 2929  MAIL: GPO Box 5099, Brisbane, QLD 4001</p>	<p>181 Aumuller Street Westcourt, Cairns QLD 4870</p> <p> FAX: (07) 4048 1124  MAIL: GPO Box 5099, Brisbane, QLD 4001</p>
GOLD COAST	MACKAY
<p>Suite 26, 86 Robina Town Centre Drive Robina QLD 4230</p> <p> FAX: (07) 5575 7666  MAIL: GPO Box 5099, Brisbane, QLD 4001</p>	<p>42 East Gordon Street Mackay QLD 4740</p> <p> FAX: (07) 4953 4151  MAIL: GPO Box 5099, Brisbane, QLD 4001</p>
ROCKHAMPTON	SUNSHINE COAST
<p>194 Alma Street Rockhampton QLD 4700</p> <p> FAX: (07) 4927 1551  MAIL: GPO Box 5099, Brisbane, QLD 4001</p>	<p>6 Pikki Street Maroochydore QLD 4558</p> <p> FAX: (07) 5459 9655  MAIL: GPO Box 5099, Brisbane, QLD 4001</p>
TOOWOOMBA	TOWNSVILLE
<p>Clestrain Mall 131A Herries Street Toowoomba QLD 4350</p> <p> FAX: (07) 4638 1917  MAIL: GPO Box 5099, Brisbane, QLD 4001</p>	<p>287 Ross River Road Aitkenvale QLD 4814</p> <p> FAX: (07) 4725 3401  MAIL: GPO Box 5099, Brisbane, QLD 4001</p>

CUSTOMER FLOW CHART – OWNER BUILDER PERMITS

Following is a flow chart to show you the application process for obtaining an owner builder permit

