



Owner-builder licences

June 2007

Before reading

Information in this fact sheet was accurate at the time of publication. It is advisable to discuss any inquiry with the ACT Planning and Land Authority's Customer Service Centre on 6207 1923 as requirements may have changed.

ACT building legislation allows a land owner, under certain circumstances, to carry out building work under an owner-builder licence. The *Construction Occupations (Licensing) Act 2004* gives owner-builders similar responsibilities as other ACT licensed builders, except for the need to obtain home owner warranty insurance, or fidelity fund certificate coverage, or to provide a statutory warranty. Owner-builders can be subject to rectification orders requiring them to rectify non-compliant work for a period of at least 10 years. They are also subject to licence disciplinary actions.

Work an owner-builder can do and cannot do

An owner-builder licence can authorise the holder to build or renovate their residence and ancillary structures around that residence such as decks, pergolas, or carports, provided the building work is on the owner-builder's main home or ancillary to it.

An owner-builder licence does not authorise work on a commercial building. Generally an owner-builder licence applicant is not eligible for a licence authorising specialist building work to install a swimming pool or demolish a building unless they can satisfactorily demonstrate their ability to do that type of work.

Eligibility to be owner-builder

Only individuals can apply for an owner-builder licence. The individuals must own the ACT land (be proprietor of the Crown lease or unit title lease) where the building work is proposed to be done under the owner-builder licence. Where there is more than one owner, all owners may be required to apply jointly or consent to one owner making the application.

A building approval must be issued for the work by a building certifier appointed by the owner for the work before the owner-builder licence can be applied for.

To be eligible for an owner-builder licence, the owner must not have been granted an ACT owner-builder licence in relation to other ACT land in the previous five years. There is no restriction on the number of ACT owner-builder licences for work on the same land parcel.

Qualification requirements

Mandatory qualifications apply to owner-builder licence applicants, including:

- the need to demonstrate sufficient experience to be capable of carrying out the building work; and
- satisfactory completion of an owner-builder course to demonstrate that the applicant has sufficient knowledge of legislative and technical requirements in relation to the work.



Applicants who wish to build a residence or additions to their residence will generally be required to demonstrate their qualifications by satisfactorily completing an owner builder course. However applicants who can demonstrate that they have adequate qualifications such as a builder's licence, may not be required to complete an owner builder course. For less complex work such as decks, pergolas or carports, an owner builder course may not be required where the applicant demonstrates sufficient experience. Each application will be assessed on its merits.

Responsibilities of an owner-builder under the *Building Act 2004*

An owner-builder takes on the same responsibilities as a licensed builder to supervise building work and ensure the building work complies with the *Building Act 2004* including:

- obtaining a commencement notice from a certifier before work commences;
- ensuring the work is only done by the licensee or under the licensee's supervision;
- ensuring compliance with the Building Code of Australia;
- ensuring the work is only done in a proper and skilful way;
- ensuring the work is only done in accordance with approved plans;
- where necessary, ensuring safety precautions are in place;
- booking inspections with the certifier at the appropriate stages; and
- complying with directions given by a certifier after an unsuccessful inspection.

Other considerations

As a supervisor of building work, an owner-builder needs to be aware of insurance requirements, in particular, workers' compensation in relation to any workers that are involved in the project. It is suggested that owner-builders check with their insurance provider for advice on insurance needs, including issues such as public liability and increasing the house insurance to cover any additions.

Owner-builders should be aware of ACT Workcover requirements regarding workplace safety and Department of Territory and Municipal Services requirements for noise and water pollution.

Disciplinary actions

Owner-builders are subject to the same disciplinary liabilities as other ACT licensed builders, and can be subject to disciplinary actions for legislation breaches. This could possibly result in cancellation or suspension of the owner-builder licence, or a fine as determined by legislation.

In addition, licence demerit points can be allocated to an owner-builder and an owner-builder can be prosecuted for offences under the *Building Act 2004* and the *Construction Occupations (Licensing) Act 2004*.



Rectification orders

Owner-builder licence holders, and former holders of that licence, can be issued with a rectification order by the Construction Occupations Registrar requiring rectification of non-compliant work, even if the property has been sold, for work done within 10 years or more prior to the issue of the order.

How to apply

Applications for an owner-builder licence should be submitted to the ACT Planning and Land Authority at 16 Challis Street, Dickson. Application forms are available on the ACT Planning and Land Authority website at www.actpla.act.gov.au. Should your application be refused, you will have a right to review of that decision by applying to the ACT Administrative Appeals Tribunal.

Process

Lodge a Development Application

If required, lodge a Development Application form at the ACT Planning and Land Authority.

Appoint a certifier

Using the C3 form appoint a certifier and provide the certifier with approved plans.

Apply for owners builders licence

Submit the owner builder application form (CL5, or CL6 dependant on structure), fee and a copy of the certifier - building approved plans.

Commencement notice

If your application complies with requirements, an owner builder licence will be granted. The owner provides the owner builder licence number to the certifier and applies for a commencement notice.

Begin building

Begin building once a commencement notice has been issued.

For information about the building process, please see the building approval fact sheet.