

## A Guide to Builders Licence NSW for Homeowners

In New South Wales, it is necessary to have a builder's licence to perform residential construction work (NSW). To avoid legal problems, homeowners should confirm that their builder has a current licence before hiring them for building work. This guide is intended to assist homeowners in NSW realize the value of a builder's licence and how to ascertain whether their builder is required to have one.

### Do You Need a Builders Licence in NSW?

If you're planning to undertake any residential building work, it's essential to understand whether or not a builder's licence is required in NSW. Under the Home Building Act 1989, any person who carries out residential building work must hold a valid builder's licence unless an exemption applies.

Residential building work includes various activities such as constructing, altering or repairing a dwelling, renovating, decorating and applying protective treatments. However, some types of work are excluded from the definition of residential building work, such as installing blinds or curtains, carpeting, or painting.

You may not require a builder's licence for small maintenance work or minor repairs if you're a homeowner. However, if the work you plan to undertake involves structural alterations, plumbing, electrical or gasfitting work or is valued over a certain amount, a builder's licence is likely required.

It's crucial to remember that performing residential building work without a licence is a serious offence in NSW that carries heavy fines. If you're unsure whether your builder requires a licence, it's always best to check with the NSW Department of Fair Trading or a qualified legal professional.

### How Do I Check My Builder's License in NSW?

When hiring a builder to conduct residential building work in NSW, it is vital to check whether they are licenced. A builder's licence is a legal requirement that ensures they have the necessary skills and qualifications to complete the work to a satisfactory standard.

The easiest approach to determine whether a builder is licenced in New South Wales is to search for their information on the website of NSW Fair Trading website. The website provides a public record with information on all licenced builders, including their contact information, licence number, and the sort of work for which they are licenced.

You can be confident that you are getting  
the right legal advice.

Alternatively, you can call NSW Fair Trading on 13 32 20 and provide the builder's name and licence number; they will confirm if the builder is licenced.

It is important to note that some builders may have conditions or restrictions on their licences, so it's important to check these details before hiring them for your project. Checking a builder's licence can give you peace of mind that the work will be completed by a qualified professional and can help protect you from unlicensed or fraudulent builders.

## What Is a Builders Licence in Australia?

A builder's licence is a legal requirement for builders and tradespeople in the Australian building industry. In New South Wales (NSW), different licences are available, including contractor licences, qualified supervisor certificates, and endorsed contractor licences. These licences are issued by the NSW Fair Trading Agency and are necessary to ensure that builders and tradespeople have the essential qualifications and experience to carry out their work.

Contractor licences are required for those who contract and carry out residential building work, while qualified supervisor certificates are needed for those who supervise and coordinate building work. Endorsed contractor licences are for those who carry out specialised building work, such as plumbing or electrical work.

To obtain a builders' licence in NSW, applicants must meet specific requirements, including holding appropriate qualifications and having relevant work experience. The licensure process involves completing an application and passing a written examination.

## Is a Builders Licence Required?

New South Wales requires a builders' licence for any individual, partnership, or corporation that intends to carry out residential building work, unless an exemption applies. This includes any work that involves the construction, alteration, renovation, repair, or decoration of a dwelling, as well as any other work defined as residential building work under the Home Building Act 1989.

However, it is essential to note that not all roles in the building industry require a builders' licence. For example, specialist trades such as tree loppers or building inspectors may not require a licence, but they may need to hold relevant qualifications and insurance.

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If a person carries out residential building work without the required licence, they may face penalties and legal action, including fines and potential imprisonment. Homeowners should always check that their builder is licenced before engaging them for work to ensure their rights are protected and the work is carried out satisfactorily.

## Licence Types

In New South Wales, there are three main types of builder's licences that homeowners should be aware of:

### **Contractor's licence**

which allows an individual or business to contract for and perform residential building work. Contractor licences are valid for 1–5 years and require applicants to meet certain requirements, such as holding appropriate insurance and having the necessary experience and qualifications.

### **Qualified supervisor certificate**

which authorises an individual to supervise and sign off on building work done by others. Qualified supervisor certificates are valid for one to five years and require at least two years of experience in the relevant field.

### **Endorsed contractor licence**

which allows a contractor to perform specific building work requiring additional qualifications or expertise. Endorsed contractor licences have additional requirements and are valid for up to 3 years.

Applying for a builder's licence in NSW can be a complex process, and it is essential to seek professional advice to ensure you meet all the requirements.

## Can Contractors Work Without a Licence?

In New South Wales, it is illegal for contractors to perform residential building work without a builders' licence. The Home Building Act of 1989 outlines the specific circumstances under which unlicensed contractors may perform certain types of work, such as minor maintenance or repairs. However, any work that involves construction, alterations, or renovations to a dwelling and decorating or applying protective treatment requires a valid builders' licence.

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Homeowners must hire licensed contractors to ensure the safety and quality of residential building work. Unlicensed contractors may lack the necessary training and qualifications to perform the work properly, putting the homeowner and their property at risk. Homeowners should always verify the licence status of their contractors before hiring them and report any suspicious activity to the appropriate authorities.

## Get Legal Expert Advice

The importance of hiring licenced and qualified builders cannot be overstated. In this guide, we have discussed the circumstances under which a builders' licence is required in NSW, how to check a builders' licence, and the different types of licences available. As a senior legal practitioner with over ten years of experience in construction law, I can help ensure that your building work is of the highest quality and complies with all legal requirements. I strongly encourage all homeowners to do their due diligence in hiring licensed and qualified builders in NSW to ensure the safety and quality of their residential building work. Contact me to learn how I can assist you in this process. I offer homeowners a free 15-minute first consultation.

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