

LICENSING REQUIREMENTS FOR FENCE BUILDERS

Under the *Queensland Building and Construction Commission Act 1991* (QBCC Act) a person must not carry out, or undertake to carry out, building work unless the person holds a contractor's licence of the appropriate class. The *Queensland Building and Construction Commission Regulation 2003* (QBCC Regulation) prescribes certain works, including certain work in relation to fences, as being excluded from the definition of 'building work', with the result that a licence is not required by a person performing such work.

When is a QBCC licence required to construct a fence?

Under the QBCC Act and QBCC Regulation a person must *hold a QBCC licence* to construct a fence, unless one or more of the following applies.

The fence:

- will be constructed on land which is not agricultural or pastoral land, and the value of the fence is less than \$3,300 (e.g. a fence around a domestic dwelling)
- will be constructed on land which is not agricultural or pastoral land by the owner of the land and the value of the fence is less than \$11,000 (e.g. a fence around a domestic dwelling)
- will be a fence on agricultural or pastoral land (regardless of its value)
- will under the *Building Act 1975*, chapter 2, be self-assessable development or exempt development (as defined under the *Sustainable Planning Act 2009*) and will be built by the owner of the land
- will be constructed under the authority of an owner-builder permit issued to the owner of the land (regardless of its value)
- will have no concrete footing and consists of posts, pickets or stakes joined together by strands of wire (regardless of its value)
- will be a temporary fence (regardless of its value)
- will be constructed by the Commonwealth, the State or a local government using its own labour (not including independent contractors).

Pool safety inspectors

A pool safety inspector cannot personally repair a pool fence if the value of the work is over \$3,300, unless they hold a QBCC licence. A pool safety inspector should not certify a pool barrier which they have repaired themselves, unless the repairs were only 'minor repairs' as defined in the *Building Regulation 2006*.

What class of QBCC licence is required to construct a fence?

The class of QBCC licence required for fence construction will depend on the construction material being used.

See the table on the next page for the licence classes that permit the holder to construct fences.

Queensland Home Warranty Cover

Contracting to build a fence does not generally require a Queensland home warranty premium to be paid. However, in some circumstances (e.g. you are constructing a fence as part of a contract to build a home or extension) a premium will need to be paid before construction commences.

If you are unsure whether the fence you are building requires this cover, you should contact the QBCC on 139 333.

Table: Licence classes that permit the holder to construct fence

Licence Class	Fence Type
Bricklaying	Brick and block fences ONLY
Builder - Low Rise	All types of fences
Builder - Medium Rise	All types of fences
Builder - Open	All types of fences
Builder Restricted to Structural Landscaping	All types of fences
Carpentry	Timber and metal fences ONLY
Concreting	Concrete fences ONLY
Glass, Glazing and Aluminium	Glass and aluminium fences ONLY (e.g. pool fences)
Non-Structural Metal Fabrication and Installation	Metal fences ONLY
Stonemasonry	Stone fences ONLY
Structural Landscaping (Trade)	All types of fences
Structural Metal Fabrication and Erection	Metal fences ONLY
Swimming Pool Construction, Installation and Maintenance (Construction)	Pool fences ONLY - all types
Swimming Pool Construction, Installation and Maintenance (Installation)	Pool fences ONLY - all types

How do I get a QBCC licence?

The criteria for each licence class is different but in most instances you will need to complete an application form, provide evidence of your technical experience and demonstrate that you meet the managerial and financial requirements expected.

What happens if I construct a fence without the appropriate QBCC licence?

An individual or company who unlawfully constructs, or enters into a contract to construct a fence without a QBCC licence, commits an offence under the QBCC Act. The maximum penalty for this offence is a fine of \$46,707 for an individual or \$233,537 for a company.

An unlicensed individual or company also commits an offence if they advertise to construct a fence that requires a QBCC licence. The maximum penalty for this offence is a fine of \$13,345 for an individual

Need more information?

For information about fence-building, licences and how to apply, or to find out what scope of work you are allowed to do with your existing licence, call 139 333 or visit www.qbcc.qld.gov.au