

REGISTERED BUILDING CONTRACTOR – BUILDING A PLACE OF RESIDENCE

Exemption from Home Indemnity Insurance Section 25B *Home Building Contracts Act 1991*

Please read these notes carefully prior to completing your statutory declaration as failure to observe the provisions of the Act could render you liable to prosecution.

- (1) The Home Building Contracts Act 1991 provides that a registered building contractor must obtain home indemnity insurance or corresponding cover for the performance of residential building work before a building permit can be issued. Where a registered builder who is a natural person, is building his or her own residence, home indemnity insurance or corresponding cover is not required provided that a statutory declaration is submitted to the Building Commissioner.
- (2) If you have obtained a building licence or permit in the previous six years for the purpose of constructing your principal place of residence and for which no home indemnity insurance or corresponding cover was required, you are not eligible to obtain another building permit without home indemnity insurance or corresponding cover for construction of your principal place of residence without first obtaining the written consent of the Minister for Commerce.
- (3) It is an offence to sell the principal place of residence the subject of this building licence, within **three years** of obtaining the licence without first obtaining the written consent of the Minister for Commerce. This is an offence carries a penalty of \$10,000.
- (4) Request for approval relating to the matters referred to at (2) and (3) above, **must** be addressed to the Building Commissioner, c/- Licensing and Applications Directorate, Locked Bag 100, East Perth WA 6892.
 - The Minister (or Delegate being the Building Commissioner) is able to approve such applications only if satisfied that a change of circumstances has occurred, that the application is not an attempt on the part of the applicant to defeat the purposes of the legislation and that the applicant would suffer hardship if the application was refused.
- (5) If you intend to sell the principal place of residence within **seven years** of the date of issue of the building licence you must obtain home indemnity insurance or corresponding cover for the remainder of the seven year period, and must provide the purchaser with a valid certificate. If you are unable to obtain home indemnity insurance or corresponding cover you cannot sell the property within the seven year period.
- (6) This declaration must be lodged with the Building Commissioner, who will confirm in writing whether it satisfies section 25B of the Act.
- (7) Submit the Building Commissioner's Confirmation letter to the Permit Authority together with your application for a building permit.

Building and Energy Use Only		Local Government Use Only		
Name		Local Government		
Notes				
		Description of Building		
		value \$		
Statutory Declaration – Sec				
To be completed by a registere for use as his or her principal pl	•		uct for r	limself or nerself a dwelling
Surname (Block letters)		Other Names (Block letters)		
Occupation		Building Contractor's Registration Number		
of				
Residential addre	ess & mailing a	nddress (if mailing	g addres	ss is different)
Tel Home	Tel Work		Мс	obile
apply for a exemption from Ho	me Indemnity	Insurance to bui	ild my p	orinciple place of residence,
being a class 1(a)(i) - single dw	elling at			
Lot No House No _	Street	Name		
Suburb	Loca	al Government		
the value of which work I estimate	ate at \$			
sincerely declare that I have n Building Permit Authority, any place of residence for which he pursuant to section 25B(3) of the know that it is an offence to ma declaration is made under the C	building licend ome indemnity ne <i>Home Buildi</i> ke a declaratio	ce to construct for insurance or con ing Contracts Act in knowing that it	or myse respond 1991. T is false	elf a dwelling as a principal ding cover was not required This declaration is true and I in a material particular. This
Signature (of person making the declaration)				
Declared at: (place)				
In the State of (e.g. Western Australia)			On: (date)	
In the presence of: (Signature of Authorised Witness)				
Name of Witness				
Qualification of Authorised Witness				

Authorised Witnesses

The following are persons who may witness Statutory Declarations as well as certify copies of original documents pursuant to the *Oaths, Affidavits and Statutory Declarations Act 2005* in Western Australia.

- 1. Academic (post-secondary institution)
- 2. Accountant
- 3. Architect
- 4. Australian Consular Officer
- 5. Australian Diplomatic Officer
- 6. Bailiff
- 7. Bank manager
- 8. Chartered secretary
- 9. Chemist
- 10. Chiropractor
- 11. Company auditor or liquidator
- 12. Court officer
- 13. Defence force officer
- 14. Dentist
- 15. Doctor
- Electorate officer of a member of State Parliament
- 17. Engineer
- 18. Industrial organisation secretary
- 19. Insurance broker
- 20. Justice of the Peace
- 21. Lawyer
- 22. Local government CEO or deputy CEO

- 23. Local government councillor
- 24. Loss adjuster
- 25. Marriage celebrant
- 26. Member of Parliament
- 27. Minister of religion
- 28. Nurse
- 29. Optometrist
- 30. Patent attorney
- 31. Physiotherapist
- 32. Podiatrist
- 33. Police officer
- 34. Post office manager
- 35. Psychologist
- 36. Public notary
- 37. Public servant (Commonwealth)
- 38. Public servant (State)
- 39. Real estate agent
- 40. Settlement agent
- 41. Sheriff or deputy sheriff
- 42. Surveyor
- 43. Teacher
- 44. Tribunal officer
- 45. Veterinary surgeon

Or any other person whom under the *Statutory Declarations Act 1959* of the Commonwealth a Statutory Declaration may be made.