



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 12, West Perth, WA 6872.

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 Commission Use Only	Local Government Use Only
Name	Local Government
Notes	Licence No
	Date of Issue
	Description of Building
	Value \$

Statutory Declaration – Section 25B of the *Home Building Contracts Act 1991*

To be completed by a registered building contractor to construct for himself or herself a dwelling for use as his or her principal place of residence.

I _____
 Surname (Block letters) Other Names (Block letters)

 Occupation Building Contractor's Registration Number

of _____
 Residential address & mailing address (if mailing address is different)

Tel Home _____ Tel Work _____ Mobile _____

apply for a exemption from Home Indemnity Insurance to build my principle place of residence,
 being a _____ (type and use of building)

at Lot No _____ House No _____ Street Name _____

Suburb _____ Local Government _____

the value of which work I estimate at \$ _____

sincerely declare that I have not within the last 6 years obtained, from any Local Government / Building Permit Authority, any building licence to construct for myself a dwelling as a principal place of residence for which home indemnity insurance or corresponding cover was not required pursuant to section 25B(3) of the *Home Building Contracts Act 1991*. This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at:

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
16. Electorate officer of a member of State Parliament
17. Engineer
18. Industrial organisation secretary
19. Insurance broker
20. Justice of the Peace
21. Landgate officer
22. Lawyer
23. Local government CEO or deputy CEO
24. Local government councillor
25. Loss adjuster
26. Marriage celebrant
27. Member of Parliament
28. Minister of religion
29. Nurse
30. Optometrist
31. Patent attorney
32. Physiotherapist
33. Podiatrist
34. Police officer
35. Post office manager
36. Psychologist
37. Public notary
38. Public servant (Commonwealth)
39. Public servant (State)
40. Real estate agent
41. Settlement agent
42. Sheriff or deputy sheriff
43. Surveyor
44. Teacher
45. Tribunal officer
46. Veterinary surgeon

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