



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.

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. 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.