



# Ministerial Order: Exemption from requirement for owner signature on building permit applications extended

**This industry bulletin is to inform building industry stakeholders of an extension to the Ministerial Order that exempts certain owners of land from the requirement to sign an application for a building permit.**

Made under section 67(2A) of the *Building Act 2011* (the Act), the Ministerial Order exempts certain owners of land subject to an application for a building permit from the requirement to sign the application under section 16(b) of the Act for a further two years, until 31 December 2016.

The Ministerial Order applies to building permit applications for a Class 1 or Class 10 building or incidental structure. Under this Order, the owner is not required to sign the building permit application form. The owner or owners must, however, still be named on the application form.

Although the extension of the Ministerial Order may not be published in the Government Gazette until after 31 December 2014, it will nevertheless apply to any such applications made from 31 December 2014 until 31 December 2016.

The Ministerial Order was introduced to address difficulties in obtaining the signatures of all owners prior to submitting a building permit application, thereby delaying applications, experienced primarily by volume home builders in the Perth metropolitan area following the commencement of the Act in April 2012.

The difficulties in obtaining the signature of all owners were caused by:

- some users and permit authorities interpreting 'signature' to mean 'wet signature';
- larger project home builders often having inflexible contract and application processes under which the request for the owner signature is left until the last minute; and
- complex commercial ownership arrangements (real estate investment trusts and overseas owners) which often obscure who the owner is and who has authority to sign the application.

A further extension of the Ministerial Order is prudent to enable the Building Commission to further consult with and give all local governments and the home building industry a final opportunity to provide examples of any instances where the current exemption has caused difficulty for owners before making a final recommendation to the Minister for Commerce on whether to amend or delete this requirement.

An extension of the Ministerial Order will also provide more time to monitor whether any problems with the current exemption arise, which will give a greater degree of confidence in the final recommendation made at the end of the exemption period.

The Building Commission will also educate builders about the importance of obtaining owner consent prior to submitting a building permit application and on the necessity of ensuring they have the consent of all owners before commencing work and the possible consequences if they do not. The Building Commission will commence this consultation shortly.

The note in relation to owner signatures on the [BA1 and BA2 forms](#) has been amended to reflect the extension.

If you have any queries on this matter, please contact Mr Bob Stone, Principal Legislation Officer on 6251 1368 or Ms Kirti Siwan, Policy Officer on 6251 1041.

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**Disclaimer:**

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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