

These news updates are issued as and when necessary, to keep the Tasmanian Building Industry informed of developments occurring within the Industry, the Building Code of Australia (BCA) and its referenced documents.

## *Building Act 2000*

### **Owner Builder Form 34**

#### **Statutory Declaration and Insurance Requirements.**

##### ***What are the requirements for owner-builders to sign Form 34?***

The Owner-Builder Statement (Approved Form 34) is a Statutory Declaration. The applicant owner-builder will have to sign this Form, stating that the information they are providing is correct, including any information they provide about having Public Liability or Workers Compensation insurance.

**Public Liability** insurance covers third party injury and property damage that occurs during the period of the policy. Building sites can be dangerous places and the owner-builder should cover themselves against these types of claims.

**Workers Compensation** is to ensure that all persons working for an owner-builder are covered by appropriate insurance. It is a requirement under the *Workers Rehabilitation and Compensation Act 1988* that all employers must have a current policy of insurance in place. Under the *Workplace Health and Safety Act 1995* the owner-builder is also responsible for ensuring their contractors comply with minimum safety standards.

**However, there may be circumstances where the applicant does not need the insurance,** eg Workers Compensation, if they are using contractors who have their own insurance, or if the owner-builder applicant will be doing all the work themselves. It is the applicant's role to question the persons they engage to be satisfied that these contractors are covered by their own workers compensation insurance policies. If the applicant has other persons working for them (as an employee) the owner-builder will need to arrange to have a policy of workers compensation to cover workers. In some cases additional or specific Public Liability Insurance may not be required. It is up to the owner-builder to determine these things.

The applicant can indicate if parts of Form 34 relating to insurance are not applicable, but they are still required to sign the Statutory Declaration to the effect that the information that they have provided is correct. **The Permit Authority is not responsible for identifying that the applicant has the insurance and the Statutory Declaration does not place any additional liability on Permit Authorities.**

##### ***Can the Permit Authority refuse to issue a building permit if Form 34 is not completed?***

If the applicant does not provide details about their insurance or states that it is not required, then the Permit Authority cannot legally refuse to grant a building permit. It is a matter of informing applicants of their obligation, to obtain insurance if required. Form 34 and the Owner-Builder Guidelines brings to the attention of the owner-builder applicant that insurance is an important issue and that they should give it due consideration.

A reminder that the Owner-Builder Guidelines are available on the BSR website and can be downloaded free from [www.wst.tas.gov.au/building](http://www.wst.tas.gov.au/building). As previously advised, councils are free to make a charge for the service of printing and providing this document if they wish.

***Does the owner-builder applicant need to read the Owner-Builder Guidelines even if they only intend to carry out small jobs or for Class 10 buildings?***

Form 34 is a Statutory Declaration that requires the applicant to acknowledge that they have read and understood the information in the Owner-Builder Guidelines, and they are aware of their obligations both as a builder and an owner. **Therefore the Guidelines must be read by all owner-builders and a Form 34 completed.**

***Starting of Building work by Owner-Builders***

Section 87(4) of the Building Act requires that the Building Surveyor is to notify the Director of Building Control upon receipt of a notification of starting work from an Owner-Builder. Notification of starting work from accredited building practitioners is not required by the Director of Building Control. (An apparent typographical error in the *Building Regulations 2004* would indicate that all notifications of starting work are required by the DBC: this is not the case).

***Where do you get Workers Compensation insurance?***

There has been some feedback that insurance companies will not or are unable to provide workers compensation insurance. It is illegal to employ a person without workers compensation insurance therefore an appropriate insurer must be found.

For more information on Workers Compensation go to:

<http://www.workcover.tas.gov.au/resource/employerins.htm>

Licensed Insurers are:

**GIO General Ltd**  
111 Macquarie Street  
Hobart TAS 7000  
GPO Box 1136  
Hobart TAS 7001  
Phone: (03) 6235 8900 or  
131010  
Fax: (03) 6223 8973  
AUSDOC.DX 189

**Zurich Australian Insurance Limited**  
24 Murray Street  
Hobart TAS 7000  
GPO Box 1104L  
Hobart TAS 7001  
Phone (03) 6220 6111  
Fax: (03) 6223 8017  
AUSDOC.DX 174 Hobart

**Allianz Australia Insurance Limited**  
93 Cameron Street  
Launceston TAS 7250  
PO Box 576  
Launceston TAS 7250  
Phone: (03) 6332 3113  
Fax (03) 6332 3117  
AUSDOC.DX 70140  
Launceston

**CGU Insurance Limited**  
73-75 St John Street  
Launceston TAS 7250  
PO Box 867  
Launceston TAS 7250  
Phone (03) 6345 3500 or 1800 819  
054  
Fax: (03) 6334 6212  
AUSDOC.DX 70137 Launceston

**Guild Insurance Limited**  
3rd Floor/38 Montpelier Retreat  
Battery Point TAS 7004  
Phone (03) 6220 2900 or 1800 810  
213  
Fax: (03) 6220 2999  
AUSDOC.DX 70808 Salamanca

**Vero Insurance Limited**  
12th Floor/39 Murray Street  
Hobart TAS 7000  
GPO Box 509  
Hobart TAS 7001  
Phone: (03) 6235 8333  
Fax: (03) 6231 2607  
AUSDOC.DX 102 Hobart

**Catholic Church Insurances Limited**  
(Specialised Licence)  
Level 6, 324 St Kilda Road  
Melbourne VIC 3004  
PO Box 180B St Kilda Road  
Melbourne VIC 3004  
Phone: (03) 9934 3000 or 1300  
655 001  
Fax: (03) 9934 3462  
AUSDOC.DX 30577 South  
Melbourne  
**Insurance Australia Limited**  
4th Floor ANZ Centre  
22 Elizabeth Street  
Hobart TAS 7000  
GPO Box 999  
Hobart TAS 7001  
Phone: (03) 6220 7000  
Fax: (03) 6220 7077

**QBE Insurance (Australia) Limited**  
Level 6/85 Macquarie Street  
Hobart TAS 7000  
GPO Box 1352N  
Hobart TAS 7001  
Phone: (03) 6237 3960  
Fax: (03) 6237 3955  
AUSDOC.DX 171 Hobart