

Building Regulation News Updates are issued as and when necessary, to keep the Tasmanian Building Industry informed of developments occurring in the industry, Building Code of Australia (BCA) and its referenced documents and legislation.

Building Standards and Regulation

Owner Builder Register

Purpose

This News Update is to provide information about the Owner Builder Register maintained by the Director of Building Control. This register is a resource for Permit Authorities and Building Surveyors in carrying out their statutory duties.

Background

Under the provisions of the *Building Act 2000*, the Director of Building Control is required to keep a Register of Owner Builders; the Act requires building surveyors to notify the Director on receipt of a building start-work notice (Form 39) from an owner builder for whom he or she acts, and this information is used to compile the register. Building surveyors are not required to notify the Director of Building Control of building starts by accredited builders.

The information in this register may be used by building surveyors and permit authorities in the execution of their statutory duties, and may also be used to provide information to an auditor authorised by the Act. A building surveyor has both a statutory and a professional role to fulfil towards a client and is advised both to ascertain whether the client intends to be an owner builder and to advise the client of the restrictions, duties and responsibilities associated with the role. This is consistent with the building surveyor's statutory duties under the Act.

Permit Authorities likewise have a statutory duty to ensure compliance with the Act and are advised to use the owner-builder register in order to check that any owner builder applicant for a building permit has not exceeded the limit on numbers of owner built buildings imposed by the Act, or that the applicant is not in fact an accredited builder. Permit Authorities also have recourse to their own registers, but such a check will not reveal whether the applicant has received a permit as an owner builder in a different municipality. It is worth noting that an owner builder's allocation of two buildings in a ten year period can be taken up in a single project.

Definition of an Owner Builder

1. You must not be in the business of building: – a person accredited (licensed) as a builder is in the business of building and cannot also be an owner builder under the *Building Act 2000*;
2. You must be the owner of the land on which the building work on a building is to be carried out. (The owner-builder's name must be on the certificate of title; joint owners named on the title are "the owner" as far as the definition of an owner builder is concerned.) Ownership includes having signed a contract to buy land to develop it;
3. You must not have constructed more than two buildings of any classification in the past ten years. (More details about this "two in ten years" rule are included in the *Owner Builder Guidelines*);
4. You must have read the Owner Builder Guidelines and have made a signed statement (an "Owner-Builder Statement" – a statutory declaration on Form 34).

Providing Data for the Owner Builder Register

The Owner Builder Register is managed by BSR's administrative assistant Ellen Glazebrook.

Building Surveyors

When you receive a Form 39 from an owner builder, please check that it is completed correctly and FAX a copy to Workplace Standards Tasmania on 03 6233 8338

or

you can mail a copy to
Workplace Standards Tasmania,
PO Box 56, Rosny Park, Tasmania 7018.

Please do **not** send copies of Form 39 where the builder is an accredited building practitioner.

Obtaining Data from the Owner Builder Register

The Owner Builder Register is managed by BSR's administrative assistant Ellen Glazebrook.

Building Surveyors and Permit Authorities

When you require information about an owner builder's building history, you can telephone Ellen on 03 6233 7692

or

you can send an email to
Ellen.Glazebrook@justice.tas.gov.au

Further information

Contact the Workplace Standards Tasmania Helpline on 1300 366 322

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