

Building Regulation News Update

Building Regulation News Update 0109
Issued: 16 January 2009

REVISED OWNER BUILDER DECLARATION - FORM 34

Purpose

The purpose of this News Update is to advise Permit Authorities and building surveyors that the Director of Building Control has approved (on 13 January 2009) a revised Form 34 Owner Builder Declaration, including the Statement that prospective owner builders sign to show that they are aware of their obligations and responsibilities. This revised form will replace the Form approved on 22 August 2007.

Changes to the Form

Revisions have made the form easier to complete and more relevant to the demands of owner builder registration. Most changes are minor and the form has been reduced in length from six to three pages. An important change is the specific provision for the building surveyor to provide the estimated cost of the work, the Class of the building and to initial these details. While the old version of the Form 34 provides for an estimate of the cost of work, the information supplied (sometimes by the owner builder applicant) has often been found to be inaccurate. As owner builder work does not have a contract price, it is essential that an accurate estimate of the cost of the work is supplied by the building surveyor to enable the Permit Authority to charge their clients appropriate fees and levies. The Building Control Branch is currently working on a Building Cost Guide to assist building surveyors and this will be provided to practitioners as soon as possible.

Period for acceptance of the old Form 34

The Director of Building Control's Owner Builder registration staff will continue to accept applications on the old Form 34 up to 1 April 2009. For convenience of their clients, Permit Authorities should also accept owner builder applications submitted on the old Form 34 to at least the same date.

When the Form 34 is required

The *original* of the signed Form 34 is required by Permit Authorities for all owner builder applications. It is a document prescribed by the Director's Specified List that must accompany all building permit applications submitted by owner builders.

The Form 34 is also required by building surveyors for Owner Builder Registration for any building work that needs a building permit over \$5,000 on any Class 1 – 9 buildings. In this case a *copy* is sent to the Director of Building Control with a Form 40 *Request for Owner Builder Report*.

Revised Owner Builder Kit

The Owner Builder Kit has also been revised to remove references to Housing Indemnity Insurance and other minor editorial changes. An addition is a step by step guide on how to complete the new Form 34 Declaration. The new Form 34 will be printed as a part of the Kit to be completed by applicants and then torn out for use by owners to provide to the Director of Building Control (for registration) and councils (for permit applications). Stocks of the old Owner Builder Kit held by building surveyors and councils can be used up until new stocks of the revised Kit are available by early February.

OWNER BUILDER DECLARATION

Form **34**

Section 24. Regulation 15A

- WARNING:** it is an offence for any person other than an appropriately accredited builder or an owner builder to manage or carry out the work of a builder. Building work carried out or managed by an owner builder may be subject of an audit by the Director of Building Control.
- For all owner builder applications the original of this Declaration must be provided to the Permit Authority (council) when applying for the building permit.
- Owner builder work over \$5,000 on any Class 1 – 9 building requires Registration. One copy of this Declaration is to be completed, signed and given to your building surveyor so that your application for owner builder Registration can be processed. Owner builder work less than \$5,000 or on any Class 10 building does not need registration.

To: Permit Authority (council name):

Address

Town

Postcode

Part 1: Owner builder applicant details:

Note - all owners of the land must provide their full names and details on this application and sign at **Part 7**.
If more than two joint land owners are named on the title please attach a sheet and add their details.

Name of
Owner builder 1:

Title	<input type="text"/>
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D.O.B:

Address (not PO
Box):

Daytime
Phone

Town and Post Code

Mobile

Email:

Name of
Owner builder 2:

Title	<input type="text"/>
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D.O.B:

Address (not PO
Box):

Daytime
Phone:

Town and Post Code

Mobile

Email:

Application by a body corporate (registered company, incorporated association etc)

Name of body:

Australian
Company
Number

Contact address:

Daytime
Phone:

Town and Post Code

Mobile

Email:

Name of authorised
contact officer:

Title	<input type="text"/>
<input type="text"/>	<input type="text"/>

Position
e.g.
Secretary

<input type="text"/>
<input type="text"/>

Part 2: Details of the proposed owner builder work:

Full Street Address:	<input type="text"/>	Lot No.	<input type="text"/>
Town and Post Code	<input type="text"/>	Certificate of Title No:	<input type="text"/>

Type of work: (circle the appropriate answer)

<input type="checkbox"/> New	<input type="checkbox"/> Addition	<input type="checkbox"/> Repair	<input type="checkbox"/> Other (specify) <input type="text"/>
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Use of the building: (e.g. dwelling)

<input type="text"/>	Are you the designer of the work?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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Part 3: Information to be supplied by your Building Surveyor:

Estimated cost of the building work calculated from current construction cost data for buildings. Includes the costs of all labour, materials and GST as if the project were to be constructed by an accredited builder.

\$ <input type="text"/>

BCA classification(s)	Building Surveyor CC No:	BS initial:
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Part 4: Previous Owner Builder Work:

Has an applicant performed work as an owner builder since 1 July 2004? (circle answer)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If Yes – give details below of the building use, permit authority name, date & permit number:		

Description - previous Project 1	Permit Authority (council name)	Date	Permit No.
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Description – previous Project 2	Permit Authority (council name)	Date	Permit No.
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Part 5: Questionnaire: (circle the appropriate answer)

1.	Do you own (or have contracted to purchase) the land on which you are building?	YES	NO
2.	Have you read and understood the information in the document “ Owner Builder Kit ” published by Workplace Standards Tasmania?	YES	NO
3.	Are you aware of duties and obligations as the owner of the land and as the builder under the <i>Building Act 2000</i> , the <i>Building Regulations 2004</i> and other relevant Acts and Regulations related to the management and carrying out of building work? (details in the Owner Builder Kit)	YES	NO
4.	Are you aware that owner builder registration is only applicable to the project that you are granted registration for?	YES	NO
5.	As the owner builder are you aware that will you take responsibility for:		
6.	• organisation of labour and the sourcing of materials?	YES	NO
7.	• arranging payment of employees and sub-contractors, and taxes?	YES	NO
8.	• achieving a standard of building that complies with the Building Code of Australia and the relevant referenced standards?	YES	NO
8.	Are you aware that you may be personally liable in the event of injury or damage arising from the building work if you do not have public liability insurance?	YES	NO
Public Liability Insurance provider:		Policy No	Expiry Date

9.	Are you aware that you are required by law to have a policy of workers compensation insurance to cover all workers for this building project directly employed by you as the employer?	YES	NO
Workers Compensation Insurance provider:		Policy No	Expiry Date
10.	Are you intending to manage or carry out the building work yourself?	YES	NO

Part 6: Project Key Personnel:

Note that licensed electricians and plumbers must **always** be used for any electrical or plumbing work.

Complete the following details for all key personnel for this project. *If not known at this stage please write "not known".*

Role or Position e.g. "carpenter"	Name:	Accredited Practitioner Number (if applicable)	Workers Compensation Insurance Policy Number (if applicable)
Project Manager			
Carpenter			
Bricklayer			
Roofer			
Other			

Part 7: Statement by Owner Builders

I declare that I am intending to be an owner builder as defined in the *Building Act 2000* and understand the following: –

1. I am aware of the obligations, risks and responsibilities as the owner builder under the *Building Act 2000*, the *Building Regulations 2004* and the *Plumbing Regulations 2004*;
2. I am the accountable person and responsible officer for the purposes of the *Workplace Health and Safety Act 1995* and the *Workplace Health and Safety Regulations 1998*;
3. I am responsible for the quality of work and may be liable to subsequent owners for defective building work;
4. The information provided by me is complete, accurate and true to the best of my knowledge. I understand that there are penalties for providing false or misleading information, or to omit any matter, knowing that without that matter the information, statement, report or document is false or misleading.

Owner 1

Print Name _____

Signature of Owner _____

Date: _____ / _____ / 200 _____

Owner 2

Print Name _____

Signature of Owner _____

Date: _____ / _____ / 200 _____

If more than two owners please attach an additional sheet.

Personal Information Protection Statement

Workplace Standards Tasmania (WST) and your local council will collect personal information from you for the purpose of processing this application. You are required to provide this information by the *Building Act 2000* and the *Building Regulations 2004*. Failure to provide this information may result in your application not being processed. Your personal information will be used for the primary purpose for which it is collected and may be disclosed to other authorised organisations. Your personal information may be disclosed to contractors or agents of WST and your local council, law enforcement agencies, courts and other public sector bodies or organisations authorised to collect it. Personal information will be managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates on request to WST or to your local council. You may be charged a fee for this service.