



BUILDING NOTE

NUMBER 13-2003

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BUILDERS REGISTRATION ACT AND THE NEW FORM 2. APPLICATION FOR BUILDING LICENCE

Building Note number 11, issued in September 2003, introduced a new building licence application form. This Building Note, produced by the Department of Housing and Works (DHW) in conjunction with the Builders' Registration Board of Western Australia (BRB), will provide some guidance on completing the new form.

The *Builders Registration Act 1939* has a legal bearing on the issue of building licences throughout most of Western Australia.

Section 4A (1) of that Act states the following:

- (1) *It shall be unlawful for any local government to issue to any person who is not registered under this Act a building licence to commence or proceed with any building on any block of ground in any area within which this Act applies —*
 - (a) *unless the total fee or charge payable in respect of the carrying out of such building does not exceed [\$12 000] ...*

Section 4A (2) of that Act states the following:

- (2) *A person who for the purposes of obtaining or attempting to obtain a building licence from a local government makes a representation or statement that is false in a material particular in relation to —*
 - (a) *the value of a building to be erected under the building licence;*
 - (b) *the fee or charge payable in respect of the carrying out of the building work;*
 - (c) *any registration or qualifications held under this Act; or*
 - (d) *any exemption from the provisions of this Act, commits an offence.*

The main purpose of the *Builders Registration Act 1939* is to ensure the proper exercise of a registered builder's role in building work exceeding \$12,000 in value and to prevent unregistered persons (with certain exceptions) from obtaining building licences or performing building work valued above that amount.

A vital piece of evidence required by the BRB in proving that an offence has occurred, ie. that a person had provided false information to a local government, is the information provided on the building licence application form. In order to assist the BRB in its statutory

responsibilities, this Department advises that the builder's name and registration number should be provided on the building licence application form, whenever a registered builder is required to carry out the building work.

The builder's name, registration number, signature and date should be provided on the building licence application form.

Where possible the builder's signature should also be provided on the form. If this is not practical, the builder should be requested to provide, by fax, ordinary mail or hand delivery, a letter to the local authority, on the builder's letterhead, containing details of:

- ◆ any reference details provided by the local authority (eg. application number);
- ◆ the site address of the proposed building work;
- ◆ who is to be issued with the building licence (check against Board's Register);
- ◆ builder's registration number; the value of the building work; and
- ◆ date and signature

This document should be treated as part of the application and, when completed in the manner set out above, the local authority may rely upon that information.

When required by the *Builders Registration Act 1939*, the building licence should only be issued to a registered builder.

Refer sample application with guidance notes on page 3 for further clarification.

Please direct any queries in relation to the *Builders Registration Act 1939* to the Compliance Section of the Builders' Registration Board, telephone (08) 9476 1289, fax (08) 9476 1299 or by e-mail at info@brb.org.au. The BRB's web site at www.brb.org.au provides an up to date list of registered builders.



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EXECUTIVE DIRECTOR OFFICE OF POLICY AND PLANNING

Building Notes are produced by the Department of Housing and Works (DHW) primarily to inform building surveyors and the building industry. The information contained in this Note is intended for general guidance only and must not be relied upon in any particular set of circumstances. To ascertain your precise rights and obligations, you should consult a building surveyor or other appropriate professional or refer to the applicable legislation.

Copies of Building Notes may be obtained from the DHW at 108 Adelaide Terrace, East Perth or by accessing the Department's web-site at www.dhw.wa.gov.au.

Property where building to be built	Street address	No.:	Street Name:
	Suburb:		Postcode:
	Lot/location No.:		Is lot free of improvements?: yes/no

These sections to be completed by all applicants

Property owner(s) (attach separate page if more than 2)	Name:		Phone:
	Address:		
	Name:		Phone:
	Address:		

Details of work (tick box or boxes)	Type of building to be constructed:			
	<input type="checkbox"/> Single dwelling	<input type="checkbox"/> Patio	<input type="checkbox"/> Swimming pool	<input type="checkbox"/> Warehouse
	<input type="checkbox"/> Grouped dwelling	<input type="checkbox"/> Outbuilding	<input type="checkbox"/> Retaining wall	<input type="checkbox"/> Office
	<input type="checkbox"/> Pergola	<input type="checkbox"/> Factory	<input type="checkbox"/> Shop	
	<input type="checkbox"/> Other (specify)			
	Estimated floor area of building (m ²):			
	Estimated value of construction work (including the GST): \$			

This section need only to be completed where the applicant is not the builder

Applicant (if applicant is not builder)	Name:		
	Address:		
	Postal Address:		
	Phone (H):	(W):	(Mob):
	Fax:	Email:	
	Signature:		Date:

This section of the form should be completed, whenever a registered builder is required to carry out the work, regardless of who is the applicant

Applicant (if applicant is builder or owner builder)	Name:		
	Address:		
	Postal Address:		
	Phone (H):	(W):	(Mob):
	Fax:	Email:	
	Applicant's registration number under the <i>Builders' Registration Act 1939</i> :		
	Contact name:		
	Signature:		Date:

Provided the applicant is not the builder, the builder's details can be provided after the lodgement of the application, but prior to the issue of building licence

Builder's registration number to be provided

Builder to sign the form