

BUILDERS' REGISTRATION.

10° Elizabeth II., No. LIV.

No. 54 of 1961.

**AN ACT to amend the Builders' Registration Act,
1939-1959.**

[Assented to 23rd November, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Builders' Registration Act Amendment Act, 1961.*

Short title
and citation.

(2) In this Act the Builders' Registration Act, 1939-1959, is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Builders' Registration Act, 1939-1961.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

S. 2
amended.

3. Section two of the principal Act is amended by inserting after the word, "who" in line two of the interpretation, "Person trading as a builder", the passage, ", or any partnership or any company or other body corporate that,".

S. 4
amended.

4. Section four of the principal Act is amended—

- (a) by deleting the words, "section ten or under section ten A of" in line two of subsection (1);
- (b) by adding after the word, "builder", being the last word in subparagraph (d) of paragraph (A) of subsection (1), the passage, "or, as the case may be, a journeyman builder";
- (c) by substituting for paragraph (B) of subsection (1) the following paragraph—
 - (B) assume, take or use (either alone or in combination with any other word, letter or device) the name or title of "registered builder" or, as the case may be, "journeyman builder", or any name, title or description calculated to lead others to believe he is so registered, or by words or conduct hold himself out as being so registered. ;
- (d) by deleting paragraph (b) of subsection (2);
- (e) by substituting for the passage, "authority; and" in paragraph (c) of subsection (2), the passage, "authority."; and
- (f) by deleting paragraph (d) of subsection (2).

5. Section four A of the principal Act is amended— S. 4A
amended.

- (a) by substituting for the passage, “, under section two hundred and ninety-eight of the Municipal Corporations Act, 1906-1951, or under the Building Regulations for the time being in force under the Road Districts Act, 1919-1951” in lines three to seven (both inclusive) of subsection (1), the passage, “under section three hundred and seventy-four of the Local Government Act, 1960”;
- (b) by substituting for the passage “thereof; or” in the last line of paragraph (c) of subsection (1), the passage, “thereof.”;
- (c) by deleting paragraph (d) of subsection (1); and
- (d) by adding immediately after subsection (1) the following subsection—

(1a) It shall be unlawful for any local authority to issue to any person who is a journeyman builder under section ten A of this Act a permit under section three hundred and seventy-four of the Local Government Act, 1960, to commence or proceed with any building on any block of ground in any area within which this Act applies, if the cost of the work including the cost of supplying the necessary materials and rendering the necessary services is reasonably likely when the work is commenced to exceed ten thousand pounds whether that person contracts or engages to execute the work under one or more than one contract, unless paragraph (c) of subsection (1) of this section applies to that person. .

6. Section five of the principal Act is amended S. 5
amended by substituting for the passage, “representative appointed by the Western Australian Builders’

Guild (Incorporated)" in lines nine and ten of paragraph (c) the words, "registered builder appointed by the Governor".

S. 9
amended.

7. Section nine of the principal Act is amended—

- (a) by substituting for the passage, "in the month of January in the year following the expiration of a period of twelve months from the commencement of this Act, and thereafter in the month of January" in lines one to four (both inclusive) of subsection (3), the words, "in the month of July"; and
- (b) by substituting for the word, "January" in line one of subsection (4), the word, "July".

S. 9A
amended.

8. Section nine A of the principal Act is amended by deleting the words, "either the provisions of section ten or section ten A of" in lines twelve and thirteen.

S. 10
amended.

9. Section ten of the principal Act is amended—

- (a) by deleting the passage, "-class A" in line three of subsection (1);
- (b) by substituting for subparagraph (iv) of paragraph (b) of subsection (1), the following subparagraph—
 - (iv) (I) has completed the prescribed course of training, including practical experience for a period of at least seven years, or for periods aggregating at least seven years, in the work of a builder, or as a supervisor of building work, and has passed the examination prescribed for applicants for registration as registered builders; or

(II) although not having complied with the requirements of item (1) of this subparagraph has nevertheless had such experience in the work of a builder, or as a supervisor of building work, elsewhere than in the State, as to render him in the opinion of the Board, arrived at in such manner as the Board thinks fit, competent to carry out building. ;

(c) by adding after subsection (1) the following subsections—

(1a) Any person who immediately prior to the coming into operation of the Builders' Registration Act Amendment Act, 1961, was registered as a builder—class B under the provisions of section ten A of this Act as enacted prior to the coming into operation of that Act, shall be entitled to be registered under this section as a registered builder, if that person pays the prescribed fees for such registration and satisfies the Board that—

(a) he has been actively engaged as a builder in the building industry, or has been a supervisor of building work, during a period of not less than five consecutive years; and

(b) he has during that period of five years carried out building work, or has supervised the construction of buildings, of an average annual aggregate value of not less than twelve thousand five hundred pounds.

(1b) Any person, not being a company or other body corporate, who at the date of the coming into operation of the Builders' Registration Act Amendment

Act, 1961, is a builder or a supervisor of building work but is not registered under this Act, may within three months of that date apply to the Board for registration under this section, and shall be entitled to be so registered if and when—

- (a) he pays the prescribed fees for such registration; and
- (b) he satisfies the Board that he—
 - (i) has attained the age of twenty-one years;
 - (ii) is a natural born or naturalised British subject;
 - (iii) is a person of good character;
 - (iv) has been actively engaged as a builder in the building industry or has been a supervisor of building work during a period of not less than five consecutive years;
 - (v) has during that period of five years carried out building work, or has supervised the construction of buildings, of an average annual aggregate value of not less than twelve thousand five hundred pounds; and
 - (vi) he is sufficiently competent as a builder as in the opinion of the Board to merit registration under this section without the necessity of completing the prescribed course of training and passing the prescribed examination referred to in subsection (1) of this section.

(1c) (a) Any person not registered under this Act who at the date of the coming into operation of the Builders' Registration Act Amendment Act, 1961, is actively engaged as a builder or as a supervisor of building work, but is not able to fulfil the requirements for registration under this section specified in paragraph (b) of subsection (1b) of this section, may within three months after the coming into operation of that Act notify the Board in writing that he intends to apply to the Board for registration as a registered builder under this section if and when he is able to fulfil those requirements.

(b) If during the period of five years immediately following the coming into operation of the Builders' Registration Act Amendment Act, 1961, a person who has given notice to the Board in accordance with the provisions of paragraph (a) of this subsection applies to the Board for registration as a registered builder under this section, that person shall be entitled to be so registered if and when he has paid the prescribed fees for such registration and has satisfied the Board that he fulfils the requirements specified in paragraph (b) of subsection (1b) of this section. ;

(d) by substituting for the passage, "Any company or other body corporate which is not exempted under subsection (2) of section four of the Act and" in lines one, two and three of subsection (2), the words, "Any partnership or any company or other body corporate";

(e) by substituting for subparagraph (ii) of paragraph (b) of subsection (2) the following subparagraph—

(ii) there is already registered under this Act at least one partner of the partnership or at least one director

of the company or at least one member of the board of management of the body corporate, or a person employed by the partnership or the company or the body corporate to manage and supervise the building work undertaken by the partnership or the company or the body corporate aforesaid. ;

- (f) by substituting for subsection (3) the following subsection—

(3) Notwithstanding anything to the contrary contained in this Act, the registration under this Act of a partnership or a company or other body corporate pursuant to subsection (2) of this section shall continue and have effect only while at least one partner of the partnership or at least one director of the company or at least one member of the board of management of the body corporate, or a person employed by the partnership or the company or the body corporate aforesaid to manage and supervise the building work undertaken by it continues to be registered under this Act. ; and

- (g) by substituting for subsection (4) the following subsection—

(4) Every registered builder and every journeyman builder shall affix or erect on all works under his control a sign of reasonable dimensions showing in easily legible letters and figures his name and registered number and his class of registration.

S. 10A
amended.

10. Section ten A of the principal Act is amended—

- (a) by substituting for subsections (1) and (2) the following subsections—

Journeyman
builders.

(1) On and after the coming into operation of the Builders' Registration Act Amendment Act, 1961, no person

shall be registered or continue to be registered as a registered builder—class B under the provisions of this section as enacted prior to the coming into operation of that Act.

(2) Every person who immediately prior to the coming into operation of the Builders' Registration Act Amendment Act, 1961, was registered as a registered builder—class B under the provisions of this section as enacted prior to the coming into operation of that Act shall be and be deemed to be a journeyman builder, and unless he becomes registered as a registered builder under section ten of this Act, shall continue to be a journeyman builder under this section so long as in each year, the first of which shall commence on the first day of January, one thousand nine hundred and sixty-two, he—

- (a) pays the annual registration fee prescribed by subsection (3) of section twenty-two of this Act; and
- (b) complies with the requirements of this Act in general so far as they relate to journeyman builders, and of subsections (3) and (4) of this section in particular.

(2a) Any person who at the time of the coming into operation of the Builders' Registration Act Amendment Act, 1961, has under the provisions of this section as enacted prior to the coming into operation of that Act—

- (a) passed the examination prescribed for applicants for registration as builders—class B, but is not registered under those provisions as a builder—class B; or

- (b) taken in the month of November, one thousand nine hundred and sixty-one, the examination prescribed for applicants for registration as builders—class B but the results of such examination are not yet known,

shall, if and when that person has completed the course of training prescribed for applicants for registration as builders—class B under those provisions, be and be deemed to be a person to whom the provisions of subsection (2) of this section apply, subject however in the case of a person referred to in paragraph (b) of this subsection, to his passing the examination therein mentioned or any supplementary examinations granted in respect of that examination. ; and

- (b) by deleting subsection (5).

S. 10B
amended.

11. Section ten B of the principal Act is amended by deleting the words, "that is exempt from obtaining registration under this Act" in lines two and three.

S. 10C
amended.

12. Section ten C of the principal Act is amended by deleting the words, "that is exempt from obtaining registration under this Act" in lines two and three.

S. 13
amended.

13. Section thirteen of the principal Act is amended—

- (a) by substituting for the word, "person" wherever it occurs in the section, the word, "builder" in each case;
- (b) by substituting for the passage, "registered under section ten A of" in lines one and two of paragraph (e) of subsection (1), the words, "a journeyman builder under";

- (c) by adding at the end of the last line of paragraph (e) of subsection (1), the word, "or";
- (d) by adding after paragraph (e) the following paragraph—
 - (f) where the builder is a partnership or a company or other body corporate and the registration of the partner or the director of the company or the member of the board of management of the body corporate (as the case may be) who is the registered builder, or of the registered builder who is employed by the partnership or the company or the body corporate to manage and supervise the building work undertaken by it, is cancelled or suspended under this Act; ; and
- (e) by substituting for the word, "him" in line three of paragraph (a) of subsection (3), the words, "the builder".

14. Section fourteen of the principal Act is amended by substituting for the word, "person" in line one of subsection (1), the word, "builder". S. 14
amended.

15. Section sixteen of the principal Act is amended— S. 16
amended.

- (a) by inserting after the word, "builder" in line two, the words, "or journeyman builder"; and
- (b) by deleting the words, "being registered under section ten A of this Act" in lines one and two of paragraph (c).

16. Section nineteen of the principal Act is amended by substituting for the word, "person" wherever it occurs therein, the word, "builder" in each case. S. 19
amended.

S. 22
amended.

17. Section twenty-two of the principal Act is amended—

- (a) by inserting after the word, "builder" in line three of subsection (3), the words, "or journeyman builder"; and
- (b) by substituting for the word, "registered" in line four of subsection (3), the word, "such".

S 24
amended.

18. Section twenty-four of the principal Act is amended by substituting for the word, "fee" in paragraph (e) of subsection (1), the word, "fees".
