

BUILDERS' REGISTRATION.

2° Elizabeth II., No. XLIV.

No. 44 of 1953.

AN ACT to amend the Builders' Registration Act,
1939-1948.

[Assented to 29th December, 1953.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Builders' Registration Act Amendment Act, 1953*.

Approved for
reprint, 17th
February,
1953.

(2) In this Act the Builders' Registration Act, 1939-1948,

Act No. 29 of 1939 reprinted pursuant to the Amendments Incorporation Act, 1938, with amendments to and including Act No. 24 of 1948 incorporated,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Builders' Registration Act, 1939-1953.

2. Subsection (1) of section four of the principal Act is amended by— S. 4 amended.

- (a) adding after the word, "under" in line one the words, "section ten or under section ten A of"; and
- (b) adding before the words, "or any name" in line four of paragraph (B) the words, "unless registered under section ten of this Act, or that of 'conditionally registered builder' unless he is registered under section ten A of this Act".

3. Subsection (1) of section four A of the principal Act is amended by— S. 4A amended.

- (a) deleting the word, "unless" in line nine;
- (b) adding the word, "unless" before the word, "the" in line one of each of paragraphs (a), (b) and (c); and
- (c) adding after the word, "thereof" being the last word in paragraph (c) the word, "; or" and the following paragraph:—
 - (d) if the person is registered under section ten A of this Act, and 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 four thousand pounds whether he contracts or engages to execute the work under one or more than one contract, unless paragraph (c) of this subsection applies.

4. Paragraph (c) of section five of the principal Act is amended by substituting for the words, "the President of" in line two the words, "a representative nominated by". S. 5 amended.

S. 6
amended.

5. Subsection (4) of section six of the principal Act is amended by—

- (a) substituting for the words, “one pound one shilling” in line four the words, “two pounds two shillings”; and
- (b) substituting for the words, “twelve pounds twelve shillings” in line seven the words, “twenty-five pounds four shillings”.

S. 8
amended.

6. Paragraph (a) of section eight of the principal Act is amended by substituting for the words, “to be pursued and undertaken by the examination of persons desiring to be registered under this Act” in lines three, four and five the words, “and the examination mentioned in Item (I) of subparagraph (iv) of paragraph (b) of subsection (1) of section ten of this Act”.

S. 10
amended.

7. Section ten of the principal Act is amended by—

- (a) substituting for the word, “Act” in line three of subsection (1) the word, “section”;
- (b) substituting for the letter “a” in brackets thus—(a) in line seven of paragraph (b) of subsection (1) the numeral “I” in brackets thus—(I);
- (c) adding after the word, “training” in line eight of paragraph (b) of subsection (1) the words, “, including practical experience in the work of a builder,”;
- (d) substituting for the letter “b” in brackets thus—(b) in line ten of paragraph (b) of subsection (1) the numeral “II” in brackets thus—(II);
- (e) adding after the word, “later” being the last word in the proviso to subsection (1) the word, “; or” and the following item:—
 - (III) although not having complied with the requirements of items (I) or (II) of this subparagraph has nevertheless had such experience in the work of a builder, elsewhere than in the State, as to render him in the Board’s

opinion, arrived at in such manner as the Board thinks fit, competent to carry out building. ;

- (f) adding after the word, "builder" in line one of subsection (4) the words, " , whether registered under this section or under section ten A of this Act,".

8. The principal Act is amended by adding after section ten the following section:—

S. 10A
added.

10A. (1) A person, not being a company or other body corporate, may apply to the Board for registration under this section.

Conditional
registration.

- (2) If the applicant satisfies the Board,
 (a) that he has attained the age of twenty-one years;
 (b) that he is a natural born or naturalised British subject; and
 (c) is a person of good character;

and pays the prescribed fees, the Board shall register the applicant under this section.

(3) The conditions of registration under this section are that the person registered—

- (a) shall not, unless he does so for himself and not for the purpose of the immediate sale of the building, execute, or contract or engage to execute, in the area to which this Act applies the erection, construction, alteration, repair, addition to, or improvement of, a building if the cost of executing 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 four thousand pounds, whether he contracts or engages to execute the work under one or more than one contract or engagement; and
 (b) shall comply with the requirements of notices served upon him under subsection (4) of this section.

(4) (a) By notice in writing served upon a person registered under this section, the Board may, from time to time, require him to supply

to the Board within seven days of the service of the notice upon him or such longer time as the Board specifies in the notice or allows, such particulars, relating to a contract or engagement entered into, or to work executed or being executed, by him in connection with a building in the area to which this Act applies, as the Board specifies in the notice.

(b) By the same or a subsequent notice the Board may require the person registered under this subsection to verify by statutory declaration all or any of the particulars he is required to supply under this subsection.

(c) A person who, having been required under this subsection to make a statutory declaration, makes in the declaration a statement which in any material particular is to his knowledge, false, commits an offence.

Penalty: Fifty pounds or twelve months' imprisonment.

S. 11
amended.

9. Subsection (1) of section eleven of the principal Act is amended by substituting for the words, "under section ten of" in line one the words, "for registration under".

S. 12
amended.

10. Subsection (1) of section twelve of the principal Act is amended by—

(a) substituting for the words, "to be pursued and undertaken by" in lines one and two the words, "including practical experience in the work of a builder"; and

(b) substituting for the words, "of persons desiring to be registered under" in lines two and three the words, "mentioned in item (I) of subparagraph (iv) of paragraph (b) of subsection (1) of section ten of".

S. 13
amended.

11. Subsection (1) of section thirteen of the principal Act is amended by adding after the word, "build" being the last word in paragraph (d) of that subsection the word, "; or" and the following paragraph:—

(e) who, being registered under section ten A of this Act does not comply with the conditions of his registration; .

12. Section sixteen of the principal Act is amended by adding after the word, "regulation" being the last word in paragraph (b) the word, "; or" and the following paragraph:—

S. 16
amended.

(c) being registered under section ten A of this Act does not comply with the conditions of his registration.

13. The principal Act is amended by adding after section twenty-one the following section:—

S. 21A
added.

21A. Where an offence is committed under this Act complaints may be made within twelve months from the time that the offence was committed.

Limitation of
proceedings.
Cf. No. 11 of
1962 as
amended,
s. 51.

14. Subsection (3) of section twenty-two of the principal Act is amended by substituting for the words, "one pound one shilling" in lines three and four the words, "three pounds three shillings".

S. 22
amended.
