WESTERN AUSTRALIAN GOVERNMENT Gazette

PERTH, THURSDAY, 6 JUNE 1991 No. 76 SPECIAL

PUBLISHED BY AUTHORITY G. L. DUFFIELD, GOVERNMENT PRINTER AT 3.30 PM

PAINTERS' REGISTRATION ACT 1961

PAINTERS' REGISTRATION BOARD RULES 1962

Reprinted under the *Reprints Act 1984* as at 9 May 1991.

WESTERN AUSTRALIA

PAINTERS' REGISTRATION ACT 1961

PAINTERS' REGISTRATION BOARD RULES 1962

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Reprinted under the *Reprints Act 1984* as at 9 May 1991

WESTERN AUSTRALIA

PAINTERS' REGISTRATION ACT 1961

PAINTERS' REGISTRATION BOARD RULES 1962

SCHEDULE

Citation

1. These rules may be cited as the *Painters' Registration Board Rules 1962*.

Interpretation

2. In these rules unless the context requires otherwise—
"Board" means the Painters' Registration Board constituted under the Act;
"the Act" means the *Painters' Registration Act 1961*.

Nomination of appointee members

3. Not less than one month before the expiration of the term of appointment of any member of the Board, the Registrar shall notify the Minister of the vacancy that is to occur.

Meetings and business of the Board

4. (1) The Board shall hold meetings for the transaction of its business at such periods, on such days and at such times and places as the Board may from time to time by resolution determine.

Provided that a meeting of the Board shall be held at least once in every month.

(2) At every meeting of the Board matters before the Board shall be resolved by a majority of the votes of the members present, and the decision of the majority shall be the decision of the Board.

(3) Any meeting of the Board may be adjourned from time to time and as often as the majority of the members present from time to time may determine.

(4) Two members shall be a quorum for the conduct of the business of the Board.

(5) In the absence of the Chairman at any meeting the members present may elect one of their number to act as Chairman for that meeting.

[**5.** *Rule 5 repealed in Gazette 30 December 1983 p. 5134.*]

The Register of Painters (section 10)

6. The Register of Painters to be kept by the Board shall be in the Form No. 1 in the Second Appendix.

Registration—individuals (section 12)

7. (1) Any person who desires to be registered as a painter under the Act shall make application to the Board in writing, signed by him, in the Form No. 2 in the Second Appendix and shall verify such application by making the statutory declaration contained in that form.

(2) The application shall contain all the particulars required therein, shall be lodged with the Registrar and shall be accompanied by the appropriate fee prescribed in the Third Appendix.

(3) Where the application for registration is grounded upon a certificate that the applicant has passed the prescribed examination, such certificate shall, if so required by the Board, be produced with the application for registration.

(4) The applicant, in addition to the particulars contained in his application, shall furnish to the Registrar documentary proof of grounds and such other information as may be required by the Board, and shall verify the same by statutory declaration.

[*(5) repealed*]

(6) Where an application for registration is granted, a certificate of registration shall be issued to the applicant in the Form No. 3 in the Second Appendix, upon payment to the Registrar of the certificate fee prescribed in the Third Appendix.

[*Rule 7 amended in Gazette 24 February 1970 p. 555.*]

Course of training and examinations (section 13)

8. (1) The course of training and the course of study to be undertaken by persons desirous of submitting themselves for examinations held by the Board for persons desiring to be registered under section 12 (1) (a) of the Act shall be such as may from time to time be declared and published by the Board.

(1a) The additional examinations to be passed by persons desirous of being registered under section 12 (1) (aa) of the Act are in the following subjects, namely:—

Painters' Recording and Costing
Painting Technology
Painting Estimating.

(2) Examinations shall be held in the month of November in each and every year, provided that the Board may at any time hold any additional examination on a date to be fixed by the Board.

[*Rule 8 amended in Gazettes 14 November 1975 p. 4205; 1 December 1978 p. 4560; 3 July 1981 p. 2613.*]

Applicants for examination

9. (1) Any person who desires to sit for an examination held by the Board shall, at least 14 days before the date fixed for the commencement of that examination, make application to the Board for leave to sit for that examination.

(2) The application shall be in writing, signed by the applicant, in the Form No. 4 in the Second Appendix, and shall contain the particulars required therein.

(3) The application shall be lodged with the Registrar and shall be accompanied by the examination fee prescribed in the Third Appendix.

(4) When the application is granted, the Registrar shall issue to the applicant an examination card, which shall admit the applicant to the examination.

(5) When an applicant for examination has passed the examination held by the Board he shall be entitled to receive from the Board, upon payment of the certificate fee prescribed in the Third Appendix, a certificate of examination in the Form No. 5 in the Second Appendix.

Registration of partnerships, companies and other bodies corporate (section 14)

10. (1) Any partnership that applies to be registered under the Act shall make application to the Board in writing in the Form No. 6 in the Second Appendix.

(2) The application of the partnership shall be verified by statutory declaration made by a member of the partnership, shall contain all the particulars required therein, shall be lodged with the Registrar and shall be accompanied by the appropriate fee prescribed in the Third Appendix.

(3) Any company or other body corporate which applies to be registered under the Act shall make application to the Board in writing under its common seal in the Form No. 7 in the Second Appendix.

(4) The application of the company or other body corporate shall contain all the particulars required therein, shall be lodged with the Registrar and shall be accompanied by the registration fee prescribed in the Third Appendix.

[*(5) repealed*]

(6) Where an application for registration under this rule is granted, a certificate of registration shall be issued to the applicant in the Form No. 3 in the Second Appendix upon payment to the Registrar of the certificate fee prescribed in the Third Appendix.

(7) The registration of a partnership, company or other body corporate shall continue and have effect only while at least one partner of the partnership, or one director or one member of the board of management of the company, or a person employed by the partnership, company or body corporate whose duty it is to manage and supervise the painting carried out, is registered.

[*Rule 10 amended in Gazette 24 February 1970 p. 555.*]

Change of address

10A. Every registered painter shall, within 28 days after any change in the address of the premises from which he carries on business, give to the Registrar written notice of that change of address.

[*Rule 10A inserted in Gazette 24 February 1970 p. 556.*]

Appeal to Local Court (section 18)

11. (1) For the purposes of section 18 of the Act, the form of notice of appeal is Form No. 8 in the Second Appendix.

(2) Upon receipt of the notice of appeal, the Clerk of the Court shall submit the same to a Magistrate for directions, and the Magistrate may give such directions as to the time and place for the hearing of the appeal, and the conduct thereof, as he shall think fit.

(3) When the Magistrate has given the directions, the Clerk of the Court shall notify in writing the appellant and the Registrar thereof, and thereafter the appeal shall be heard and conducted in accordance with the directions: Provided that the appellant and the Registrar shall be given at least 7 days notice of the time and place fixed by the Magistrate for the hearing of the appeal.

[*Rule 11 amended in Gazette 30 December 1983 p. 5134.*]

Inquiry

12. For the verification of statements and information required under these rules to be verified, the Board may accept statutory declarations.

Fees

13. The fees to be paid by persons under and in accordance with these rules shall be the fees set forth respectively in the Third Appendix.

[*First Appendix repealed in Gazette 30 December 1983 p. 5134.*]

Second Appendix

Form No. 1

Painters' Registration Act 1961

REGISTER OF PAINTERS

(Rule 6)

Name ..... Registered Number .....

Address ..... Date of Registration .....

Qualification(s) Sec. 12 (.....) ..... Minute Book Folio .....

Remarks .....

.....

Painters' Registration Board—Register of Painters

Date		Item	Dr.			Cr.			Dr. or Cr.	Balance		

Form No. 2

Western Australia

PAINTERS' REGISTRATION ACT 1961

and

Rules

OFFICE USE:

Rect. No. .....

Paid .....

Date .....

Approved:

Date .....

Number .....

APPLICATION FOR REGISTRATION AS A PAINTER

(Individual)

(Rule 7)

To the PAINTERS' REGISTRATION BOARD,
3rd Floor, Lombard House, 251 Adelaide Terrace,
PERTH, Western Australia 6000

1. I (a) .....

(a) Full name of applicant in Block Letters.

.....

of (b) ..... Post Code .....

(b) Address.

in the State of Western Australia (c) .....

(c) Occupation.

hereby apply to be registered as a painter under the provisions of the *Painters' Registration Act 1961*.

2. My qualifications for such registration are as follows:—

(A) I am over the age of 21 years, having been born at (d) .....

(d) Place of birth.

..... in the state of

..... on the (e) .....

(e) Date of birth.

day of ..... 19.....

and

(B) I am a person of good character as evidenced by the 2 testimonials annexed to this application

and

(C) I have completed the prescribed course of training and have passed the prescribed examination as laid down by the Board,

and

* (i) I have completed the prescribed course of training and passed the examination as laid down by the *Industrial Arbitration Act 1912*[2] for apprentices to the painting trade.

or

* (ii) I have had 5 years practical experience other than as an apprentice.

* strike out paragraphs which do not apply

3. The prescribed application fee of $30.00 accompanies this application.

Dated the (f) ..... day of ..... 19.....

(f) Date of Application.

(g) Signature

(g) ..... Applicant

DECLARATION

I, the abovenamed applicant, do solemnly and sincerely declare that the particulars contained in my above application and accompanying statements are true and correct.

And I make this declaration under the provisions of section 106 of the *Evidence Act 1906*.

DECLARED at Perth in the State of Western Australia

this .....

day of ....
Applicant

19.....

Before me .....
J.P. or Commissioner for Declarations

Form No. 3

Western Australia

Painter's Registration Act 1961

Painters' Registration Board

CERTIFICATE OF REGISTRATION No. .....

(Rule 7)

This is to certify that .....
has this day been registered as a painter under the provisions of the *Painters' Registration Act 1961*.

.....
Chairman.

.....
Registrar.

Date .....

Form No. 4

Western Australia

Painters' Registration Act 1961

APPLICATION FOR LEAVE TO SIT FOR EXAMINATION AS A QUALIFICATION FOR REGISTRATION AS A PAINTER

(Rule 9)

To the Painters' Registration Board,
115 St. George's Terrace,
Perth.

(a) Full name of applicant.
(b) Address.

1. I (a) .....
of (b) .....

(c) Occupation.

in the State of Western Australia, (c) .....
being desirous of qualifying for registration as a painter under the *Painters' Registration Act 1961*, hereby apply for leave to sit as a candidate at the next prescribed examination to be held by the

(d) Date of commencement of examination.

Board, commencing on the (d) .....
day of ....., 19.....

(e) Age.

2. I am (e) ..... years of age, having been born

(f) Place of birth.

at (f) ..... in the State of .....

(g) Date of birth.

on the (g) ..... day of ....., 19.....

(h) Place where training undertaken.

3. I have undertaken the course of training prescribed by the Board at (h) ..... in the said State

(i) Name of employer or instructor.

under the supervision or instruction of (i) .....

(j) Address.

of (j) ..... in the State of Western

(k) Occupation.
(l) Period during which training undertaken

Australia, (k) ....., between the (l) .....
day of ....., 19....., and the ..... day
of ....., 19.....

The prescribed examination fee of $6.30 accompanies this application.

Dated the ..... day of ....., 19.....

(m) Signature of applicant.

(m).....
Applicant.

Form No. 5

Western Australia

Painters' Registration Act 1961

CERTIFICATE OF EXAMINATION

(Rule 9)

Painters' Registration Board

This is to certify that .....

of .....

in the state of Western Australia, ..., has duly undertaken the course of training prescribed by the Board for persons desirous of being registered as painters under the *Painters' Registration Act 1961*, and that the said

.....

has successfully passed the examination held by the Board on the .....

day of ....., 19....., as a qualification for such registration.

Dated the ..... day of ....., 19.....

.....
Chairman.

.....
Registrar.

Form No. 6

Western Australia

Painters' Registration Act 1961

APPLICATION BY A PARTNERSHIP FOR REGISTRATION AS A PAINTER

(Rule 10)

To the Painters' Registration Board,
115 St. George's Terrace,
Perth.

1. ..... (Trading Name), a partnership trading or about to trade as a painter, hereby applies to be registered under the provisions of the *Painters' Registration Act 1961*.

2. The partnership is or is not registered under the provisions of the *Business Names Act 1962*.

3. The membership of the partnership comprises:—

Full Name. Address.

4. The partnership agreement authorizes it to engage in the business of trading as a painter.

Name of registered partner.

5. ..... (Full name, block letters)
..... (Address),
a registered painter, number .....,—

Strike out inapplicable.

(i) is a partner;

(ii) is a person employed by the partnership,

who will manage and supervise painting undertaken by the partnership.

6. The prescribed application fee of $30.00 accompanies this application.

Dated the ..... day of ....., 19.....

.....
Partnership Signature.

DECLARATION

Full name of declarant.

I, ...,
of .....,
the person making the above application for and on behalf of the partnership do solemnly and sincerely declare that the particulars contained therein are true and correct.

And I make this declaration under the provisions of section 106 of the *Evidence Act 1906*.

Declared at ..... in the State of Western Australia this ..... day of ....., 19.....

.....

Before me—

.....
J.P. or Commissioner for Declarations.

OFFICE USE:

Approved .....

Number .....

Form No. 7

Western Australia

Painters' Registration Act 1961

APPLICATION BY AN INCORPORATED COMPANY OR BODY CORPORATE FOR REGISTRATION AS A PAINTER

(Rule 10)

To the Painters' Registration Board,
115 St. George's Terrace,
Perth.

Name of Company.

1. ..... Limited, a company incorporated under the provisions of the *Companies Act 1961*, and having its registered office situate at .... hereby applies to be registered under the provisions of the *Painters' Registration Act 1961.*

2. The company is authorized under its Memorandum of Association to engage in the business of trading as a painter as evidenced by the certified extract annexed to this application.

Name of registered painter.

3. ..... (Full name, block letters) ..... (Address), a registered painter, number ....., under the provisions of the said Act—

Strike out inapplicable.

(i) is a director;
(ii) is a member of the board of management
or
(iii) is a person employed by the company,

who will manage and supervise painting undertaken by the company.

4. The prescribed application fee of $30.00 accompanies this application.

Common seal.

5. The Common Seal of the Company was hereunto affixed by authority of the directors the ..... day of ....., 19.....

.....
Director.

OFFICE USE:

Approved .....

Number .....

Form No. 8

IN THE LOCAL COURT
OF WESTERN AUSTRALIA
HELD AT .....

IN THE MATTER of an Appeal under section 18 of the *Painters' Registration Act 1961*

BETWEEN:

(full name)
Appellant

— and —

THE PAINTERS' REGISTRATION BOARD
Respondent

NOTICE OF APPEAL

TAKE NOTICE that the Appellant will move before a stipendiary magistrate of the Local Court on a date to be fixed FOR ORDERS THAT:

1. The *decision *order of the Painters' Registration Board made on the day of 19 whereby the Board (describe decision or order) .....
.....
..... be *reversed
*modified by (insert details of the modification sought).

2. (Insert details of any other order sought).

DATED the day of 19

.....
Appellant/Solicitor for Appellant.

To: The Clerk of the Local Court at .....
And to: The Registrar of the Painters' Registration Board.

* delete whichever does not apply

[*Second Appendix amended in Gazettes 30 July 1963 p. 2209; 30 January 1976 pp. 238-39; 2 December 1983 p. 4800; 30 December 1983 pp. 5134-35.*]

Third Appendix

FEES

The following fees are prescribed for the purpose of these rules—

	$
For examination	6.30
For application for registration—	
Companies	100.00
Individuals	75.00
Partnerships	50.00
For annual registration fee—	
Companies	195.00
Individuals	128.00
Partnerships	85.00
For any certificate	5.00

[*Third Appendix inserted in Gazette 30 January 1976 p. 239; amended in Gazettes 12 December 1980 p. 4271; 4 December 1981 p. 5031; 2 December 1983 p. 4800; 15 February 1985 p. 633; 24 January 1986 pp. 298-99; 19 December 1986 p. 4926; 31 December 1987 p. 4609; 29 December 1989 p. 4685.*]

NOTES

[1.]This reprint is a compilation as at 9 May 1991 of the *Painters Registration Board Rules 1962* and includes all amendments effected by the other Rules referred to in the following Table

Table of Rules

Rule	Gazetted	Commencement	Miscellaneous
Painters Registration Board Rules 1962	27 December 1962 pp. 4125-34	1 January 1963	
Amending Rules 1963	30 July 1963 p. 2208-09	30 July 1963	
Amending Rules 1965	31 August 1965 p. 2559	31 August 1965	
Amending Rules 1969	2 July 1969 p. 1953	2 July 1969	
Erratum	15 July 1969 p. 2047	15 July 1969	
Amending Rules 1970	24 February 1970 p. 555	24 February 1970	
Amending Rules 1970	24 February 1970 p. 556	24 February 1970	
Amending Rules 1975	31 January 1975 p. 292	31 January 1975	
Amending Rules 1975	14 November 1975 p. 4205	14 November 1975	
Amending Rules 1976	30 January 1976 pp. 238-239	30 January 1976	
Amending Rules 1978	1 December 1978 p. 4560	1 December 1978	
Painters' Registration Board (Amendment) Rules 1980	12 December 1980 p. 4271	1 January 1981	

Rule	Gazetted	Commencement	Miscellaneous
Painters' Registration Board Amendment Rules 1981	3 July 1981 p. 2613	3 July 1981	
Painters' Registration Board Amendment Rules (No. 2) 1981	4 December 1981 p. 5031	1 January 1982	
Painters' Registration Board Amendment Rules 1983	2 December 1983 p. 4800	31 December 1983	
Painters' Registration Board Amendment Rules (No. 2) 1983	30 December 1983 p. 5134	1 January 1984	
Painters' Registration Board Amendment Rules (No. 2) 1985	15 February 1985 p.633	15 February 1985	
Painters' Registration Board Amendment Rules 1986	24 January 1986 p. 298	24 January 1986	
Painters' Registration Board Amendment Rules (No. 2) 1986	19 December 1986 p. 4926	19 December 1986	
Painters' Registration Board Amendment Rules 1987	31 December 1987 p. 4609	31 December 1987	
Painters' Registration Board Amendment Rules 1989	29 December 1989 p. 4685	1 January 1990	

[2] Now see *Industrial Relations Act 1979*.

A74816/4/90—2550—O By Authority: GARRY L. DUFFIELD, Government Printer