

## Home Building Contracts Act 1991

## Home Building Contracts Amendment Regulations 2001

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Home Building Contracts Amendment Regulations 2001*.

**2. Commencement**

These regulations come into operation on the day on which section 56 of the *Building Legislation Amendment Act 2000* comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Home Building Contracts Regulations 1992*\*.

[\* Reprinted as at 17 October 1997.

For amendments to 16 January 2001 see 1999 Index to Legislation of Western Australia, Table 4, p. 140, and Gazette 3 March 2000.]

**4. Regulation 6A inserted**

After regulation 6 the following regulation is inserted —

“

**6A. Prescribed form of preliminary notice under section 17(3)**

For the purposes of section 17(3) of the Act, the form of a preliminary notice is Form 1 in Schedule 9.

”

**5. Regulations 8, 9 and 10 inserted**

After regulation 7 the following regulations are inserted —

“

**8. Prescribed offences and modified penalties (section 31B(2) and (4))**

- (1) For the purposes of section 31B(2) of the Act, an offence against a provision of the Act specified in column 2 of the Table to this regulation is an offence for which an infringement notice may be given.

- (2) For the purposes of section 31B(4) of the Act, the amount specified in column 3 of the Table to this regulation opposite a provision of the Act specified in column 2 of that Table is the modified penalty for an offence against that provision.

**Table**

<b>Column 1 Item</b>	<b>Column 2 Provision of Act</b>	<b>Column 3 Modified penalty</b>
1.	section 4(4)	\$400
2.	section 5(2)	\$100
3.	section 5(3)	\$1 000
4.	section 7(3)	\$100
5.	section 10(1)	\$1 000
6.	section 10(5)	\$1 000
7.	section 12(1)	\$1 000
8.	section 13(1)	\$1 000
9.	section 14(1)	\$1 000
10.	section 25C(1)	\$2 000
11.	section 25C(2)	\$500
12.	section 25F	\$2 000
13.	section 26(1)	\$200

**9. Prescribed form of infringement notice  
(section 31B(3))**

For the purposes of section 31B(3) of the Act, the form of an infringement notice is Form 2 in Schedule 9.

**10. Prescribed form of notice withdrawing infringement  
notice (section 31B(7))**

For the purposes of section 31B(7) of the Act, the form of a notice stating that an infringement notice has been withdrawn is Form 3 in Schedule 9.

**6. Schedule 9 inserted**

After Schedule 8 the following Schedule is inserted —

**Schedule 9 — Prescribed forms**

[rr. 6A, 9, 10]

Form 1

*Home Building Contracts Act 1991*

***Home Building Contracts Regulations 1992***

**PRELIMINARY NOTICE UNDER SECTION 17(3)**

*[If you intend to make an application to the Disputes Tribunal under section 17(1) of the Home Building Contracts Act 1991, the application cannot be made until this preliminary notice has been completed and given to the other party. A copy of this notice must also be given to the Disputes Tribunal at the time the application is made to the Disputes Tribunal.]*





