
COMMERCE

CM301

Building Act 2011

Building Amendment Regulations (No. 3) 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Amendment Regulations (No. 3) 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (*gazettal day*);
- (b) regulations 5 to 8, 9(2), (3) and (5) and 11 — on the day after the period of 1 month beginning on gazettal day;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Building Regulations 2012*.

4. Regulation 53 amended

In regulation 53(2)(b) delete “\$57.45.” and insert:

\$58.45.

5. Regulation 55 amended

In regulation 55(1) insert in alphabetical order:

declaration of intended demolition, in relation to a dwelling the ownership of which is transferred, means a statutory declaration made by the person to whom the ownership is transferred declaring that the person

intends to demolish the dwelling within the period of 6 months beginning on the transfer day;

transfer day, in relation to a dwelling the ownership of which is transferred, means the day on which the ownership is transferred;

6. Regulation 56 amended

- (1) In regulation 56 delete “If an owner” and insert:

(1) If an owner

- (2) In regulation 56 in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (3) At the end of regulation 56 insert:

(2) It is a defence to a charge of an offence under subregulation (1) for the accused to prove that the person to whom the ownership of the dwelling is transferred gave the accused a declaration of intended demolition for the dwelling before the time of the transfer.

7. Regulation 57 amended

- (1) In regulation 57(1):

(a) delete “56,” and insert:

56(1),

(b) delete “12 months of the ownership being transferred,” and insert:

the post-transfer period,

- (2) In regulation 57(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

(3) After regulation 57(1) insert:

(1A) In subregulation (1) —

post-transfer period, in relation to a dwelling,
means —

- (a) if the new owner gave the prior owner a declaration of intended demolition for the dwelling before the time of the transfer — the period of 6 months beginning on the transfer day; or
- (b) if the new owner did not give the prior owner a declaration of intended demolition for the dwelling before the time of the transfer — the period of 12 months beginning on the transfer day.

(4) In regulation 57(2) delete “The new owner” and insert:

If the new owner did not give the prior owner a declaration of intended demolition for the dwelling before the time of the transfer, the new owner

(5) After regulation 57(2) insert:

- (3) It is a defence to a charge of an offence under subregulation (1) for the accused to prove that the dwelling was demolished within the post-transfer period.

8. Regulation 60 amended

In regulation 60(2) delete “56(a),” and insert:

56(1)(a),

9. Schedule 4 amended

(1) In Schedule 4 clause 1 in the Table delete the item relating to Broomehill and insert:

Broomehill-Tambellup	Whole district other than — (a) townsites; (b) Broomehill Suburban Lots 362, 363, 372 to 423, 427	
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	<p>to 432, 438, 445, 446, 603 to 605, 609 and 610;</p> <p>(c) Lots 17 to 24 being portion of Kojonup Location 256;</p> <p>(d) Kojonup Location 1671;</p> <p>(e) Reserves 8163, 10285, 10431 and 17230;</p> <p>(f) area that was district of Tambellup immediately before 1 July 2008</p>	
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- (2) In Schedule 4 clause 1 in the Table delete the item relating to Laverton and insert:

Laverton	Whole district other than townsites	
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- (3) In Schedule 4 clause 1 in the Table delete the item relating to Menzies and insert:

Menzies	Whole district other than townsites	
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- (4) In Schedule 4 clause 1 in the Table delete “Narrogin (Shire)” and insert:

Narrogin

- (5) In Schedule 4 clause 1 in the Table delete the item relating to Wiluna and insert:

Wiluna	Whole district other than townsite of Wiluna	
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10. Schedule 5 amended

- (1) In Schedule 5 in the Table insert in alphabetical order:

Chapman Valley	Whole district
Gingin	Whole district

- (2) In Schedule 5 in the Table delete the item relating to Narrogin (Town).

11. Schedule 6 amended

In Schedule 6 delete “r. 56” and insert:

r. 56(1)

12. Various references to “an performance” amended

In the provisions listed in the Table delete “an performance” (each occurrence) and insert:

a performance

Table

r. 3 def. of <i>approved barrier solution</i>	r. 31C(1) Table
r. 31C(2) Table	r. 31G(2)
r. 36(2)(c)	r. 50(1B)
r. 51(5)	

R. KENNEDY, Clerk of the Executive Council.