



Western Australia

# **Building Services (Complaint Resolution and Administration) Amendment Act 2024**

---

As at 29 Oct 2024

Official Version

No. 39 of 2024

Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



# **Building Services (Complaint Resolution and Administration) Amendment Act 2024**

## **Contents**

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 3 amended	2
5.	Section 6 amended	2
6.	Section 6A inserted	3
	6A. Building Commissioner may approve policies for dealing with certain complaints	3
7.	Section 38 amended	5
8.	Section 43 amended	5
9.	Section 46 amended	5
10.	Section 137A inserted	6
	137A. Transitional provisions for <i>Building Services (Complaint Resolution and Administration) Amendment Act 2024</i>	6





Western Australia

# **Building Services (Complaint Resolution and Administration) Amendment Act 2024**

---

**No. 39 of 2024**

---

**An Act to amend the *Building Services (Complaint Resolution and Administration) Act 2011*.**

[Assented to 29 October 2024]

The Parliament of Western Australia enacts as follows:

**s. 1**

---

**1. Short title**

This is the *Building Services (Complaint Resolution and Administration) Amendment Act 2024*.

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

**3. Act amended**

This Act amends the *Building Services (Complaint Resolution and Administration) Act 2011*.

**4. Section 3 amended**

In section 3 insert in alphabetical order:

*approved policy* means a policy in effect under section 6A;

**5. Section 6 amended**

(1) Delete section 6(1) and insert:

- (1) A building service complaint is made out of time if the complaint is made —
  - (a) for a complaint relating to the installation or use of a Typlex pipe — more than 15 years after the completion of the regulated building service to which the complaint relates; or

- (b) for a complaint relating to a matter other than the installation or use of a Typlex pipe — more than 6 years after the completion of the regulated building service to which the complaint relates.
- (1A) Subsection (1)(a) applies to a building service complaint relating to the installation or use of a Typlex pipe irrespective of whether the making of the complaint would, before the commencement of the *Building Services (Complaint Resolution and Administration) Amendment Act 2024* section 5(1), have been out of time.

(2) After section 6(3) insert:

- (4) In this section —
  - related body corporate* has the meaning given in the *Corporations Act 2001* (Commonwealth) section 9;
  - Typlex pipe* means a polybutylene pipe manufactured with Typlex-1050 resin by Fletcher Building Limited, ARBN 096 046 936, or a related body corporate of Fletcher Building Limited (including a former related body corporate).

**6. Section 6A inserted**

After section 6 insert:

**6A. Building Commissioner may approve policies for dealing with certain complaints**

- (1) The Building Commissioner may approve a policy for the purposes of dealing with building service

complaints and HBWC complaints, which may include any of the following —

- (a) procedures for dealing with the complaints;
  - (b) the kinds of remedies that may be specified in orders under Part 3 in relation to the regulated building services relating to the complaints;
  - (c) other relevant matters.
- (2) The Building Commissioner must not approve a policy under subsection (1) unless satisfied that —
- (a) there are recurring circumstances or incidents of a similar kind relating to regulated building services; and
  - (b) the policy is likely to assist the Building Commissioner to effectively deal with complaints under section 5 in relation to those circumstances or incidents.
- (3) A policy approved under subsection (1) —
- (a) must be published in accordance with the *Interpretation Act 1984* section 41(1)(a); and
  - (b) comes into operation on a day, as specified in the policy, occurring on or after the day on which the policy is published under paragraph (a); and
  - (c) may be revoked by the Building Commissioner by notice published in accordance with the *Interpretation Act 1984* section 41(1)(a).
- (4) If an approved policy is in effect at the time the Building Commissioner makes a reviewable decision (as defined in the *State Administrative Tribunal Act 2004* section 17(3)), the policy is taken to be certified by the Minister as a statement of policy for the purposes of section 28 of that Act.

- (5) Sections 38(1A) and 43(1A) apply to an approved policy irrespective of whether the State Administrative Tribunal is dealing with a complaint made before or after the approved policy comes into operation.
- (6) Section 46(1)(ba) applies to an approved policy irrespective of whether the Building Commissioner is dealing with a complaint made before or after the approved policy comes into operation.

**7. Section 38 amended**

After section 38(1) insert:

- (1A) In dealing with the complaint, the State Administrative Tribunal must have regard to any relevant approved policy in effect at the time.

**8. Section 43 amended**

After section 43(1) insert:

- (1A) In dealing with the complaint, the State Administrative Tribunal must have regard to any relevant approved policy in effect at the time.

**9. Section 46 amended**

After section 46(1)(b) insert:

- (ba) must have regard to any relevant approved policy in effect at the time; and

**s. 10**

---

**10. Section 137A inserted**

After section 137 insert:

**137A. Transitional provisions for *Building Services (Complaint Resolution and Administration) Amendment Act 2024***

(1) In this section —

*amendment Act* means the *Building Services (Complaint Resolution and Administration) Amendment Act 2024*;

*commencement day* means the day on which the amendment Act section 5(1) comes into operation;

*relevant policy* means a policy of insurance entered into before commencement day to satisfy a requirement of the *Home Building Contracts Act 1991* Part 3A;

*residential building work* has the meaning given in the *Home Building Contracts Act 1991* section 25A.

(2) The amendment of section 6(1) by the amendment Act section 5(1) does not —

- (a) extend or otherwise affect the period during which a relevant policy is in force in relation to residential building work; or
- (b) revive a relevant policy or a policy holder's right to claim under a relevant policy; or
- (c) extend or otherwise affect the period for making a claim under a relevant policy.

(3) A policy under section 6A applies in relation to complaints made under section 5, but not finally determined, before commencement day.

© State of Western Australia 2024.

This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).

To view relevant information and for a link to a copy of the licence, visit [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).

Attribute work as: © State of Western Australia 2024.

By Authority: GEOFF O. LAWN, Government Printer