



Western Australia

Local Government (Miscellaneous Provisions) Act 1960 2

Local Government (Qualification of Municipal Officers) Regulations 1984

These regulations were repealed by the *Local Government (Building Surveyors) Regulations 2008* r. 28 as at 1 Jul 2008 (see r. 2 and *Gazette* 6 Jun 2008 p. 2179).

Local Government (Qualification of Municipal Officers) Regulations 1984

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Defined terms

Local Government (Qualification of Municipal Officers) Regulations 1984

Part I — Preliminary

1. Citation

These regulations may be cited as the *Local Government (Qualification of Municipal Officers) Regulations 1984*¹.

2. Interpretation

In these regulations, unless the contrary intention appears —

“**CEO**” means the Chief Executive Officer of the Department;

“**Department**” means the Department of the Public Service principally assisting the Minister in the administration of Part XV of the *Local Government (Miscellaneous Provisions) Act 1960*;

“**repealed regulations**” means the *Local Government (Qualification of Municipal Officers) Regulations 1961*.

[Regulation 2 amended in Gazette 19 Jul 2005 p. 3353.]

Part II — Appointment of officers

3. Appointments

A local government for a district the population of which, during the preceding year, was in excess of 15 000 persons shall not appoint a person to the office of building surveyor unless the appointee holds a certificate of qualification, in respect of the office of building surveyor, issued pursuant to these regulations.

[Regulation 3 inserted in Gazette 24 June 1996 p.2851.]

[Parts III and IV repealed in Gazette 24 June 1996 p.2851.]

Part V — The Municipal Building Surveyors Qualifications Committee

10. Continuation of committee

The Municipal Building Surveyors Examination Committee constituted in accordance with the Act and the repealed regulations shall be continued in existence under the name of “the Municipal Building Surveyors Qualifications Committee”.

11. Composition, duties and powers of committee

- (1) The Municipal Building Surveyors Qualifications Committee shall consist of 6 members who shall be appointed by the Minister from time to time and shall be —
 - (a) the CEO, or an officer of the Department nominated by him, and the CEO or, as the case may be, the officer, shall be the chairman;
 - (b) a person who is a member of a council, nominated by the Western Australian Local Government Association constituted under section 9.58 of the Act;
 - (c) a person who is a practising architect nominated by the Royal Australian Institute of Architects;
 - (d) a person who is a member of the academic staff of the Curtin University of Technology, nominated by the Pro-Chancellor of that University;
 - (e) a person who is an officer of the Department principally assisting the Minister responsible for the administration of the *Vocational Education and Training Act 1996*, nominated by the Chief Executive Officer of that Department;
 - (f) a person who is a practising building surveyor.
- (2) The Municipal Building Surveyors Qualifications Committee shall issue certificates of qualification in respect of building surveyors in accordance with the provisions of these regulations, and shall at all times as and when required carry out

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and exercise all such other duties and powers imposed or conferred on the Committee by these regulations.

[Regulation 11 amended in Gazette 19 February 1988 p. 557; 19 Jul 2005 p. 3354.]

12. Certificate as a building surveyor

- (1) Where the Municipal Building Surveyors Qualifications Committee is satisfied that a person —
- (a) has an advanced diploma in municipal building surveying awarded by the Training Accreditation Council established under the *Vocational Education and Training Act 1996* or an equivalent qualification; and
 - (b) has at least 2 years adequate and relevant practical experience,

that Committee may issue that person with a certificate of qualification as a building surveyor.

- (2) Where the Municipal Building Surveyors Qualifications Committee is satisfied that —
- (a) a person —
 - (i) has obtained a qualification as a building surveyor in another State which is of at least the same standard as the qualification referred to in subsection (1);
 - (ii) is a registered architect under the *Architects Act 1921*;
 - (iii) is a member, or is eligible for membership, of the Royal Australian Institute of Architects; or
 - [(iv) deleted]*
 - (v) has obtained qualifications in engineering and has adequate and relevant experience in structural engineering;

and

- (b) the person has at some time in an examination passed subjects which in the opinion of the Committee are of an adequate scope and standard relating to the powers and duties of a municipal building surveyor and fire protection in buildings,

that Committee may issue that person with a certificate of qualification as a municipal building surveyor.

*[Regulation 12 amended in Gazette 19 February 1988 p.557;
4 September 1992 p.4517; 31 March 1994 p.1433;
6 November 1998 p.6093.]*

[Part VI repealed in Gazette 24 June 1996 p.2851.]

Part VII — General

16. Deputies

- (1) Persons nominated in accordance with regulation 11 may be appointed by the Minister to act as deputies in the respective offices of members of the Committee in the absence of the occupants of the offices.
- (2) Any person so appointed is entitled, when the member of the Committee for whom he is the deputy is absent from a meeting of the Committee, to attend that meeting and, when so attending, shall be deemed to be a member of the Committee and may exercise any function which the member for whom he is the deputy could exercise if present.

[Regulation 16 amended in Gazette 24 June 1996 p. 2851 and 2852; 19 Jul 2005 p. 3354.]

17. Term of office

[(1) repealed]

- (2) A member of the Committee may be removed from office by the Minister if the member —
 - (a) becomes permanently incapable of performing his duties;
 - (b) becomes a person who would not be qualified to be appointed a member;
 - (c) dies;
 - (d) resigns his office by writing under his hand addressed to the Minister and the resignation is accepted; or
 - (e) carries out any other act or omission that in the opinion of the Minister may cause prejudice or injury to the Committee.
- (3) Where the office of a member becomes vacant pursuant to subregulation (2) of this regulation, a person nominated in

accordance with regulation 11 shall be appointed by the Minister to fill the vacancy.

[Regulation 17 amended in Gazette 24 June 1996 p. 2851 and 2852; 19 Jul 2005 p. 3354-5.]

18. Remuneration

Each member of the Committee, and each deputy appointed under these regulations, shall be paid such fees as the Minister determines from time to time.

[Regulation 18 amended in Gazette 24 June 1996 p.2851 and 2852; 19 Jul 2005 p. 3355.]

19. Leave of absence

The Minister may grant leave of absence to a member of the Committee, or a deputy for a member, for such period and upon such terms and conditions as the Minister determines.

[Regulation 19 amended in Gazette 24 June 1996 pp.2851 and 2852.]

20. Secretary

The Committee shall have a secretary who shall be an officer of the Department nominated by the CEO from time to time.

[Regulation 20 amended in Gazette 24 June 1996 p. 2852; 19 Jul 2005 p. 3355.]

21. Meetings

- (1) The Committee shall hold such meetings as it considers necessary for conducting its affairs.
- (2) At a meeting of the Committee —
 - (a) 3 members form a quorum;
 - (b) the chairman, or in his absence the person appointed his deputy, shall preside, or if both be absent or there is no deputy so appointed, the members present at the meeting

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shall elect one of their number to act as chairman at that meeting;

- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the chairman, or other person presiding as chairman, at the meeting has a deliberate vote but no casting vote, and in the event of an equality of votes, the motion shall be declared “not carried”.

[Regulation 21 amended in Gazette 24 June 1996 pp.2851 and 2852.]

22. Application for certificate

A person seeking the issue of a certificate of qualification shall make application in the form of Form 1 in the Schedule to these regulations and shall pay the fee prescribed by regulation 23.

23. Fee

The fees payable on the issue of a certificate of qualification shall be \$20.

24. Certificates

A certificate of qualification issued by the Committee shall be in or substantially in the format of Form 2 in the Schedule to these regulations.

[Regulation 24 amended in Gazette 24 June 1996 p.2852.]

[25. Repealed in Gazette 24 June 1996 p.2852.]

26. Cancellation of certificate

The Committee may at any time cancel the certificate of qualification issued to a person —

- (a) who has obtained such certificate by fraud or misrepresentation;

- (b) who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment for their benefit;
- (c) who is proved to the Committee to be no longer capable of exercising, because of mental defect, the duties to which the certificate of qualification relates;
- (d) who has been convicted in this State of any crime or misdemeanour or who has been convicted in any place outside this State of any offence which, if committed in this State, would be a crime or misdemeanour; or
- (e) who is proved to the Committee to have been guilty of fraudulent or dishonest conduct.

[Regulation 26 amended in Gazette 24 June 1996 p.2852.]

27. Surrender of certificate

- (1) The Committee, by notice in writing given to a person whose certificate of qualification has been cancelled pursuant to these regulations, may require that person to surrender the certificate to the Committee within a time to be specified in the notice.
- (2) The cancellation of a certificate of qualification shall have effect notwithstanding any failure to surrender the certificate.

[Regulation 27 amended in Gazette 24 June 1996 p.2852.]

28. Re-issue of certificate

The Committee may at any time, either of its own motion or upon application by a person whose certificate of qualification has been cancelled pursuant to regulation 27, issue to that person a fresh certificate of qualification in lieu of the certificate so cancelled.

[Regulation 28 amended in Gazette 24 June 1996 p.2852.]

29. Reasons for cancellation to be in writing

Where the Committee cancels a certificate of qualification, or having cancelled such a certificate issues a fresh certificate in lieu thereof, in accordance with these regulations, the reasons of the Committee for so doing shall be reduced into writing and signed by the chairman and upon request by the person concerned a copy of those reasons so written and signed shall be supplied to that person.

[Regulation 29 amended in Gazette 24 June 1996 pp.2851 and 2852.]

30. Appeal

- (1) There shall be an appeal to a stipendiary magistrate sitting in a court of petty sessions, whose order shall be final, in any case where the Committee cancels a certificate of qualification, or having cancelled such a certificate refuses to issue a fresh certificate in lieu thereof upon application made therefor.
- (2) On the hearing of the appeal the court may order that the cancellation shall have no effect, or that the fresh certificate shall be issued to the applicant therefor, or may dismiss the appeal, and may order either party to pay such costs as the court in its discretion may think fit.
- (3) A notice of appeal under this regulation shall state specifically every ground of appeal upon which the appellant intends to rely at the hearing, and a copy thereof shall be served by the applicant on the secretary of the Committee at least 14 days before the date fixed for the hearing of the appeal.

[Regulation 30 amended in Gazette 24 June 1996 pp.2851 and 2852.]

31. Repeal

The *Local Government (Qualification of Municipal Officers) Regulations 1961* are repealed.

Schedule — Forms

Form 1

[reg. 22]

Local Government (Miscellaneous Provisions) Act 1960

Local Government (Qualification of Municipal Officers) Regulations 1984

APPLICATION FOR CERTIFICATE OF QUALIFICATION

I (full name)

of (address)

occupation

hereby apply for the issue of a certificate of qualification as a building surveyor.

I declare that I was born at (place)

on the of 19

I attach —

- (a) copies of certificates showing relevant qualification
- (b) detailed statement of experience
- (c) cheque for \$ to cover fee for issue of certificate

Witness Signature

Date Date

Form 2

[reg. 24]

Local Government (Miscellaneous Provisions) Act 1960

Local Government (Qualification of Municipal Officers) Regulations 1984

BUILDING SURVEYORS CERTIFICATE OF QUALIFICATION

This is to certify that

of

has satisfied the Municipal Building Surveyors Qualifications Committee that he/she is competent to exercise the office of City, Town, or Shire Building Surveyor under the *Local Government (Miscellaneous Provisions) Act 1960*, and the *Local Government (Qualification of Municipal Officers) Regulations 1984*.

Dated at Perth thisday of 19 ...

.....
Chairman of Committee

.....
Secretary

[Schedule inserted in Gazette 24 June 1996 pp.2853-4.]

Notes

¹ This is a compilation of the *Local Government (Qualification of Municipal Officers) Regulations 1984* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government (Qualification of Municipal Officers) Regulations 1984</i>	24 Aug 1984 p. 2601-7 (Corrigenda 28 Sep 1984 p. 3192)	24 Aug 1984
<i>Local Government (Qualification of Municipal Officers) Amendment Regulations 1988</i>	19 Feb 1988 p. 556-7	19 Feb 1988
<i>Local Government (Qualification of Municipal Officers) Regulations</i>	25 May 1990 p. 2410	25 May 1990
<i>Local Government (Qualification of Municipal Officers) Amendment Regulations 1990</i>	20 Jul 1990 p. 3489	20 Jul 1990
<i>Local Government (Qualification of Municipal Officers) Amendment Regulations 1992</i>	4 Sep 1992 p. 4516-7	4 Sep 1992
<i>Local Government (Qualification of Municipal Officers) Amendment Regulations 1994</i>	31 Mar 1994 p. 1432-3	31 Mar 1994
<i>Local Government (Amendment and Repeal) Regulations 1996 r. 6</i>	24 Jun 1996 p. 2851-4	1 Jul 1996 (see r. 2)
<i>Local Government (Qualification of Municipal Officers) Amendment Regulations 1998</i>	6 Nov 1998 p. 6092-3	6 Nov 1998
<i>Local Government (Qualification of Municipal Officers) Amendment Regulations 2005</i>	19 Jul 2005 p. 3353-5	19 Jul 2005

These regulations were repealed by the *Local Government (Building Surveyors) Regulations 2008 r. 28* as at **1 Jul 2008 (see **r. 2** and **Gazette 6 Jun 2008 p. 2179**)**

² The *Local Government Act 1995* Schedule 9.2 clause 4(2) continued the effect of the former sections 157(2)(b), 159, and 160, and these regulations, so far as they relate to building surveyors and Part XV of the *Local Government (Miscellaneous Provisions) Act 1960*.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
CEO	2
Department	2
repealed regulations	2