

# PAINTERS' REGISTRATION.

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No. 68 of 1974.

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## AN ACT to amend the Painters' Registration Act, 1961-1970.

[Assented to 9th December, 1974.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Painters' Registration Act Amendment Act, 1974*.

Short title  
and  
citation.

(2) In this Act the Painters' Registration Act, 1961-1970 is referred to as the principal Act.

Act No. 61 of  
1961 as  
amended by  
Acts Nos. 42  
of 1962, 35  
of 1963, 75  
of 1965, 6 of  
1966 and 59  
of 1970.

(3) The principal Act as amended by this Act may be cited as the Painters' Registration Act, 1961-1974.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 11  
amended.

3. Section 11 of the principal Act is amended by adding after the word "manner" in line three the words "and shall pay the prescribed application fee".

Section 12  
amended.

4. Subsection (1) of section 12 of the principal Act is amended by deleting paragraph (a) and substituting the following paragraphs—

(a) has completed the prescribed course of training and has passed the prescribed examination as laid down by the Board for persons (other than apprentices) who have had five years' practical experience in the painting trade;

(aa) has completed the prescribed course of training and has passed the prescribed examination as laid down under the Industrial Arbitration Act, 1912, for apprentices to the painting trade and has passed the prescribed additional examination laid down by the Board for those persons; .

Section 13  
amended.

5. Section 13 of the principal Act is amended—

(a) as to subsection (1), by adding after the word "under" in line three the passage "paragraph (a) of subsection (1) of section twelve of this Act and the additional examination of persons desiring to be registered under paragraph (aa) of subsection (1) of section twelve of"; and

(b) as to subsection (3), by deleting the words "but not exceeding three pounds three shillings" in lines three and four.

6. Section 14B of the principal Act is amended—

Section 14B  
amended.

(a) as to subsection (1)—

(i) by deleting paragraph (a) and substituting the following paragraph—

(a) the painting to be managed and supervised by one of the partners who is registered under this Act or by an employee of the partners who is so registered, and shall cause the standards of workmanship and the materials employed in the painting to be those determined by the partner or the employee so registered; ; and

(ii) by deleting the passage "One hundred dollars." in the last line and substituting the passage "Four hundred dollars."; and

(b) as to subsection (2)—

(i) by deleting paragraph (a) and substituting the following paragraph—

(a) the painting to be managed and supervised by a director of the company or member of the board of management of the body corporate, as the case may be, who is registered under this Act or by an employee who is so registered, and shall cause the standards of workmanship and the materials employed in the painting to be those determined by the director of the company or member of the

board of management of the  
body corporate or the  
employee so registered; ; and

- (ii) by deleting the passage "One hundred dollars." in the last line and substituting the passage "Four hundred dollars."

Section 16  
amended.

7. Subsection (1) of section 16 of the principal Act is amended by adding after paragraph (c) a paragraph as follows—

- (ca) a registered painter, being a partnership or company or other body corporate, has failed to comply with any provision of section fourteen B of this Act; .

Section 16A  
added.

8. The principal Act is amended by adding after section 16 a section as follows—

Inspection.

16A. (1) Any member of the Board, or any person appointed by the Board for the purpose may, together with any person he thinks competent to assist in making any inspection or examination, enter any premises and therein inspect and examine any painting.

(2) Every member of the Board, and every person appointed by the Board for the purposes of this section, shall be furnished with a certificate in the prescribed form evidencing his appointment and shall produce that certificate whenever required so to do by any person on the premises the subject of his inspection.

(3) Production of a certificate in the prescribed form is conclusive proof in any court of the appointment of the person to whom the certificate relates and of the authority of that person to exercise the powers conferred by this section.

(4) A person who wilfully obstructs a person exercising the powers conferred by this section commits an offence.

Penalty: Forty dollars. .

9. Section 21 of the principal Act is amended by repealing subsections (1), (2) and (3) and substituting the following subsections—

Section 21  
amended.

(1) There shall be paid by or in respect of every registered painter such annual registration fee as is prescribed.

(2) Upon the acceptance of his application for registration a registered painter shall pay to the Board the annual registration fee prescribed under subsection (1) of this section.

(3) On the first day of February in each year during the continuance of his registration under this Act a registered painter shall pay to the Board the annual registration fee prescribed under subsection (1) of this section. .

10. The principal Act is amended by adding after section 26 a section as follows—

Section 26A  
added.

26A. (1) Where a company or other body corporate is convicted of an offence against this Act, every person who at the time of the commission of the offence was a director or member of the governing authority of the company or other body corporate or an officer concerned in the management thereof and who authorised or permitted the commission of the offence is guilty of the like offence.

(2) A person referred to in subsection (1) of this section may, on the request of the complainant, be convicted on the proceedings on which the company or other body corporate is convicted if the court is satisfied that the person had reasonable notice that the complainant intended to make that request. .