

PAINTERS' REGISTRATION.

No. 59 of 1970.

**AN ACT to amend the Painters' Registration Act,
1961-1966.**

[Assented to 5th November, 1970.]

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:—

Short title
and citation.

1. (1) *This Act may be cited as the Painters' Registration Act Amendment Act, 1970.*

(2) In this Act the Painters' Registration Act, 1961-1966 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Painters' Registration Act, 1961-1970.

2. Subsection (1) of section 4 of the principal Act is repealed and re-enacted as follows— S. 4
amended.

(1) No painter shall carry out painting, otherwise than as a *bona fide* employee, where the charge, fee or reward paid or payable in respect of the undertaking exceeds one hundred dollars unless he is a registered painter.

Penalty: For a first offence, not exceeding one hundred dollars; for a second or subsequent offence, not less than one hundred dollars, irreducible in mitigation notwithstanding any other Act, and not more than two hundred dollars; and in either case a further penalty of eight dollars a day for every day or part of a day during which the offence continues to be committed after any conviction. .

3. Section 14 of the principal Act is amended— S. 14
amended.

- (a) by adding after the section number, "14." the subsection designation, "(1)";
- (b) by adding after the word, "employed" in line nine, the words, "in such a manner and with such duties and responsibilities";
- (c) by substituting for the words, "whose duty or part of whose duty it is to manage or" in lines ten and eleven, the words, "to manage and";
- (d) by adding after the word, "corporate" in the last line, the passage, "as in the opinion of the Board will, in each particular case, ensure the proper management and supervision of painting so carried out"; and
- (e) by adding at the end thereof a subsection as follows—

(2) Notwithstanding anything to the contrary contained in this Act, the registration under this Act of a partnership, company or other body corporate pursuant to this section shall continue and have effect only while at least one partner

of the partnership or at least one director of the company or at least one member of the board of management of the body corporate or a person employed as provided by subsection (1) of this section, by the partnership or company or body corporate to manage and supervise the painting undertaken by it, continues to be registered under this Act. .

S. 14B
added.

4. The principal Act is amended by adding after section 14A a section as follows—

Painting
carried out
by partner-
ship, com-
pany, etc.

14B. (1) Where any painting is carried out by a partnership, the partners therein shall cause—

- (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
- (b) the name and registered number of that partner or employee to appear—
 - (i) in any sign affixed or erected on the work pursuant to section fourteen A of this Act; and
 - (ii) in any advertisement published by or on behalf of the partnership in respect of the painting.

Penalty: One hundred dollars.

(2) Where any painting is carried out by a company or other body corporate, the company or body corporate shall cause—

- (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

- (b) the name and registered number of that person to appear—
- (i) in any sign affixed or erected on the work pursuant to section fourteen A of this Act; and
 - (ii) in any advertisement published by or on behalf of the company or body corporate in respect of the painting.

Penalty: One hundred dollars.

(3) The penalties imposed by subsections (1) and (2) of this section are in addition to and not in derogation of any penalty, suspension or cancellation of registration imposed or liable to be imposed by any other provision of this Act.

5. Section 16 of the principal Act is amended by adding after subsection (5) the following subsections—

S. 16
amended.

(6) Where the registration under this Act of a partnership, company or body corporate has been cancelled or suspended by the Board after the holding of an inquiry into a matter or matters arising under paragraph (b) or (c) of subsection (1) of this section, the Board may, if in all the circumstances of the case it considers it proper so to do, without further inquiry, by order cancel or suspend the registration under this Act of the partner, director, member of the board of management or employee by whom the painting to which the inquiry related was, or was required by this Act to be, managed and supervised.

(7) Upon the making of an order of cancellation under subsection (6) of this section, the person named in the order shall cease to be registered under this Act and upon the making of an order of suspension under that subsection,

the person named in the order shall cease to be registered under this Act for the period specified in the order.

(8) The Board shall not cancel or suspend the registration of a person under subsection (6) of this section unless—

- (a) it has sent to the partner, director, member of the board of management or employee a copy of the notice sent under subsection (4) of this section to the partnership, company or body corporate; and
 - (b) it has afforded him an opportunity of giving an explanation personally at the inquiry or in writing. .
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