



Western Australia

Painters' Registration Act 1961

Painters' Registration Board Rules 1962

As at 17 Oct 2008

Version 03-a0-02

Extract from www.slp.wa.gov.au, see that website for further information

Western Australia

Painters' Registration Board Rules 1962

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Defined Terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 17 October 2008

Painters' Registration Act 1961

Painters' Registration Board Rules 1962

1. Citation

These rules may be cited as the *Painters' Registration Board Rules 1962*¹.

2. Terms used in these rules

In these rules unless the context requires otherwise —

Board means the Painters' Registration Board constituted under the Act;

the Act means the *Painters' Registration Act 1961*.

3. Nomination of appointee members

Not less than one month before the expiration of the term of appointment of any member of the Board, the Registrar shall notify the Minister of the vacancy that is to occur.

4. Meetings and business of the Board

- (1) The Board shall hold meetings for the transaction of its business at such periods, on such days and at such times and places as the Board may from time to time by resolution determine.

Provided that a meeting of the Board shall be held at least once in every month.

r. 6

- (2) At every meeting of the Board matters before the Board shall be resolved by a majority of the votes of the members present, and the decision of the majority shall be the decision of the Board.
- (3) Any meeting of the Board may be adjourned from time to time and as often as the majority of the members present from time to time may determine.
- (4) Two members shall be a quorum for the conduct of the business of the Board.
- (5) In the absence of the Chairman at any meeting the members present may elect one of their number to act as Chairman for that meeting.

[5. *Repealed in Gazette 30 Dec 1983 p. 5134.*]

6. The Register of Painters (s. 10)

The Register of Painters to be kept by the Board shall be in the Form No. 1 in the Second Appendix.

7. Registration — individuals (s. 12)

- (1) Any person who desires to be registered as a painter under the Act shall make application to the Board in writing, signed by him, in the Form No. 2 in the Second Appendix and shall verify such application by making the statutory declaration contained in that form.
- (2) The application shall contain all the particulars required therein, shall be lodged with the Registrar and shall be accompanied by the appropriate fee prescribed in the Third Appendix.
- (3) Where the application for registration is grounded upon a certificate that the applicant has passed the prescribed examination, such certificate shall, if so required by the Board, be produced with the application for registration.
- (4) The applicant, in addition to the particulars contained in his application, shall furnish to the Registrar documentary proof of

grounds and such other information as may be required by the Board, and shall verify the same by statutory declaration.

[(5) repealed]

- (6) Where an application for registration is granted, a certificate of registration shall be issued to the applicant in the Form No. 3 in the Second Appendix, upon payment to the Registrar of the certificate fee prescribed in the Third Appendix.

[Rule 7 amended in Gazette 24 Feb 1970 p. 555.]

8. Course of training and examinations (s. 13)

- (1) The course of training and the course of study to be undertaken by persons desirous of submitting themselves for examinations held by the Board for persons desiring to be registered under section 12(1)(a) of the Act shall be such as may from time to time be declared and published by the Board.
- (1a) The additional examinations to be passed by persons desirous of being registered under section 12(1)(aa) of the Act are in the following subjects, namely —

Painters' Recording and Costing

Painting Technology

Painting Estimating.

- (2) Examinations shall be held in the month of November in each and every year, provided that the Board may at any time hold any additional examination on a date to be fixed by the Board.

[Rule 8 amended in Gazette 14 Nov 1975 p. 4205; 1 Dec 1978 p. 4560; 3 Jul 1981 p. 2613.]

9. Applicants for examination

- (1) Any person who desires to sit for an examination held by the Board shall, at least 14 days before the date fixed for the commencement of that examination, make application to the Board for leave to sit for that examination.

r. 10

- (2) The application shall be in writing, signed by the applicant, in the Form No. 4 in the Second Appendix, and shall contain the particulars required therein.
- (3) The application shall be lodged with the Registrar and shall be accompanied by the examination fee prescribed in the Third Appendix.
- (4) When the application is granted, the Registrar shall issue to the applicant an examination card, which shall admit the applicant to the examination.
- (5) When an applicant for examination has passed the examination held by the Board he shall be entitled to receive from the Board, upon payment of the certificate fee prescribed in the Third Appendix, a certificate of examination in the Form No. 5 in the Second Appendix.

10. Registration of partnerships, companies and other bodies corporate (s. 14)

- (1) Any partnership that applies to be registered under the Act shall make application to the Board in writing in the Form No. 6 in the Second Appendix.
- (2) The application of the partnership shall be verified by statutory declaration made by a member of the partnership, shall contain all the particulars required therein, shall be lodged with the Registrar and shall be accompanied by the appropriate fee prescribed in the Third Appendix.
- (3) Any company or other body corporate which applies to be registered under the Act shall make application to the Board in writing under its common seal in the Form No. 7 in the Second Appendix.
- (4) The application of the company or other body corporate shall contain all the particulars required therein, shall be lodged with the Registrar and shall be accompanied by the registration fee prescribed in the Third Appendix.

[(5) repealed]

- (6) Where an application for registration under this rule is granted, a certificate of registration shall be issued to the applicant in the Form No. 3 in the Second Appendix upon payment to the Registrar of the certificate fee prescribed in the Third Appendix.
- (7) The registration of a partnership, company or other body corporate shall continue and have effect only while at least one partner of the partnership, or one director or one member of the board of management of the company, or a person employed by the partnership, company or body corporate whose duty it is to manage and supervise the painting carried out, is registered.

[Rule 10 amended in Gazette 24 Feb 1970 p. 555.]

10A. Change of address

Every registered painter shall, within 28 days after any change in the address of the premises from which he carries on business, give to the Registrar written notice of that change of address.

[Rule 10A inserted in Gazette 24 Feb 1970 p. 556.]

[11. Repealed in Gazette 30 Dec 2004 p. 7019.]

12. Statutory declarations

For the verification of statements and information required under these rules to be verified, the Board may accept statutory declarations.

13. Fees

The fees to be paid by persons under and in accordance with these rules shall be the fees set forth respectively in the Third Appendix.

[First Appendix repealed in Gazette 30 Dec 1983 p. 5134.]

Second Appendix

Form No. 1

Painters' Registration Act 1961

REGISTER OF PAINTERS

(Rule 6)

Name Registered Number

Address Date of Registration

Qualification(s) Sec. 12 (.....)..... Minute Book Folio

Remarks

.....

Painters' Registration Board — Register of Painters

| Date | | Item | Dr. | | | Cr. | | | Dr. or Cr. | Balance | |
|------|--|------|-----|--|--|-----|--|--|------------------|---------|--|
| | | | | | | | | | | | |

Form No. 2

Western Australia
PAINTERS' REGISTRATION ACT 1961
and
Rules

OFFICE USE:
Rect. No.
Paid
Date
Approved:
Date
Number

APPLICATION FOR REGISTRATION AS A PAINTER
(Individual)
(Rule 7)

To the PAINTERS' REGISTRATION BOARD,
18 Harvest Terrace,
West Perth, Western Australia 6005

- (a) Full name of applicant in Block Letters. 1. I (a)
.....
(b) Address. of (b) Post Code
(c) Occupation. in the State of Western Australia (c)
hereby apply to be registered as a painter under the
provisions of the *Painters' Registration Act 1961*.
2. My qualifications for such registration are as follows: —
(A) I am over the age of 21 years, having been born at
(d) Place of birth. (d) in the
State of on the
(e) Date of birth. (e) day of 19.....
and
(B) I am a person of good character as evidenced by the
2 testimonials annexed to this application
and

(C) I have completed the prescribed course of training and have passed the prescribed examination as laid down by the Board,

and

* strike out paragraphs which do not apply

* (i) I have completed the prescribed course of training and passed the examination as laid down by the *Industrial Arbitration Act 1912*² for apprentices to the painting trade.

or

* (ii) I have had 5 years practical experience other than as an apprentice.

3. The prescribed application fee accompanies this application.

(f) Date of Application.

Dated the (f) day of 20.....

(g) Signature.

(g).....Applicant

DECLARATION

I, the abovenamed applicant, do solemnly and sincerely declare that the particulars contained in my above application and accompanying statements are true and correct.

And I make this declaration under the provisions of section 106 of the *Evidence Act 1906*.

DECLARED at Perth in the State of Western Australia

this.....

day of.....

Applicant

20.....

Before me.....

J.P. or Commissioner for Declarations

[Form 2 inserted in Gazette 30 Jan 1976 p. 238-9; amended in Gazette 2 Dec 1983 p. 4800; 24 Dec 1991 p. 6396; 15 Jun 2007 p. 2780.]

Form No. 3

Western Australia

Painters' Registration Act 1961

Painters' Registration Board

CERTIFICATE OF REGISTRATION

No.

(Rule 7)

This is to certify that
has this day been registered as a painter under the provisions of the *Painters' Registration Act 1961*.

.....
Chairman.

.....
Registrar.

Date.....

Form No. 4

Western Australia

Painters' Registration Act 1961

**APPLICATION FOR LEAVE TO SIT FOR EXAMINATION AS A
QUALIFICATION FOR REGISTRATION AS A PAINTER**

(Rule 9)

To the Painters' Registration Board,
18 Harvest Terrace,
West Perth, Western Australia 6005

(a) Full name of applicant. 1. I (a)

(b) Address. of (b)

(c) Occupation. in the State of Western Australia, (c)
being desirous of qualifying for registration as a painter under
the *Painters' Registration Act 1961*, hereby apply for leave to
sit as a candidate at the next prescribed examination to be held
by the Board, commencing on the (d)
day of 20.....

(d) Date of commencement of examination.

(e) Age. 2. I am (e) years of age, having been born
at (f) in the State of
on the (g) day of 19.....

(f) Place of birth.

(g) Date of birth.

(h) Place where training undertaken. 3. I have undertaken the course of training prescribed by
the Board at (h) in the said State
under the supervision or instruction of (i)
of (j) in the State
of Western Australia, (k)
between the (l) day of 20.....,
and the day of 20.....

(i) Name of employer or instructor.

(j) Address.

(k) Occupation.

(l) Period during which training undertaken.

The prescribed examination fee accompanies this
application.

Dated the day of 20.....

(m) Signature of applicant. (m).....
Applicant.

*[Form 4 amended in Gazette 30 Jan 1976 p. 239; 24 Dec 1991
p. 6396; 15 Jun 2007 p. 2780.]*

Form No. 5

Western Australia

Painters' Registration Act 1961

CERTIFICATE OF EXAMINATION

(Rule 9)

Painters' Registration Board

This is to certify that
of
in the State of Western Australia,, has duly undertaken
the course of training prescribed by the Board for persons desirous of being
registered as painters under the *Painters' Registration Act 1961*, and that the
said
has successfully passed the examination held by the Board on the
day of 20....., as a qualification for such registration.

Dated the day of 20.....

.....
Chairman.

.....
Registrar.

Form No. 6

Western Australia

Painters' Registration Act 1961

**APPLICATION BY A PARTNERSHIP FOR REGISTRATION AS A
PAINTER**

(Rule 10)

To the Painters' Registration Board,
18 Harvest Terrace,
West Perth, Western Australia 6005

1. (Trading Name), a partnership trading or about to trade as a painter, hereby applies to be registered under the provisions of the *Painters' Registration Act 1961*.

2. The partnership is or is not registered under the provisions of the *Business Names Act 1962*.

3. The membership of the partnership comprises: —
Full Name. Address.

4. The partnership agreement authorises it to engage in the business of trading as a painter.

Name of registered partner.

5. (Full name, block letters)
..... (Address),
a registered painter, number....., —

Strike out inapplicable.

(i) is a partner;
(ii) is a person employed by the partnership, who will manage and supervise painting undertaken by the partnership.

6. The prescribed application fee accompanies this application.

Dated the day of 20.....

.....
Partnership Signature.

DECLARATION

Full name of
declarant.

I,
of, the
person making the above application for and on behalf of the
partnership do solemnly and sincerely declare that the
particulars contained therein are true and correct.

And I make this declaration under the provisions of
section 106 of the *Evidence Act 1906*.

Declared at in
the State of Western Australia
this day of
..... 20.....

Before me —

.....
J.P. or Commissioner for
Declarations.

OFFICE USE:

Approved.....

Number.....

[Form 6 amended in Gazette 30 Jul 1963 p. 2209; 30 Jan 1976
p. 239; 2 Dec 1983 p. 4800; 24 Dec 1991 p. 6396; 15 Jun 2007
p. 2780.]

Form No. 7

Western Australia

Painters' Registration Act 1961

**APPLICATION BY AN INCORPORATED COMPANY OR BODY
CORPORATE FOR REGISTRATION AS A PAINTER**

(Rule 10)

To the Painters' Registration Board,
18 Harvest Terrace,
West Perth, Western Australia 6005

Name of Company. 1. Limited, a
company registered under the *Corporations Act 2001* of the
Commonwealth, and having its registered office situate at
..... hereby applies to be registered
under the provisions of the *Painters' Registration Act 1961*.

2. The company is not prohibited by its constitution from
engaging in the business of trading as a painter.

Name of registered painter. 3. (Full name, block letters)
..... (Address),
a registered painter, number,
under the provisions of the said Act —

- (i) is a director;
- (ii) is a member of the board of management;

Strike out
inapplicable.

or

(iii) is a person employed by the company,
who will manage and supervise painting undertaken by the
company.

4. The prescribed application fee accompanies this
application.

Common seal.

5. The Common Seal of the Company was hereunto affixed
by authority of the directors the day
of 20.....

.....
Director.

| |
|---|
| OFFICE USE: Approved..... Number..... |
|---|

*[Form 7 amended in Gazette 30 Jan 1976 p. 239; 2 Dec 1983
p. 4800; 24 Dec 1991 p. 6396; 4 Jan 2002 p. 4; 15 Jun 2007 p. 2780.]*

[Form 8 deleted in Gazette 30 Dec 2004 p. 7019.]

Third Appendix

[Heading inserted in Gazette 17 Jun 2008 p. 2556.]

Fees

The following fees are prescribed for the purpose of these rules —

| | \$ |
|------------------------------------|--------|
| For examination | 6.30 |
| For application for registration — | |
| Companies | 114.00 |
| Individuals | 114.00 |
| Partnerships | 88.00 |
| For annual registration fee — | |
| Companies | 326.00 |
| Individuals | 217.00 |
| Partnerships | 135.00 |
| For any certificate | 10.50 |

[Third Appendix inserted in Gazette 17 Jun 2008 p. 2556-7.]

Notes

¹ This reprint is a compilation as at 17 October 2008 of the *Painters' Registration Board Rules 1962* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|--|------------------------|
| <i>Painters' Registration Board Rules 1962</i> | 27 Dec 1962 p. 4125-34 | 1 Jan 1963 |
| Untitled rules | 30 Jul 1963 p. 2208-9 | 30 Jul 1963 |
| Untitled rules | 31 Aug 1965 p. 2559 | 31 Aug 1965 |
| Untitled rules | 2 Jul 1969 p. 1953 (erratum 15 Jul 1969 p. 2047) | 2 Jul 1969 |
| Untitled rules | 24 Feb 1970 p. 555 | 24 Feb 1970 |
| Untitled rules | 24 Feb 1970 p. 556 | 24 Feb 1970 |
| Untitled rules | 31 Jan 1975 p. 292 | 31 Jan 1975 |
| Untitled rules | 14 Nov 1975 p. 4205 | 14 Nov 1975 |
| Untitled rules | 30 Jan 1976 p. 238-9 | 30 Jan 1976 |
| Untitled rules | 1 Dec 1978 p. 4560 | 1 Dec 1978 |
| <i>Painters' Registration Board (Amendment) Rules 1980</i> | 12 Dec 1980 p. 4271 | 1 Jan 1981 (see r. 2) |
| <i>Painters' Registration Board Amendment Rules 1981</i> | 3 Jul 1981 p. 2613 | 3 Jul 1981 |
| <i>Painters' Registration Board Amendment Rules (No. 2) 1981</i> | 4 Dec 1981 p. 5031 | 1 Jan 1982 (see r. 2) |
| <i>Painters' Registration Board Amendment Rules 1983</i> | 2 Dec 1983 p. 4800 | 31 Dec 1983 (see r. 3) |

Painters' Registration Board Rules 1962

| Citation | Gazettal | Commencement |
|---|---------------------------|--|
| <i>Painters' Registration Board Amendment Rules (No. 2) 1983</i> | 30 Dec 1983 p. 5134-5 | 1 Jan 1984 (see r. 3) |
| <i>Painters' Registration Board Amendment Rules 1985</i> | 15 Feb 1985 p. 633 | 15 Feb 1985 |
| <i>Painters' Registration Board Amendment Rules 1986</i> | 24 Jan 1986 p. 298-9 | 24 Jan 1986 |
| <i>Painters' Registration Board Amendment Rules (No. 2) 1986</i> | 19 Dec 1986 p. 4926 | 19 Dec 1986 |
| <i>Painters' Registration Board Amendment Rules 1987</i> | 31 Dec 1987 p. 4609 | 31 Dec 1987 |
| <i>Painters' Registration Board Amendment Rules 1989</i> | 29 Dec 1989 p. 4685 | 1 Jan 1990 (see r. 2) |
| Reprint of the Painters' Registration Board Rules 1962 as at 9 May 1991 in <i>Gazette</i> 6 Jun 1991 p. 2765-82 (includes amendments listed above) | | |
| <i>Painters' Registration Board Amendment Rules 1991</i> | 24 Dec 1991 p. 6395-6 | 1 Jan 1992 (see r. 2) |
| <i>Painters' Registration Board Amendment Rules 1993</i> | 29 Jan 1993 p. 859 | 1 Feb 1993 (see r. 2) |
| <i>Painters' Registration Board Amendment Rules 1995</i> | 13 Jan 1995 p. 94 | 13 Jan 1995 |
| <i>Painters' Registration Board Amendment Rules (No. 2) 1995</i> | 29 Dec 1995 p. 6239 | 1 Jan 1996 (see r. 2) |
| <i>Painters' Registration Board Amendment Rules (No. 2) 2001</i> | 5 Oct 2001 p. 5473-4 | 5 Oct 2001 |
| <i>Painters' Registration Board Amendment Rules (No. 3) 2001</i> | 4 Jan 2002 p. 3-4 | 4 Jan 2002 |
| Reprint of the Painters' Registration Board Rules 1962 as at 22 Mar 2002 (includes amendments listed above) | | |
| <i>Painters' Registration Board Amendment Rules 2004</i> | 30 Dec 2004 p. 7019 | 1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130) |
| <i>Painters' Registration Board Amendment Rules 2005</i> | 28 Jun 2005 p. 2917-18 | 1 Jul 2005 (see r. 2) |
| <i>Painters' Registration Board Amendment Rules 2006</i> | 27 Jun 2006 p. 2267-8 | 1 Jul 2006 (see r. 2) |
| <i>Painters' Registration Board Amendment Rules 2007</i> | 15 Jun 2007 p. 2780-1 | r. 1 and 2: 15 Jun 2007 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jul 2007 (see r. 2(b)(i)) |

| Citation | Gazettal | Commencement |
|---|--------------------------|--|
| <i>Painters' Registration Board Amendment Rules 2008</i> | 17 Jun 2008 p. 2556-7 | r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jul 2008 (see r. 2(b)(i)) |
| Reprint 3: The <i>Painters' Registration Board Rules 1962</i> as at 17 Oct 2008 (includes amendments listed above) | | |

² Repealed by the *Industrial Arbitration Act 1979* which is now called the *Industrial Relations Act 1979*.

Defined Terms

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) |
|---------------------|---------------------|
| Board | 2 |
| the Act..... | 2 |