

**BUILDERS' REGISTRATION ACT  
1939-1980.**

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ARRANGEMENT.

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Approved for reprint 10 February 1981.

WESTERN AUSTRALIA.

# BUILDERS' REGISTRATION.

No. 29 of 1939.<sup>1</sup>

[As amended by Acts:

- No. 43 of 1940 assented to 30th December, 1940;
- No. 15 of 1944 assented to 8th December, 1944;
- No. 14 of 1945 assented to 9th January, 1946;
- No. 24 of 1948 assented to 9th December, 1948;
- No. 44 of 1953 assented to 29th December, 1953;
- No. 63 of 1956 assented to 4th January, 1957;
- No. 61 of 1959<sup>2</sup> assented to 10th December, 1959.
- No. 54 of 1961<sup>3</sup> assented to 23rd November, 1961;
- No. 33 of 1965 assented to 21st October, 1965;
- No. 29 of 1966<sup>4</sup> assented to 27th October, 1966;
- No. 41 of 1968<sup>5</sup> assented to 8th November, 1968;
- No. 58 of 1970 assented to 5th November, 1970;
- No. 97 of 1975<sup>6</sup> assented to 1st December, 1975;
- No. 91 of 1979<sup>7</sup> assented to 21st December, 1979,

and by Regulations published in the *Government Gazette* of 21st March, 1980, pp. 986-9<sup>8</sup> and reprinted pursuant to the Amendments Incorporation Act 1938.]

**AN ACT relating to the qualifications and registration of Builders; to constitute a Board in relation thereto, and for other purposes connected therewith.**

[Assented to 16th December 1939.]

**BE** it enacted—

1. This Act may be cited as the *Builders' Registration Act 1939-1980*, and shall come into operation on a day to be fixed by proclamation.<sup>1</sup>

Short title  
and com-  
mencement.  
Amended by  
G.G. 21/3/80,  
pp. 986-989.

<sup>1</sup> Came into operation on 1st May, 1940; See *Gazette* 26/4/1940, p. 597.

<sup>2</sup> Came into operation on 5th February, 1960; See *Gazette* 5/2/1960, p. 254.

<sup>3</sup> Came into operation on 2nd February, 1962; See *Gazette* 2/2/62, p. 324.

<sup>4</sup> Came into operation on 16th December, 1966; See *Gazette* 16/12/66, p. 3316.

<sup>5</sup> Came into operation on 1st January, 1969; See *Gazette* 13/12/68, p. 3814.

<sup>6</sup> Came into operation on 24th December, 1975; See *Gazette* 24/12/75, p. 4637.

<sup>7</sup> Came into operation on 18th January, 1980; See *Gazette* 11/1/80, p. 37.

<sup>8</sup> Came into operation 1st April, 1980; See *Gazette* 23/3/80, p. 986.

Interpretation.

Amended by  
No. 43 of  
1940, s. 2;  
No. 54 of  
1961, s. 3;  
No. 29 of  
1966, s. 3;  
No. 41 of  
1968, s. 3;  
No. 91 of  
1979, s. 3.

2. In this Act, unless inconsistent with the context of subject matter:—

“Board” means the Builders’ Registration Board of Western Australia constituted under this Act.

“Builder” means a person trading as a builder.

“Building” means any building of a permanent nature used or intended to be used for residential, professional, manufacturing, trading, commercial, hospital, institutional, assemblage, or public purposes, but does not include a farm building, and the term used as an abstract noun means the erection or structural alteration of any such building.

“Building license” means a building license issued under Part XV of the Local Government Act 1960.

“Company” means a company incorporated under the Companies Act 1961, or which, being a recognized company or foreign company, has complied with the relevant provisions of Part XI of that Act.

“Farm building” means any building of a permanent nature, other than a building used or intended to be used for residential purposes, that is—

- (a) constructed or to be constructed, on land used primarily for agricultural purposes; and
- (b) itself used or intended to be used for agricultural purposes.

“Local Authority” means a council as defined in section six of the Local Government Act 1960.

“Person trading as a builder” means any person who, or any partnership or any company or other body corporate that is engaged in constructing, altering, repairing, adding to

or improving the walls and structural parts of buildings for a fixed sum, percentage, or valuable consideration, or reward other than wages.

“Minister” means the Minister for the time being charged with the administration of this Act.

“Register” means the register of builders under this Act.

“Registrar” means registrar appointed under this Act.

“Supervisor” means a person, not being a builder, who oversees the execution or performance of building work, but does not include a foreman, leading hand or other person employed in a like or less responsible capacity in the building industry.

3. (1) This Act applies within the area described in the Schedule to this Act.

Area within which this Act applies. Substituted by No. 91 of 1979, s. 4.

(2) The Governor may from time to time make regulations amending the Schedule to this Act—

(a) by adding any area to the area described in that Schedule or by subtracting any area from the area so described; or

(b) by deleting and substituting the area described in that Schedule.

(3) Regulations made under subsection (2) of this section may provide that this Act, as amended by those regulations, may be cited in the manner specified in those regulations.

(4) Notwithstanding any increase in the area to which this Act applies effected by regulations made under subsection (2) of this section, any act or thing lawfully commenced, and not discontinued or abandoned, before the coming into operation of those regulations in an area to which this Act did

not apply before that coming into operation but to which this Act applies after that coming into operation may be continued and completed as if those regulations had not come into operation.

(5) Notwithstanding the repeal of the Second Schedule to the Metropolitan Water Supply, Sewerage, and Drainage Act 1909-1965, by the Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act 1967 (in this subsection called "the amending Act") and the provisions of this section as those provisions existed during the period commencing with the coming into operation of the amending Act and ending immediately before the coming into operation of the Builders' Registration Act Amendment Act (No. 3) 1979—

- (a) the area within the boundaries (as from time to time defined, altered or extended during that period) of the Metropolitan Water, Sewerage, and Drainage Area constituted by the Metropolitan Water Supply, Sewerage, and Drainage Act 1909, shall be deemed for all purposes of this Act to have been the area within which this Act applied during that period; and
- (b) any act or thing done during that period in the area within the boundaries referred to in paragraph (a) of this subsection in purported exercise of any power conferred by this Act shall not be deemed to be invalid by reason only of that repeal and those provisions.

(6) Notwithstanding the coming into operation of the Builders' Registration Act Amendment Act (No. 3) 1979, any act or thing lawfully commenced, and not discontinued or abandoned, before that coming into operation in an area to which this Act did not apply before that coming into operation but to which this Act applies after that coming into operation may be continued and completed as if the Builders' Registration Act Amendment Act (No. 3) 1979, had not come into operation.

4. (1) Subject to this section, a person who is not registered under this Act shall not—

Prohibition against un-registered builders carrying on business.

Amended by No. 43 of 1940, s. 3; No. 24 of 1948, s. 3; No. 44 of 1953, s. 2; No. 63 of 1956, s. 2; No. 61 of 1959, s. 3; No. 54 of 1961, s. 4; No. 29 of 1966, s. 4; No. 97 of 1975, s. 3; No. 91 of 1979, s. 5.

- (A) (a) construct either for himself or any other person, any building for the purpose of the immediate sale thereof;
- (aa) construct for himself any building other than a dwelling house or a building comprising two dwellings on ground level, each being complete and self-contained, whether or not the building is so designed as to give an external appearance of a single dwelling;
- (b) enter into any contract or engagement to construct any building, or build any building for another in pursuance of any contract or engagement;
- (c) be entitled to recover in any court any fee or charge under any such contract or engagement;
- (d) hold himself out as trading as a registered builder, or, as the case may be, a journeyman builder,

unless—

- (i) the total fee or charge payable in respect of the carrying out of the same does not exceed six thousand dollars or such other amount as may be prescribed by regulations made under section twenty-four of this Act; or
  - (ii) under subsection (2) of this section he is a person exempted from the necessity of obtaining registration;
- (B) assume, take or use (either alone or in combination with any other word, letter or device) the name or title of “registered builder” or, as the case may be, “journeyman builder”, or any name, title or description calculated to lead others to believe he is so registered, or by words or conduct hold himself out as being so registered.

Penalty: For a first offence, not exceeding four hundred dollars; for a second or subsequent offence, not less than four hundred dollars or more than two thousand dollars and in either case if the offence consists of a contravention of subparagraph (b) of paragraph (A) of this subsection a further penalty not exceeding twenty-five dollars for every day or part of a day during which the offence continues to be committed after any conviction.

(1a) Notwithstanding anything in subsection (1) of this section, the Board may, on the application in writing in the form approved by the Board of a person who is not registered under this Act, authorize in writing that person to construct for himself a building—

- (a) which is specified in that authority; and
- (b) which is not a dwelling house or a building referred to in subparagraph (aa) of paragraph (A) of subsection (1) of this section.

(1b) In subsections (1) and (1a) of this section—  
“construct” includes add to, alter, improve, renovate and repair.

**Exemption.**

(2) The persons exempted from the necessity of obtaining registration under this Act as mentioned in subparagraph (ii) of paragraph (A) of subsection (1) of this section are—

- (a) any person who is—
  - (i) [*Deleted by No. 61 of 1959, s. 3.*]
  - (ii) [*Deleted by No. 61 of 1959, s. 3.*]
  - (iii) an officer or servant of the Crown or of any Crown instrumentality, or of any local authority, in so far as he directs or supervises the carrying out of any contract or engagement in the performance of his duties as such officer or servant;



- (b) [*Deleted by No. 54 of 1961, s. 4.*]
- (c) any local authority;
- (d) [*Deleted by No. 54 of 1961, s. 4.*]

(3) The provisions of this section apply notwithstanding that a number of distinct contracts or engagements to perform work or render services are entered into in connection with the same building by the same person, where:—

Splitting contracts.

- (i) the moneys payable in respect of the performance of the contracts or engagements exceed six thousand dollars or such other amount as may be prescribed by regulations made under section twenty-four of this Act, in the aggregate but some or all of such contracts or engagements taken severally do not exceed that sum; or
- (ii) in any case where the Board is satisfied that they are substantially in respect of the one undertaking or that they were entered into with a view to evading the provisions of this Act.

4A. (1) It shall be unlawful for any local authority to issue to any person who is not registered under this Act a building license to commence or proceed with any building on any block of ground in any area within which this Act applies—

Local Authorities not to issue building permits to unregistered persons.  
Added by No. 24 of 1948, s. 4.  
Amended by No. 44 of 1953, s. 3; No. 63 of 1956, s. 3; No. 54 of 1961, s. 5; No. 29 of 1966, s. 5; No. 41 of 1968, s. 4; No. 97 of 1975, s. 4; No. 91 of 1979, s. 6.

- (a) unless the total fee or charge payable in respect of the carrying out of such building does not exceed six thousand dollars or such other amount as may be prescribed by regulations made under section twenty-four of this Act; or
- (b) unless the person to whom such building license is issued is a person exempted under subsection (2) of section four of this Act from the necessity of obtaining registration; or

*Builders' Registration.*

- (c) unless the person to whom such a building license is issued is proposing to construct the building to which the building license relates for himself and not for the purpose of the immediate sale thereof, and—
- (i) the building to which the building license relates is a dwelling house or a building comprising two dwellings on ground level, each being complete and self-contained, whether or not the building is so designed as to give an external appearance of one dwelling or is a building which that person is authorized under subsection (1a) of section four of this Act to construct; and
  - (ii) the person to whom the building license is issued has furnished the local authority with a statutory declaration verifying the fact that he has not, within the last preceding two years, obtained from that or any other local authority the issue of any other building license pursuant to this paragraph.

(d) [*Deleted by No. 54 of 1961, s. 5.*]

(1a) It shall be unlawful for any local authority to issue to any person who is a journeyman builder under section ten A of this Act a building license to commence or proceed with any building on any block of ground in any area within which this Act applies, if the cost of the work including the cost of supplying the necessary materials and rendering the necessary services is reasonably likely when the work is commenced to exceed thirty thousand dollars whether that person contracts or engages to execute the work under one or more than one contract, unless paragraph (c) of subsection (1) of this section applies to that person.

(2) A person who for the purposes of obtaining or attempting to obtain a building license from a local authority makes a representation or statement that is false in a material particular in relation to—

- (a) the value of a building to be erected under the building license;
- (b) the fee or charge payable in respect of the carrying out of the building work;
- (c) any qualifications held under this Act; or
- (d) any exemption from the provisions of this Act,

commits an offence.

Penalty: Four hundred dollars or imprisonment for twelve months.

(3) Without affecting the provisions of section four of this Act, a person who—

- (a) is not registered as a builder under this Act; and
- (b) has constructed a building pursuant to a building license lawfully issued to him under paragraph (c) of subsection (1) of this section,

shall not without having first obtained the consent in writing of the Board, sell or otherwise dispose, within eighteen months of the date of issue to him of the building license, of the land on which the building was constructed.

Penalty: One thousand dollars.

(4) A court of petty sessions on the hearing of a complaint of a contravention of subsection (3) of this section shall dismiss the charge if the person charged proves that he sought the consent of the Board to the sale or disposal of the land and that he had reasonable grounds of a private or domestic nature for the sale or other disposal of the land.

5. (1) A body corporate is hereby constituted under the name of the Builders' Registration Board of Western Australia.

(2) The Board shall have perpetual succession and a common seal, and shall be capable of suing and being sued.

Constitution  
of the  
Builders'  
Registration  
Board of  
Western  
Australia.  
Amended by  
No. 15 of  
1944, s. 2,  
No. 44 of  
1953, s. 4,  
No. 61 of  
1959, s. 4,  
No. 54 of  
1961, s. 6,  
No. 41 of  
1968, s. 5.

(3) The Board shall consist of five members, namely, a representative nominated by the West Australian Chapter of the Royal Australian Institute of Architects, a representative appointed by Master Builders' Association of Western Australia, a representative of the workers engaged in the building trade nominated by the Governor, a registered builder appointed by the Governor and one other person appointed by the Governor who shall be chairman.

(4) Every member of the Board shall hold office for a term of three years, subject to section five A of this Act, but shall be eligible for re-appointment.

(5) The members of the Board, including the chairman, holding office on the date of the coming into operation of the Builders' Registration Act Amendment Act 1968, shall, subject to section five A of this Act, continue to hold office for the period of three years commencing on that date.

Vacancies.  
Added by  
No. 41 of  
1968, s. 6.

5A. The office of a member of the Board shall become vacant if the member—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) becomes an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors;
- (d) is convicted of an indictable offence;
- (e) is an incapable person within the meaning of section five of the Mental Health Act 1962; or
- (f) is absent without leave of the Board from six consecutive meetings of the Board,

and the Governor may thereupon appoint a person to be a member of the Board in place of the member whose office has become vacant, and any person so appointed shall hold office for the unexpired part of the term of office of that lastmentioned member.

6. (1) No act or proceeding of the Board shall be invalidated in consequence only of there being any vacancy in the number of members of the Board, or by reason of any defect in the appointment of any person who has acted as a member.

Board proceedings.  
Amended by No. 44 of 1953, s. 5, No. 63 of 1956, s. 4, No. 61 of 1959, s. 5, No. 33 of 1965, s. 2.

(2) At any meeting of the Board the chairman, or, in his absence, any member elected to act as chairman of such meeting by the members present, shall preside, and in case of an equality of votes, shall have a second or casting vote.

Chairman of meeting, casting vote.

(3) Three members of the Board shall be a quorum for the conduct of the business of the Board, and a quorum of the Board may lawfully exercise the powers vested in the Board, notwithstanding any vacancy or vacancies in its membership.

Quorum.

(4) Each member of the Board (including the chairman) shall be paid out of the funds of the Board such fee as shall from time to time be prescribed.

Fees to members.

(5) The Board shall hold its first meeting on such day and such time and place as the Minister appoints, and on such day the Board shall be deemed and taken to be duly constituted.

First meeting of the Board.

7. (1) The Board may appoint a registrar and such clerks and other employees as are necessary for the carrying out of its duties and functions, and may pay to any person so appointed such salary or remuneration as the Board thinks fit.

Appointment of officers.

(2) The registrar shall be charged with the custody of the register.

Duties and powers of Board.  
Amended by No. 44 of 1953, s. 6.

8. Subject to this Act the duties and powers of the Board shall be:—

- (a) to determine the course of training (including practical experience in the work of a builder) and the examination mentioned in Item (I) of subparagraph (iv) of paragraph (b) of subsection (1) of section ten of this Act;
- (b) to compile and keep a register containing the names, addresses, qualifications, and other prescribed particulars of persons who are admitted to the register pursuant to this Act, and to publish a copy of the same, and of any supplementary list pursuant to this Act;
- (c) to issue or cancel certificates of registration;
- (d) to cancel or suspend the registration of any person under this Act;
- (e) to annul such cancellation or suspension;
- (f) to take proceedings for offences against this Act; and
- (g) generally, to carry out the provisions of this Act.

Builders' Register.  
Amended by No. 54 of 1961, s. 7.

9. (1) The Board shall cause to be kept a register of builders (to be called the Register of Builders), which shall be in the prescribed form.

Entries.

(2) The entry in the register shall in such case indicate the qualifications or other matters in virtue of which the entry was made.

Register to be gazetted.

(3) The Board shall, in the month of July in every year in which the Minister so directs, cause a copy of the register, corrected to the thirty-first day of December then last past to be published in the *Government Gazette*.

(4) In the month of July in each year in which a copy of the register is not published, the Board shall publish in the *Government Gazette* a supplementary list showing all alterations, additions, revisions, and removals made in the register during the twelve months ended on the thirty-first day of December then last past.

Supplementary lists.

(5) Every supplementary list so published shall be deemed to be part of the last published copy of the register, and such last published copy shall be read and construed as subject to every such list.

Published copies and lists to be read together.

(6) Any copy of the register, or of any such supplementary list published as aforesaid, shall be *prima facie* evidence of the facts therein stated, and the absence of the name of any person from such published copy shall be *prima facie* evidence that such person is not or was not registered under this Act (as the case may be).

Evidence.

(7) A certificate that any person is or is not or was or was not registered under this Act shall, if signed by the registrar, be *prima facie* evidence of the facts therein stated.

Certificate.

9A. A person who is

- (a) a member of The Royal Australian Institute of Architects (West Australian Chapter);
- (b) registered under the Architects Act 1921;
- (c) a member of The Institution of Engineers, Australia (Perth Division); or
- (d) a member of The Australasian Institute of Mining and Metallurgy;

Registration of architects and engineers without necessity of completing course or passing examinations.  
Added by No. 61 of 1959, s. 6.  
Amended by No. 54 of 1961, s. 8; No. 97 of 1975, s. 5.

and who applies to be registered under the Act shall be entitled to be so registered if and when—

- (e) he pays the prescribed fee for such registration; and
- (f) he satisfies the Board that he has had five years' experience in supervising building construction or in assisting in the supervision of building construction.

*Builders' Registration.*

Who may be registered.  
 Repealed and re-enacted by No. 43 of 1940, s. 4.  
 Amended by No. 14 of 1945, s. 2; No. 24 of 1948, s. 5; No. 44 of 1953, s. 7; No. 63 of 1956, s. 5; No. 54 of 1961, s. 9; No. 29 of 1966, s. 6; No. 41 of 1968, s. 7; No. 97 of 1975, s. 6; No. 91 of 1979, s. 7.

10. (1) Any person, not being a company or any other body corporate, who applies to be registered under this section as a registered builder shall be entitled to be so registered if and when—

- (a) he has paid the prescribed fees for such registration; and
- (b) he has satisfied the Board that he—
  - (i) has attained the age of twenty-one years; and
  - (ii) [*Deleted by No. 29 of 1966, s. 6.*]
  - (iii) is a person of good character; and
  - (iv) (I) has completed the prescribed course of training, including practical experience for a period of at least seven years, or for periods aggregating at least seven years, in the work of a builder, or as a supervisor of building work, and has passed the examination prescribed for applicants for registration as registered builders;
  - (II) although not having complied with the requirements of item (I) of this subparagraph has nevertheless had such experience in the work of a builder elsewhere than in the State, as to render him in the opinion of the Board, arrived at in such manner as the Board thinks fit, competent to carry out building;
  - (III) although not having complied with the requirements of item (I) or item (II) of this subparagraph has nevertheless had such experience in the work of a builder within the State, but outside the area to which this



Act applies, as to render him in the opinion of the Board, arrived at in such manner as the Board thinks fit, competent to carry out building;

- (IV) although not having complied with the requirements of item (I), (II) or (III) of this subparagraph has nevertheless had at least five years' practical experience in the work of building construction and has obtained corporate membership of the Australian Institute of Building; or
- (V) although not having complied with the requirements of item (I), (II), (III) or (IV) of this subparagraph has nevertheless had five years' experience in the work of building construction as a manager or supervisor and satisfies the Board that he is fit and competent to carry out building work,

but for the purpose of this subsection—

- (c) a person who relies in his application on the provisions of item (II) of subparagraph (iv) of paragraph (b) of this subsection shall not be entitled to be so registered unless he satisfies the Board that he was not, on the date of the coming into operation of the Builders' Registration Act Amendment Act 1961, a resident of the State; and
- (d) a person who relies in his application on the provisions of item (III) of subparagraph (iv) of paragraph (b) of this subsection shall not be entitled to be so registered unless he satisfies the Board that he was not, on the date specified in paragraph (c) of this subsection, a resident of the area of the State to which this Act applied on that date.

(1a) [*Repealed by No. 97 of 1975, s. 6.*]

(1b) [*Repealed by No. 97 of 1975, s. 6.*]

(1c) [*Repealed by No. 97 of 1975, s. 6.*]

(2) Any partnership or any company or other body corporate which applies to be registered under this Act shall, subject as hereafter provided, be entitled to be so registered if and when—

(a) it has paid the prescribed fees for such registration; and

(b) it has satisfied the Board that—

(i) it is duly authorized to engage in the business of trading as a builder; and

(ii) there is already registered under this Act 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 in such a manner and with such duties and responsibilities by the partnership or the company or the body corporate to manage and supervise the building work undertaken by the partnership or the company or the body corporate as in the opinion of the Board will ensure the proper management and supervision of the building work.

(3) Notwithstanding anything to the contrary contained in this Act, the registration under this Act of a partnership or a company or other body corporate pursuant to subsection (2) of 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 (2) of this section, by the partnership or the company or the body corporate aforesaid to manage and supervise the building work undertaken by it continues to be registered under this Act.

(4) Every registered builder shall affix or erect on all works under his control a sign of reasonable dimensions showing in easily legible letters and figures his name and registered number.

10A. (1) On and after the coming into operation of the Builders' Registration Act Amendment Act 1961, no person shall be registered or continue to be registered as registered builder—class B under the provisions of this section as enacted prior to the coming into operation of that Act.

Conditional registration.

Added by No. 44 of 1953, s. 8.

Amended by No. 63 of 1956, s. 6;

No. 61 of 1959, s. 7;

No. 54 of 1961, s. 10;

No. 29 of 1966, s. 7;

No. 97 of 1975, s. 7.

(2) Every person who immediately prior to the coming into operation of the Builders' Registration Act Amendment Act 1961, was registered as a registered builder—class B under the provisions of this section as enacted prior to the coming into operation of that Act shall be and be deemed to be a journeyman builder, and unless he becomes registered as a registered builder under section ten of this Act, shall continue to be a journeyman builder under this section so long as in each year, the first of which shall commence on the first day of January, one thousand nine hundred and sixty-two, he—

Journeyman builders.

- (a) pays the annual registration fee prescribed by subsection (3) of section twenty-two of this Act; and
- (b) complies with the requirements of this Act in general so far as they relate to journeyman builders, and of subsections (3) and (4) of this section in particular.

*Builders' Registration.*

(2a) Any person who at the time of the coming into operation of the Builders' Registration Act Amendment Act 1961, has under the provisions of this section as enacted prior to the coming into operation of that Act—

- (a) passed the examination prescribed for applicants for registration as builders—class B, but is not registered under those provisions as a builder—class B; or
- (b) taken in the month of November, one thousand nine hundred and sixty-one, the examination prescribed for applicants for registration as builders—class B but the results of such examination are not yet known,

shall, if and when that person has completed the course of training prescribed for applicants for registration as builders—class B under those provisions, be and be deemed to be a person to whom the provisions of subsection (2) of this section apply, subject however in the case of a person referred to in paragraph (b) of this subsection, to his passing the examination therein mentioned or any supplementary examinations granted in respect of that examination.

(3) The conditions of registration under this section are that the person registered—

- (a) shall not, unless he does so for himself and not for the purpose of the immediate sale of the building, execute, or contract or engage to execute, in the area to which this Act applies the erection, construction, alteration, repair, addition to, or improvement of, a building if the cost of executing the work, including the cost of supplying the necessary materials and rendering the necessary services, is reasonably likely when the work is commenced to exceed thirty thousand dollars, whether he contracts or engages to execute the work under one or more than one contract or engagement; and

- (b) shall comply with the requirements of notices served upon him under subsection (4) of this section.

(4) (a) By notice in writing served upon a person registered under this section, the Board may, from time to time, require him to supply to the Board within seven days of the service of the notice upon him or such longer time as the Board specifies in the notice or allows, such particulars, relating to a contract or engagement entered into, or to work executed or being executed, by him in connection with a building in the area to which this Act applies, as the Board specifies in the notice.

(b) By the same or a subsequent notice the Board may require the person registered under this subsection to verify by statutory declaration all or any of the particulars he is required to supply under this subsection.

(c) A person who, having been required under this subsection to make a statutory declaration, makes in the declaration a statement which in any material particular is to his knowledge, false, commits an offence.

Penalty: Four hundred dollars or twelve months' imprisonment.

(5) [*Repealed by No. 54 of 1961, s. 10.*]

**10B.** Where any building work is carried out by a partnership, the partners therein shall cause—

- (a) the building work 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 all advertisements, if any, published by or on behalf of the partnership in respect of the building work; and

Building work by partnership to be under management and supervision of registered builder.  
Added by No. 61 of 1959, s. 8.  
Amended by No. 54 of 1961, s. 11; No. 29 of 1966, s. 8; No. 41 of 1968, s. 8; No. 97 of 1975, s. 8; No. 91 of 1979, s. 8.

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- (ii) in any sign affixed or erected on the building work pursuant to subsection (4) of section ten of this Act or otherwise.

Penalty: Two hundred dollars.

Details of person supervising and managing building work constructed by company to be supplied in advertisements and signs on building site.

Added by No. 61 of 1959, s. 8.

Amended by No. 54 of 1961, s. 12; No. 29 of 1966, s. 9; No. 41 of 1968, s. 9; No. 97 of 1975, s. 8; No. 91 of 1979, s. 9.

**10C.** Where any building work is carried out by a company or body corporate, the company or body corporate shall cause the building work 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 the company or body corporate shall cause the name and registered number of that person to appear—

- (a) in all advertisements, if any, published by or on behalf of the company or body corporate in respect of the building work; and
- (b) in any sign affixed or erected on the building work pursuant to subsection (4) of section ten of this Act or otherwise.

Penalty: Two hundred dollars.

Standard of management and supervision.

Added by No. 97 of 1975, s. 10.

**10CA.** The requirement for the management and supervision of any building work prescribed by section ten B and section ten C of this Act shall not have been complied with unless it can be shown that the management and supervision was sufficient to ensure that the whole of the building work was carried out in a proficient and workmanlike manner.

Ss. 10B and 10C not to derogate from other provisions of this Act.  
Added by No. 61 of 1959, s. 8.

**10D.** The penalties imposed by the provisions of sections ten B and ten C of this Act are in addition to and not in derogation of any penalty, suspension or cancellation of registration imposed by any other provisions of this Act.

11.\* (1) Any applicant for registration under this Act whose application has been refused by the Board shall be entitled, on demand, to be furnished in writing with the reason or reasons for such refusal.

Appeal against refusal of Board to register. Added by No. 43 of 1940, s. 6. Amended by No. 44 of 1953, s. 9. Cf. s. 14 of this reprint.

(2) Within fourteen days of receipt by the applicant of such reasons, he or it may appeal to the magistrate of the nearest local court against the decision of the Board by notice in writing of his or its intention so to do, at a day not less than ten days after service of such notice on the Board.

(3) The magistrate of the local court may allow such appeal or dismiss same, and, in the event of allowing such appeal, may direct the Board to register the appellant under this Act, in accordance with the provisions thereof.

(4) The magistrate of the local court may award costs to the successful party.

(5) The appellant may adduce all such evidence at the hearing of the appeal of which he has given the Board seven days' notice before the date fixed for the hearing, but not further or otherwise.

12. (1) The course of training including practical experience in the work of a builder and the examination mentioned in item (I) of subparagraph (iv) of paragraph (b) of subsection (1) of section ten of this Act shall be prescribed by the Board, who shall conduct or supervise the conduct of such examinations at such times and places as the Board may appoint.

Course of training and examinations to be prescribed by the Board. No. 29 of 1939, s. 11. Amended by No. 44 of 1953, s. 10.

(2) All costs and expenses connected with or incidental to the conduct of such examinations shall be paid by the board.

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\* The provisions of this section were enacted by section 6 of No. 43 of 1940 and were incorporated and numbered as section 11 in the Builders' Registration Act 1939-1940, as reprinted and published in Volume 2 of the Reprinted Acts of the Parliament of Western Australia, 1943.

Order to  
remedy  
unsatisfac-  
tory building  
work.  
Added by  
No. 58 of  
1970, s 2.  
Amended by  
No. 97 of  
1975, s. 11.

**12A.** (1) Where the Board is satisfied that any building work has not been carried out in a proper and workmanlike manner by reason that the building work is faulty or unsatisfactory the Board may by order in writing served on the person who carried out the building work order him to—

- (a) remedy the faulty or unsatisfactory building work within such reasonable time as is specified in the order; or
- (b) pay to the owner of the building such costs of remedying the building work that is faulty or unsatisfactory as the Board considers reasonable in which case any costs so ordered by the Board constitute a debt to the owner and are recoverable by him in a court of competent jurisdiction.

(1a) Where, on complaint being made to it by a person for whom building work has been carried out, the Board is satisfied that in some respect (other than its being faulty or unsatisfactory) the building work has not been carried out in a proper and workmanlike manner the Board may, having regard to the extent of the failure to carry out the building work in a proper and workmanlike manner in relation to the whole of the building work, by order in writing served on the person who carried out the building work order him to—

- (a) remedy the building work that has not been carried out in a proper and workmanlike manner within such reasonable time as is specified in the order; or
- (b) pay to the person for whom the building work was carried out—
  - (i) such costs of remedying the building work that has not been carried out in a proper and workmanlike manner as the Board considers is reasonable; or



- (ii) such sum of money as the Board considers reasonable to compensate him for the failure to carry out the building work in a proper and workmanlike manner,

and any costs or sum of money so ordered to be paid constitutes a debt due to the person to whom it is so ordered to be paid and is recoverable by him in a court of competent jurisdiction.

(1b) The provisions of subsections (1) and (1a) of this section apply to and in relation to building work carried out by any person, whether a builder or not, and whether registered under this Act or not.

(1c) Nothing in paragraph (A) of subsection (1) of section four of this Act precludes a person who is not registered as a builder under this Act from carrying out an order of the Board made pursuant to paragraph (a) of subsection (1) or (1a) of this section.

(2) A person on whom or on which an order has been served pursuant to subsection (1) or (1a) of this section may, within the period of twenty-one days after service of the order, appeal to the magistrate of the nearest local court against the making of the order or any matter contained therein, by causing notice in writing of the appeal to be served within that period upon the court and the Board.

(3) At the hearing of an appeal duly made under subsection (2) of this section, the magistrate may—

- (a) set aside wholly or vary in any way the order of the Board; or
- (b) decline to set aside or vary the order of the Board,

and may make such order as to the costs of the appeal as he thinks fit, and the decision of the magistrate is final and not subject to any appeal.

(4) Any person who fails to comply with—

(a) the terms of an order of the Board made under this section, in any case where no appeal was duly made against the making of the order or where such an appeal was made but the order was not set aside or varied at the hearing of the appeal; or

(b) the terms of an order of the Board made under this section as varied by a magistrate at the hearing of an appeal brought against the making of the order,

commits an offence.

Penalty: Five hundred dollars.

(5) The making of an order by the Board under this section in respect of any building work carried out by a builder does not, irrespective of whether an appeal is made against the making of the order or of the manner in which the appeal is disposed of, limit or affect in any way the power of the Board to deal with that or any other builder under section thirteen of this Act in connection with the performance, carrying out or completion of the building work which the order required to be remedied.

(6) Nothing in this section has the effect of limiting, restricting or otherwise affecting any right or remedy a person would have had had this section not been enacted but in hearing and determining any matter in which a builder or other person against whom or which an order has been made under this section and a person for whom building work has been carried out are parties a court may have regard to any order made by the Board under this section and any variation of such an order made by a magistrate under this section.

12B. Where—

- (a) a person for whom building work was carried out by a builder had complained to the Board that the building work was not carried out in a proper and workmanlike manner; and
- (b) the Board is satisfied after investigating the matter (whether or not the Board also conducts a formal inquiry under section thirteen of this Act) that the complaint was frivolous or was not made in good faith,

Board may recover costs of investigation of frivolous or vexatious complaints.  
Added by No. 97 of 1975, s. 12.

the Board may order the person who made the complaint to pay to it the Board's reasonable costs of investigating the matter and the amount certified by the Board to be its reasonable costs of investigation may be recovered by the Board from that person as a debt due to the Board in any court of competent jurisdiction.

12C. Any builder may request the Board to examine any building work performed by him and the Board may if it thinks fit give effect to such request.

Builder may request Board to investigate work.  
Added by No. 97 of 1975, s. 13.

13. (1) The Board may cancel or suspend registration of any builder under this Act—

- (a) where such registration has been obtained by fraud or misrepresentation; or
- (b) when after such registration such builder has been convicted of any crime or misdemeanour or of any offence which, if committed in Western Australia, would be a crime or misdemeanour; or
- (c) who has been guilty of any negligence or incompetence in connection with the performance of any building work or who has been convicted of any offence against this Act or any regulation; or
- (ca) where the builder is a partnership, company or other body corporate, the building work carried out has not been

Cancellation of registration for fraud or on other grounds.  
No. 29 of 1939, s. 12.  
Amended by No. 44 of 1953, s. 11; No. 54 of 1961, s. 13; No. 41 of 1968, s. 10; No. 97 of 1975, s. 14.

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managed and supervised by the partnership, company or other body corporate, as the case may be, as required by section ten B of this Act; or

- (cb) who has made any statement or representation with respect to the provision of finance or the terms or charges therefor that is to his knowledge false in a material particular, for the purpose of inducing a person to enter into a contract for the carrying out or completion of any building work or for the purpose of inducing a person to purchase any land on which building work has been carried out by the builder; or
- (d) who has been guilty of any fraudulent conduct in regard to the carrying out or completion of any building work; or
- (e) who, being a journeyman builder under this Act, does not comply with the conditions of his registration; or
- (f) where the builder is a partnership or a company or other body corporate and the registration of the partner or the director of the company or the member of the board of management of the body corporate (as the case may be) who is the registered builder, or of the registered builder who is employed by the partnership or the company or the body corporate to manage and supervise the building work undertaken by it, is cancelled or suspended under this Act;

and upon the making of the order of cancellation, or (as the case may be) during the period specified in the order of suspension, such builder shall cease to be registered under this Act.

(1a) 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 (c) or (d) 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 building work to which the inquiry related was, or was required by this Act to be, managed and supervised.

(1b) Upon the making of an order of cancellation under subsection (1a) 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.

(1c) The Board shall not cancel or suspend the registration of a person under subsection (1a) 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 (3) 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.

(2) By order of the Board the cancellation or suspension of the registration of any builder may at any time, and for such reason and upon such terms as the Board thinks fit, be annulled. A builder whose registration has been suspended or cancelled may at any time after the expiration of three months from the date of such cancellation apply to the Board to annul such cancellation.

(3) Before cancelling or suspending the registration of any builder under subsection (1) of this section, the Board shall—

- (a) send to such builder by post or registered letter, notice in writing of the complaint against the builder; and
- (b) hold full inquiry into the matter and afford such builder an opportunity of giving an explanation personally or in writing.

Appeal from decision of Board.  
No. 29 of 1939, s. 13.  
Cf. s. 11 of this reprint.  
Amended by No. 54 of 1961, s. 14.

14. (1) Any builder who feels aggrieved by any decision of the Board in withholding or refusing, cancelling, or suspending his registration, or in refusing to annul the cancellation or suspension of his registration, may appeal therefrom to a stipendiary magistrate within one month after the date of such decision.

(2) Such magistrate may decide the appeal on any notes of evidence taken by the Board, or may deal with the matter by way of rehearing, and for that purpose may take evidence on oath or affirmation, in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction. The decision of the magistrate shall be final and conclusive.

Fraudulently obtaining certificate, etc., falsifying register, etc.  
No. 29 of 1939, s. 14.  
Amended by No. 29 of 1966, s. 10.

15. Any person—

- (a) who procures or attempts to procure registration or a certificate under this Act by making or producing or causing to be made or produced any false and fraudulent declaration, certificate, or representation, either in writing or otherwise; or
- (b) who wilfully makes or causes to be made any falsification in or in any manner relating to the register,

shall be guilty of an offence, and shall be liable to a fine not exceeding two hundred dollars, or be imprisoned for any term of not more than twelve months.

Penalty for disobedience of order of Board or breach of regulations.  
No. 29 of 1939, s. 15.  
Amended by No. 44 of 1953, s. 12; No. 54 of 1961, s. 15; No. 29 of 1966, s. 11.

16. Save as otherwise expressly provided, any registered builder or journeyman builder who—

- (a) fails, neglects, or refuses to comply with any lawful direction of the Board made pursuant to this Act or any regulation; or
- (b) is guilty of a contravention of any regulation; or

(c) does not comply with the conditions of his registration,  
shall be liable to a penalty of not more than fifty dollars.

17. (1) For the purpose of conducting any investigations or inquiry authorized to be made under this Act, the Board shall have power to compel the attendance of witnesses, and may administer oaths and affirmations.

Powers conferred on Board in conducting investigation. No. 29 of 1939, s. 16.

(2) Without limiting the generality of subsection (1) of this section the Board may for the purposes of any such investigation or inquiry take a statutory declaration from any witness or other person.

18. (1) It shall be lawful for any member of the Board, or for any officer of the Board authorized in that behalf by writing under the hand of the chairman of the Board, to enter the premises of any local authority at any time when such premises are open for business, and to examine and make copies of or extracts from all books, papers, records, documents, and other entries of the local authority relating to applications for and the issue of building licenses by the local authority for the purpose of obtaining any information which the Board requires.

Local authorities to furnish information to the Board.

Added by No. 43 of 1940, s. 5, as s.16A.

Amended by No. 29 of 1966, s. 12; No. 41 of 1968, s. 11.

(2) If any member or officer or servant of a local authority hinders or obstructs or attempts to hinder or obstruct any member or officer of the Board in the lawful exercise by him of the powers conferred by subsection (1) of this section, he shall be guilty of an offence.

Penalty: Two hundred dollars.

19. (1) Any builder whose registration has been cancelled or suspended shall within fourteen days from the notification to such builder of such cancellation or suspension surrender to the Board every certificate issued to such builder under this Act.

Return of certificates.

No. 29 of 1939, s. 17.

Amended by

No. 24 of

1948, s. 6;

No. 54 of

1961, s. 16;

No. 29 of

1966, s. 13.

(2) On failure to do so, such builder shall be liable to a penalty of not more than fifty dollars.

(3) The cancellation or suspension of the registration of any builder shall be effectual, notwithstanding such failure to surrender any certificate.

Signature of  
chairman.  
No. 29 of  
1939, s. 18.  
Amended by  
No. 29 of  
1966, s. 14.

20. In any legal proceedings, any signature, which purports to be the signature of any person who is or has been chairman or member of the Board or registrar shall, if such signature is attached to any certificate of registration or any document under this Act, and in the absence of proof to the contrary, be deemed to be the signature of such person.

Right of  
entry and  
inspection.  
Added by  
No. 58 of  
1970, s. 3.

20A. (1) Any member of the Board, or person authorized in writing in that behalf by the chairman of the Board, may at any time enter upon any land on which any building work is being carried out and inspect the building work.

(2) A person who in any way resists, obstructs, impedes or delays a member of the Board or other person authorized under subsection (1) of this section, in the exercise of his powers conferred by that subsection commits an offence.

Proceedings  
under this  
Act.  
No. 29 of  
1939, s. 19.  
Amended by  
No. 91 of  
1979, s. 10.

21. (1) Any proceedings under this Act may be taken by the registrar or by any other person authorized by the Board, either generally or in any particular case; and in any such proceedings no proof shall, until evidence is given to the contrary, be required of any such authority having been given by the Board.

(2) In any legal proceedings, civil or criminal, instituted by or under the direction of or against the Board, a certificate purporting to be signed by the chairman of the Board and stating that—

(a) the persons named in that certificate constituted the Board on the date specified in that certificate;



- (b) a resolution, order or act set out or described in that certificate was passed, made or done by the Board on the date specified in that certificate;
- (c) the registrar or a clerk or other employee of the Board was appointed specially or generally by the Board on the date specified in that certificate to represent or to prosecute on behalf of the Board in those proceedings;
- (d) the registrar or a clerk or other employee of the Board was authorized to prosecute in those proceedings;
- (e) any member of the Board or the registrar or a clerk or other employee of the Board was duly nominated or appointed as such on the date specified in that certificate; or
- (f) a quorum of the Board was present at the passing of any resolution, making of any order or doing of any act by the Board,

shall be *prima facie* evidence of the facts so stated on its mere production by any person in those proceedings.

21A. Where an offence is committed under this Act complaints may be made within twelve months from the time that the offence was committed.

Limitation of proceedings. Cf. No. 11 of 1902 as amended s. 51. Added by No. 44 of 1953, s. 13.

22. (1) There shall be paid to the Board by every candidate for examination or applicant for registration, or for any certificate, such fees as the Board, with the approval of the Governor, prescribes.

Fees and expenses. No. 29 of 1939, s. 20. Amended by No. 44 of 1953, s. 14; No. 61 of 1959, s. 9; No. 54 of 1961, s. 17; No. 29 of 1966, s. 15; No. 97 of 1975, s. 15.

(2) [*Repealed by No. 97 of 1975, s. 15.*]

(3) There shall also be paid to the Board on or before the first day of February in each year by every registered builder or journeyman builder such fee as the Minister determines; and if any such

builder in any year makes default in paying such fee, the registration of such builder may be suspended, but if the builder gives a satisfactory explanation of such default, the suspension of such registration shall be annulled on payment of such annual fee, together with such additional fee (if any), not exceeding one dollar, as the Board directs.

(4) All fees and penalties paid or recovered under this Act shall be paid to the Board.

(5) The Board shall—

(a) apply such fees and penalties to—

(i) the payment of expenses connected with or incidental to the examination of candidates and to the general expenses (including the payment of fees to members of the Board for attendance at meetings) of the Board in carrying this Act into execution;

(ii) the provision of scholarships for the technical training of persons employed or to be employed in the building trade, or any trade incidental thereto.

Financial  
statement  
and audit  
thereof and  
annual  
report.  
No. 29 of  
1939, s. 21.

23. (1) The Board shall as soon as practicable after the thirty-first day of December in each year, and not later than the last day of February next following, prepare a financial statement made up to that date, showing the assets and liabilities and the receipts and expenditure of the Board during the preceding twelve months, which statement shall be audited by a qualified auditor.

(2) The Board shall—

(a) submit a copy of the statement so audited to the Minister; and

(b) present to the Minister on or before the thirty-first day of March in each year, a report of its proceedings under this Act up to the preceding thirty-first day of December.

24. (1) The Board, with the approval of the Governor, may make regulations for or with respect to—

Power to make regulations. No. 29 of 1933, s. 22. Amended by No. 54 of 1961, s. 18; No. 41 of 1968, s. 12.

- (a) the time for and mode of nominating members of the Board;
- (b) regulating the conduct of the business of the Board;
- (c) the register or registration therein and the issue and cancellation of certificates of registration;
- (d) the method of admission to the register of persons who at the commencement of this Act are *bona fide* carrying on the business of a builder;
- (e) the fees payable under this Act;
- (ea) requiring local authorities to give notice in the prescribed manner of the issue of building licenses;
- (f) the particulars required to be given in any notice under this Act;
- (g) any forms to be used under this Act, and any such form or forms to the like effect shall be sufficient in law;
- (h) any matters authorized by this Act to be prescribed;
- (i) granting a temporary license to any approved inter-State builder upon his satisfying the Board of his possessing the requisite qualifications; and
- (j) generally any matters or things necessary or convenient to be prescribed for the due and proper carrying out of the provisions of this Act.

(2) Any such regulations may without prejudice to any other method of revocation be revoked by Order of the Governor in Council.

Power of Governor in Council to revoke regulations.

Schedule.  
Substituted  
by G.G.  
21/3/80,  
p.p. 986-9.

**SCHEDULE.**

(Section 3)

**AREA WITHIN WHICH THIS ACT APPLIES.**

All that portion of land bounded by lines starting from the intersection of the Low Water Mark of the Indian Ocean with the prolongation westerly of the northern boundary of Swan Location 1370 and extending easterly to and along that boundary and onwards to the northwestern corner of Location 781; thence easterly along the northern boundary of that location and the northernmost northern boundary of Location 2817 and onwards to a northeastern side of Wanneroo Road; thence generally southeasterly along sides of that road to a line joining the southeastern corner of Location 3120 with the southwestern corner of the southern severance of Location 1993; thence easterly along that line to the last mentioned corner; thence easterly along the southern boundary of the last mentioned severance to its southernmost southeastern corner; thence easterly along a line joining the last mentioned corner with the southwestern corner of Location 3696 to the prolongation northerly of the eastern boundary of Late Location 2001; thence southerly to and along that boundary and onwards to the prolongation easterly of the southern boundary of Location 5608; thence easterly along that prolongation to the prolongation northerly of the eastern boundary of Location 2634; thence southerly to and along that boundary and onwards to the prolongation westerly of the northern boundary of Location 2478; thence easterly along that prolongation to the prolongation northerly of the eastern boundary of the northeastern severance of Location 1866; thence southerly to and along that boundary and the eastern boundary of the eastern severance of Location 1584 to the easternmost northeastern corner of the southern severance of Location 1866; thence southerly along the easternmost eastern boundary of that severance and onwards to the northern boundary of Location 1933; thence westerly, southerly and easterly along boundaries of that location to the prolongation northerly of the eastern boundary of Location 5199; thence southerly to and along that boundary and onwards to the northwestern corner of Location 2515; thence southerly along the western boundary of that location and onwards to the southern boundary of Lot 97 of Location 1315 as shown on Land Titles Office Diagram 55514; thence westerly along that boundary to an eastern side of Alexander Drive, thence generally southerly along sides of that drive to the northern boundary of Location G; thence easterly along that boundary and onwards to the left bank of the Swan River; thence generally northerly and generally easterly upwards along that bank to the northeastern corner of Lot 2 of Location 2 as shown on Land Titles Office Diagram 5821; thence generally southeasterly along northeastern boundaries of that lot to a northern boundary of Location 4; thence

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SCHEDULE—*continued.*

easterly, southerly and westerly along boundaries of that location to the northwestern corner of Lot 312 of Location 5 as shown on Land Titles Office Plan 5694; thence southerly along the western boundary of that lot and onwards to the northernmost northwestern corner of the southern severance of Lot 1 of Locations 5 and 5A; thence southerly along the western boundary of that severance and the western boundary of the northern severance of Lot 315 of Location 5A and onwards to the northern corner of the southern severance of the last mentioned lot; thence southerly along the western boundary of that severance and the western boundary of Lot 317 of Locations 5A and 6 to the northern boundary of Lot 321 of Location 6; thence westerly and southerly along boundaries of that lot to a northern boundary of Lot 11 of Location 1317, as shown on Land Titles Office Diagram 3047; thence westerly, southerly, easterly, again southerly, again westerly, again southerly, again westerly, and again southerly along boundaries of that lot to the northern boundary of Location 1253; thence easterly and southerly along boundaries of that location and onwards to the northern boundary of Location 3264; thence easterly along that boundary and the northern boundary of Location 1895 and onwards to the northwestern corner of Reserve 11140; thence easterly along the northern boundary of that reserve and the northern boundaries of Locations 7762 and 2746 and onwards to the northwestern corner of the western severance of Location 1884; thence easterly along the northern boundary of that severance and onwards to a northeastern side of Roland Road; thence generally northerly along sides of that road to the southern side of Cameron Road; thence easterly along that side to a western side of Stoneville Road; thence generally southeasterly and southwesterly along sides of that road to the prolongation westerly of the southern boundary of Lot 18 of Location 1310 as shown on Land Titles Office Plan 5646; thence easterly to and along that boundary to the northwestern corner of Lot 20; thence southerly along the western boundary of that lot to the northern boundary of the easternmost eastern severance of Location 12; thence easterly, southerly and westerly along boundaries of that severance to the northeastern corner of Location 2044; thence southerly along eastern boundaries of that location and Location 2045 to the northern boundary of Location 2086; thence easterly, southerly and westerly along boundaries of that location to the eastern boundary of the southern severance of Location 1956; thence southerly and westerly along boundaries of that severance to the northeastern corner of the northern severance of Location 1850; thence southerly along the eastern boundary of that severance and onwards to the northeastern corner of the southern severance of the last mentioned location; thence southerly along the eastern boundary of that severance to the northwestern corner of Location 1995; thence easterly and southerly along boundaries of that location to a northern boundary of Location 8996; thence easterly along that boundary to the

*Builders' Registration.*SCHEDULE—*continued.*

prolongation northerly of the western boundary of Location 1828; thence southerly to and along that boundary to the northern side of Stoneleigh Road; thence easterly along that side to a northwestern side of Sexton Street; thence northeasterly along that side to the prolongation westerly of the northern side of Horace Street; thence easterly to and along that side and the northern boundary of Location 1868 and onwards to a southeastern side of Sawyers Road; thence generally southerly and southwesterly along sides of that road and onwards to the northern corner of the southern severance of Reserve 7899; thence generally southwesterly, southerly and generally northeasterly along boundaries of that reserve and onwards to the southwestern corner of Location 1861; thence northeasterly along the northwestern boundaries of that location and Locations 1814 and 1857 and onwards to a northeastern boundary of Location 8948; thence generally northerly and easterly along boundaries of that location to the southwestern corner of the northern severance of Reserve 7889; thence easterly along the southern boundary of that severance and onwards to and along the southern side of Alps Street to the northwestern corner of Location 1867; thence southerly and easterly along the boundaries of that location to a northwestern corner of Location 1829; thence southerly along the western boundary of that location and onwards to the southern side of Great Eastern Highway; thence generally northeasterly along sides of that highway to the prolongation southwesterly of a southeastern side of Bambrook Street; thence northeasterly to and generally northeasterly along sides of that street to the northwestern corner of Sawyers Valley Lot 123; thence easterly and southerly along boundaries of that lot and southerly along the eastern boundary of Lot 150 to a northern side of Great Eastern Highway; thence generally easterly along sides of that highway to a northwestern boundary of the Coolgardie Water Supply Catchment Area; thence generally southwesterly and generally northwesterly along boundaries of that catchment area to the prolongation southerly of the western boundary of Lot 53; thence northerly to and along that boundary to the southern side of Helena Terrace; thence generally southwesterly along sides of that Terrace to the northernmost northwestern corner of the northern severance of Mundaring Suburban Lot 100; thence easterly and southwesterly along boundaries of that severance and onwards to and along the southeastern and southern boundary of the southern severance of the last mentioned lot to the southeastern corner of the southern severance of Lot 99; thence northwesterly along the southern boundary of that severance and the southern boundary of Lot 98 to the northeastern boundary of Mahogany Creek Lot 51; thence southeasterly and southwesterly along boundaries of that lot and southwesterly along the southeastern boundary of Lot 52 and onwards to the southeastern corner of Swan Location 1192; thence southwesterly along the southeastern boundary of that location to its southwestern corner, a point on a north-

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SCHEDULE—*continued.*

western boundary of the Coolgardie Water Supply Catchment Area; thence generally southerly, southeasterly and easterly along boundaries of that catchment area to an eastern side of Mundaring Weir Road; thence generally southerly along sides of that road to the prolongation easterly of the northern boundary of Location 4898; thence westerly to and westerly and generally southerly along boundaries of that location to its southwestern corner; thence south to the northern boundary of Location 3717; thence westerly and southwesterly along boundaries of that location to its southwestern corner; thence south to a northern boundary of Location 3328; thence westerly and southwesterly along boundaries of that location to the northern boundary of the northwestern severance of Location 2621; thence westerly along that boundary and the northern boundary of Location 990 to the northeastern corner of Location 1037; thence westerly and southerly along boundaries of that location to the northeastern corner of Location 5284; thence southwesterly and northwesterly along boundaries of that location to a line joining the southwestern corner of Location 1421 with the northwestern corner of the western severance of Reserve 5342; thence southerly along that line to the last mentioned corner; thence southerly along the western boundary of the western severance of Reserve 5342 to its southwestern corner; thence northwesterly to the southeastern corner of Helena Location 20a; thence westerly and northwesterly along boundaries of that location to the northernmost northwestern corner of Class A Reserve 21314; thence southerly along the westernmost western boundary of that reserve and the western boundary of Swan Location 1240 to the northwestern corner of Location 1473; thence southerly and easterly along boundaries of that location to the northwestern corner of Canning Location 1879; thence southerly along the western boundary of that location and the easternmost eastern boundary of Kalamunda Lot 441 to the northwestern corner of Canning Location 711; thence easterly and southerly along boundaries of that location and southerly along the eastern boundary of Location 563 to the northwestern corner of Location 972; thence easterly along the northern boundary of that location and onwards to the northwestern corner of Location 963; thence easterly and southerly along boundaries of that location to the northwestern corner of Location 961; thence easterly along the northern boundary of that location to its northeastern corner; thence northeasterly to the easternmost northeastern corner of the southwestern severance of Location 946; thence southerly along the eastern boundary of that severance and onwards to a southeastern side of Hummerston Road; thence southwesterly along that side to the northeastern corner of Location 903; thence generally southerly along eastern boundaries of that location to its southeastern corner; thence 177.97 metres easterly along the prolongation easterly of the southern boundary of the last mentioned location; thence southerly to the eastern corner of the southwestern severance of Location 393;

*Builders' Registration.*SCHEDULE—*continued.*

thence generally westerly along southern sides of Mundaring Weir Road to the eastern boundary of Location 383; thence southerly along that boundary to the northwestern corner of Location 742; thence easterly and southerly along boundaries of that location to the northernmost northwestern corner of Location 741; thence easterly and southerly along boundaries of that location and southerly along eastern boundaries of Locations 740 and 183 to the prolongation westerly of the northern boundary of Location 390; thence easterly to and along that boundary and onwards to a western boundary of Location 673; thence generally northerly, easterly and southerly along boundaries of that location to the northwestern corner of Location 363; thence easterly and southerly along boundaries of that location to the northwestern corner of Location 797; thence easterly along the northern boundaries of that location and Locations 796 and 795 to the northwestern corner of Location 794; thence easterly and southerly along boundaries of that location to the northwestern corner of Location 793; thence easterly along the northern boundary of that location to a southwestern boundary of the Coolgardie Water Supply Catchment Area; thence generally southeasterly along boundaries of that catchment area, generally southeasterly and generally southwesterly along boundaries of the Canning River Catchment Area, and generally southwesterly and generally northwesterly along boundaries of the Serpentine Catchment Area to the eastern boundary of Cockburn Sound Location 1727; thence northerly along that boundary to the southeastern corner of Location 2119; thence westerly and northerly along boundaries of that location to a southern side of Falls Road; thence generally westerly along sides of that road to the northernmost northwestern corner of the southern severance of Location 289; thence southerly and westerly along boundaries of that severance and onwards to and along the northern boundaries of Location 628 and Serpentine Town Lot 58 to its northwestern corner; thence northwesterly to the northeastern corner of Cockburn Sound Location 487; thence westerly along the northern boundaries of that location and Serpentine Agricultural Area Lot 92 and onwards to an eastern side of the South Western Railway Reserve; thence generally northerly along sides of that railway to the left bank of the Serpentine River; thence generally northwesterly downwards along that bank to an eastern side of Rapids Road; thence northerly along that side to the southwestern corner of the eastern severance of Cockburn Sound Location 732; thence northerly 219.92 metres along the western boundary of that severance; thence 334 degrees 12 minutes to a line parallel to and 40.23 metres northerly from the northern side of Lowlands Road; thence easterly along that line to a line parallel to and 40.23 metres southwesterly from the southwestern side of Lightbody Road; thence generally northwesterly along that line to the prolongation southerly of a line parallel to and 40.23 metres westerly from the western boundaries of Peel Estate Lots 275, 263,



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### SCHEDULE—*continued.*

1128, 262, 251 to 247 inclusive, 230, 229, 228, 214, 213, 197 and 196; thence northerly along that line and onwards to the southeastern boundary of Lot 106; thence southwesterly and northwesterly along boundaries of that lot to a line parallel to and 60.35 metres westerly from the western boundaries of Lots 195, 179 and 178; thence northerly along that line to the southern side of Rowley Road; thence westerly along that side and the northern boundaries of Lots 790 and 1308 to the northwestern corner of the last mentioned lot; thence generally southerly along boundaries of that lot and generally southwesterly and generally southerly along northwestern and western sides of Norkett Road and onwards to the northeastern corner of Lot 1306; thence generally southerly along the western boundaries of that lot and onwards to and along the western boundaries of a Late Tramway Reserve to the southeastern corner of Late Lot 622 as shown on Lands and Surveys Original Plan 2766; thence westerly along the southern boundary of that late lot to the prolongation northerly of the eastern boundary of Late Lot 1055; thence southerly to and along the eastern boundaries of that late lot and Late Lots 1056 to 1059 inclusive to the northeastern corner of Late Lot 1060; thence southerly and generally southwesterly along boundaries of that late lot and onwards to the southeastern corner of Late Lot 611; as surveyed and shown on Lands and Surveys Original Plan 2762; thence generally southwesterly along southeastern boundaries of that late lot, Late Lots 610 and 609 to the southwestern corner of the lastmentioned late lot; thence southerly along the prolongation southerly of the western boundary of Late Lot 609 to a southern side of Miller Road; thence generally westerly along sides of that road and onwards to a western side of Mandurah Road; thence generally southerly along sides of that road to the northern side of Anstey Road; thence westerly along that side and onwards to the Low Water Mark of the Indian Ocean; thence generally northerly along that Low Water Mark to the western extremity of the South Mole; thence northwesterly to the western extremity of the North Mole and thence generally northerly along the Low Water Mark of the Indian Ocean to the starting point.

Excluding the "Jarrahdale Country Water Area" as defined in the schedule gazetted on 29th March, 1968.

