



Western Australia

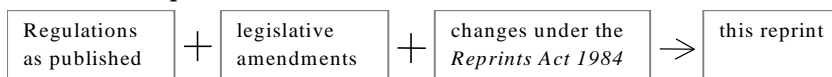
Builders' Registration Act 1939

# **Builders' Registration Regulations**

**Reprint 2: The regulations as at 17 February 2006**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## Builders' Registration Regulations

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### CONTENTS

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1.	Citation	1
1A.	Interpretation — limiting the definition of company	1
2.	Registration of body corporate	2
4.	Meetings of the Board	4
6.	Adjournment	4
7.	Register of Builders	4
8.	Application for registration	4
8A.	Application under section 4(1a)	6
8B.	Application for partnership to be registered	6
8C.	Application for body corporate to be registered	7
8D.	Statutory declaration to be completed	7
8E.	Prescribed manner of certifying payment of fee under section 4A(1)(c)(iii)	7
8F.	Prescribed period for furnishing particulars and remitting fee to Board under section 4B(2)	8
8G.	Prescribed particulars under section 4B(2)(a)	8
10.	Course of training and study	9
14.	Board may grant temporary licences	9
15.	Application for temporary licence	10
16.	Temporary licence may contain conditions	10
17.	Fees	11
18.	Threshold price for construction of building by unregistered person	11

Contents

---

19.	Prescribed fee for complaint or application to Disputes Tribunal (section 34A)	11
20.	Board to keep register of ineligible persons	12
21.	Prescribed amount of maximum fine under section 13A	13
22.	Prescribed offences and modified penalties (section 20B(2) and (4))	13
23.	Prescribed form of preliminary notice under section 12A(3)	14
24.	Prescribed form of infringement notice under section 20B(3)	14
25.	Prescribed form of notice withdrawing infringement notice under section 20B(7)	14

**First Appendix**

**Second Appendix — Fees**

**Notes**

Compilation table	44
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Reprinted under the  
*Reprints Act 1984* as  
at 17 February 2006

Western Australia

Builders' Registration Act 1939

## Builders' Registration Regulations

### 1. Citation

These regulations may be cited as the *Builders' Registration Regulations*<sup>1</sup>.

*[Regulation 1 amended in Gazette 31 Dec 1987 p. 4609.]*

### 1A. Interpretation — limiting the definition of company

(1) For the purposes of the definition of “Company” in section 2 of the Act, the following registered bodies are specified —

- (a) a registered Australian body that was formed or incorporated in the State;
- (b) a registered Australian body that was not formed or incorporated in the State and that does not have its head office or principal place of business in the State.

(2) In this regulation —

“**registered Australian body**” has the meaning given by the *Corporations Act 2001* of the Commonwealth.

*[Regulation 1A inserted in Gazette 28 Aug 2001 p. 4797.]*

*[Heading deleted in Gazette 31 Jul 2001 p. 3940.]*

**2. Registration of body corporate**

- (1) Where any incorporated body or company is trading as a builder, and, not being exempted under the provisions of section 4(2)(iii) of the Act, is required under the provisions of the Act to be registered as a builder before trading or continuing to trade as a builder, such incorporated body or company, if desirous of being so registered shall, by writing under its common seal nominate some person (being a trustee, director, member, or officer of such incorporated body or company who, if seeking registration as a builder for himself under the said Act, would be eligible and qualified to be so registered) to represent such incorporated body or company for the purposes of the registration of the said body or company.
- (2) The person nominated by the incorporated body or company as aforesaid may, in accordance with these regulations, apply to be registered as a builder for and on behalf of, and as the representative of the incorporated body or company by which he has been nominated, and, subject to being personally eligible and qualified for registration as a builder, such person may be registered as a builder accordingly.
- (3) When a person nominated as aforesaid has been registered as a builder for and on behalf of, and as the representative of the incorporated body or company by which he has been nominated and while he continues to be so registered the said incorporated body or company shall, for all the purposes of the Act and these regulations, be deemed to be registered as a builder; and also shall be in all respects responsible for and liable in respect of all the acts and omissions of the person nominated and registered as aforesaid, insofar as such acts and omissions are directly or indirectly related or incidental to the business and operations of the said incorporated body or company as a person trading as a builder.
- (4) When a person nominated as aforesaid has been registered as a builder for and on behalf of and as the representative of the incorporated body or company by which he has been nominated,

he shall, whilst he continues to be so registered, be personally responsible for and liable in respect of all his acts and omissions, insofar as such acts and omissions are directly or indirectly related or incidental to the business and operations of the incorporated body or company by which he has been nominated as aforesaid, as a person trading as a builder, to the same extent and in the same manner as if such person were registered as a builder for his own personal benefit.

- (5) Any incorporated body or company, who has nominated a person to be registered as a builder for and on its behalf and as its representative as provided for in this regulation, may, at any time by notice in writing under its common seal, addressed to the Registrar of the Board, and served upon such Registrar, cancel its nomination of such person.
- (6) Upon receipt of notice of cancellation of the nomination of a person by an incorporated body or company as provided for in paragraph (5), the Registrar shall forthwith cancel the registration of the person named in such notice and there upon such person and the said incorporated body or company shall cease to be registered as a builder or as a person trading as a builder within the meaning of the Act and these regulations.
- (7) Nothing in this regulation shall be deemed or be construed to confer upon any person nominated by an incorporated body or company and registered as a builder for and on behalf of and as the representative of such incorporated body or company any personal right or authority to trade as a builder for himself and for his own personal benefit. Any such person, if desirous of trading as a builder personally and for his own benefit shall be liable, in accordance with the Act and these regulations, to apply for and obtain personally registration as a person trading as a builder.

[3. *Repealed in Gazette 29 Aug 1986 p. 3205.*]

*[Heading deleted in Gazette 31 Jul 2001 p. 3940.]*

**4. Meetings of the Board**

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.

[5. *Repealed in Gazette 29 Aug 1986 p. 3205.*]

**6. Adjournment**

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.

*[Heading deleted in Gazette 31 Jul 2001 p. 3940.]*

[6A. *Repealed in Gazette 30 Dec 1983 p. 5135.*]

*[Heading deleted in Gazette 31 Jul 2001 p. 3940.]*

**7. Register of Builders**

The Register of Builders, to be kept by the Board in accordance with the Act, shall be in the Form No. 1 in the First Appendix.

*[Heading deleted in Gazette 31 Jul 2001 p. 3940.]*

**8. Application for registration**

- (1) Any person, not being a member of a partnership, a company or any other body corporate, who desires to be registered as a builder under the Act shall make application to the Board in writing, signed by him, in the Form No. 2 in the First Appendix.
- (2) The application shall —
  - (a) contain all the particulars required therein;



- (b) be accompanied by a financial statement —
    - (i) that includes a statutory declaration and is in the form of Form No. 9 in the First Appendix; or
    - (ii) prepared and certified by an accountant who is —
      - (I) a member of the Australian Society of Accountants; or
      - (II) a member of the Institute of Chartered Accountants in Australia;
  - (c) be accompanied by a character reference in the form of Form No. 11 in the First Appendix; and
  - (d) be lodged with the Registrar.
- (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 such other information as may be required by the Board.
- [(5) repealed]*
- (6) Subject to subregulation (7) where an application for registration is granted, a certificate of registration shall be issued to the applicant in the Form No. 3 in the First Appendix, upon payment to the Registrar of the certificate fee prescribed in the Second Appendix.
- (7) The prescribed conditions for the purposes of section 10(3a) of the Act are conditions —
- (a) limiting the area to which the builder's registration applies;
  - (b) specifying the type of building which the builder may undertake;

**r. 8A**

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- (c) limiting the amount of building work which the builder may undertake at any one time;
- (d) requiring the builder to furnish returns as specified by the Board,

and where applicable the conditions shall be attached to the certificate of registration.

- (8) Any conditions referred to in subregulation (7) which are attached to a certificate of registration shall continue for a period of 3 years or such other period as the Board thinks fit from the day of registration.

*[Regulation 8 amended in Gazette 9 Mar 1970 p. 755; 30 Nov 1984 p. 3989; 29 Aug 1986 p. 3205; 7 Jul 1989 p. 2112; 31 Jul 2001 p. 3935; 9 Jan 2004 p. 87.]*

**8A. Application under section 4(1a)**

An application in accordance with section 4(1a) of the Act shall be accompanied by the "Owner-builder application fee" prescribed in the Second Appendix.

*[Regulation 8A inserted in Gazette 6 Jul 1984 p. 2054.]*

**8B. Application for partnership to be registered**

- (1) Where an application is made for a partnership to be registered as a builder under the Act, the application shall be —
  - (a) made to the Board in the form of Form No. 2A in the First Appendix; and
  - (b) signed on behalf of the partnership.
- (2) The application shall —
  - (a) contain all the particulars required therein;
  - (b) be lodged with the Registrar; and
  - (c) be accompanied by the registration fee prescribed in the Second Appendix.

*[Regulation 8B inserted in Gazette 30 Nov 1984 p. 3989.]*

**8C. Application for body corporate to be registered**

- (1) Where an application is made for a body corporate to be registered as a builder under the Act the application shall be —
  - (a) made to the Board in the form of Form No. 2B in the First Appendix; and
  - (b) signed by a director, the secretary or the public officer of the body corporate.
- (2) The application shall —
  - (a) contain all the particulars required therein;
  - (b) be lodged with the Registrar; and
  - (c) be accompanied by the registration fee prescribed in the Second Appendix.

*[Regulation 8C inserted in Gazette 30 Nov 1984 p. 3989.]*

**8D. Statutory declaration to be completed**

Where an application is made under regulation 8B or 8C the statutory declaration in the form of Form No. 10 in the First Appendix shall be completed by every partner or director not applying for registration in his own name.

*[Regulation 8D inserted in Gazette 30 Nov 1984 p. 3989; amended in Gazette 31 Jul 2001 p. 3935.]*

**8E. Prescribed manner of certifying payment of fee under section 4A(1)(c)(iii)**

- (1) For the purposes of subparagraph (iii) of section 4A(1)(c) of the Act, the prescribed manner of certifying to a local government the payment to the Board of the fee determined by the Minister under that subparagraph is in the form of Form No. 10A in the First Appendix.
- (2) The form is not validly completed unless it has been stamped by the Board to confirm that the payment has been received by the Board.

*[Regulation 8E inserted in Gazette 31 Jul 2001 p. 3935-6.]*

**8F. Prescribed period for furnishing particulars and remitting fee to Board under section 4B(2)**

For the purposes of section 4B(2) of the Act, the prescribed period is 14 days.

*[Regulation 8F inserted in Gazette 31 Jul 2001 p. 3936.]*

**8G. Prescribed particulars under section 4B(2)(a)**

- (1) For the purposes of section 4B(2)(a) of the Act, the particulars that are to be furnished to the Board in relation to a building licence are —
  - (a) the name and address of the person the building licence was issued to;
  - (b) the number and date of issue of the building licence;
  - (c) the name and number of the street, the lot number, the suburb, townsite or other locality and the postcode where the building is to be constructed under the building licence;
  - (d) if the builder who is to construct the building under the building licence is not the person the building licence was issued to — the name and address of that builder;
  - (e) if the builder who is to construct the building under the building licence is registered under the Act — the registration number of that builder;
  - (f) the name and address of the owner of the land where the building is to be constructed under the building licence;
  - (g) a description of the construction to be carried out under the building licence and the estimated total fee or charge payable in respect of that construction; and
  - (h) if a policy of home indemnity insurance is in force in relation to the building to be constructed under the building licence — the name of the insurer and the number of the policy.

(2) In subregulation (1) —

**“constructed”** includes altered, repaired, added to and improved;

**“policy of home indemnity insurance”** means a policy of insurance that complies with Part 3A Division 2 of the *Home Building Contracts Act 1991*.

*[Regulation 8G inserted in Gazette 31 Jul 2001 p. 3936.]*

*[Heading deleted in Gazette 31 Jul 2001 p. 3937.]*

*[9. Repealed in Gazette 31 Jul 2001 p. 3937.]*

**10. Course of training and study**

The course of training and the course of study to have been completed by a person who applies to be registered under section 10 of the Act is such as may from time to time be declared and published by the Board.

*[Regulation 10 amended in Gazette 31 Jul 2001 p. 3937.]*

*[Heading deleted in Gazette 31 Jul 2001 p. 3937.]*

*[11, 12. Repealed in Gazette 31 Jul 2001 p. 3937.]*

*[Heading deleted in Gazette 31 Jul 2001 p. 3937.]*

*[13. Repealed in Gazette 31 Jul 2001 p. 3937.]*

*[Heading deleted in Gazette 31 Jul 2001 p. 3940.]*

**14. Board may grant temporary licences**

(1) The Board may grant to any person usually trading as a builder in any part of the Commonwealth of Australia beyond this State, who intends temporarily to trade as a builder in this State without being registered as a builder under the Act, a temporary licence to trade as a builder in this State without registration.

- (2) Temporary licences under this regulation shall be granted only to persons who are approved by the Board and who satisfy the Board that they are eligible to be registered as builders under the provisions of the Act.

**15. Application for temporary licence**

- (1) Any person desirous of obtaining a temporary licence under regulation 14 shall make application to the Board in writing, signed by him, in the Form No. 7 in the First Appendix.
- (2) Such application shall contain all the particulars required therein, shall be lodged with the Registrar and shall be accompanied by the relevant licence fee prescribed in the Second Appendix.
- (3) In addition to the particulars contained in the application the applicant shall furnish to the Registrar such further information as may be required by the Board.
- (4) When an application for a temporary licence under regulation 14 is refused by the Board, the temporary licence fee which accompanied such application shall be refunded to the applicant.
- (5) When an application for a temporary licence under regulation 14 is granted, a temporary licence, in the Form No. 8 in the First Appendix, shall be issued to the applicant.

*[Regulation 15 amended in Gazette 17 Jul 1998 p. 3761.]*

**16. Temporary licence may contain conditions**

- (1) Every temporary licence issued under regulation 15 may contain any conditions which the Board may think fit to impose, and shall have effect for the period mentioned in the licence and according to the tenor thereof.
- (2) A temporary licence aforesaid shall not in any circumstances whatever be capable of being transferred or assigned.

*[Heading deleted in Gazette 31 Jul 2001 p. 3937.]*

[16A. *Repealed in Gazette 31 Jul 2001 p. 3937.*]

*[Heading deleted in Gazette 31 Jul 2001 p. 3940.]*

**17. Fees**

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

**18. Threshold price for construction of building by unregistered person**

- (1) For the purposes of sections 4(1)(A)(d)(i) and 4A(1)(a) of the Act, the total fee or charge payable in respect of the construction of a building is prescribed as \$12 000.
- (2) For the purposes of section 4(3)(i) of the Act, the aggregate moneys payable in respect of the performance of the contracts or engagements in respect of the construction of a building are prescribed as \$12 000.

*[Regulation 18 inserted in Gazette 21 Sep 1990 p. 4897-8; amended in Gazette 17 Jul 1998 p. 3761.]*

**19. Prescribed fee for complaint or application to Disputes Tribunal (section 34A)**

- (1) For the purposes of section 34A of the Act, the fee that accompanies a complaint or application made to the Disputes Tribunal is the fee in item 10 of the Second Appendix.
- (2) In item 10 of the Second Appendix —

**“financially disadvantaged person”** means a person who produces, or in respect of whom there is produced, evidence that satisfies the registrar that the person holds —

- (a) a —
  - (i) Health Care Card;
  - (ii) Commonwealth Seniors Health Card;

- (iii) Pensioner Concession Card; or
- (iv) Repatriation Health Card,  
issued by the Commonwealth Government;
- (b) a State Concession Card issued by the Department for  
Community Welfare of the State<sup>2</sup>; or
- (c) an entitlement to the rate of pension provided for in  
section 24 of the *Veterans' Entitlements Act 1986* of  
the Commonwealth.

*[Regulation 19 inserted in Gazette 31 Jul 2001 p. 3937-8.]*

**20. Board to keep register of ineligible persons**

- (1) The Board is to keep in a form approved by the Board a register  
of persons declared to be ineligible persons under  
section 13(1ba)(a) of the Act.
- (2) Each entry in the register in respect of an ineligible person is to  
state —
  - (a) the full name of the ineligible person;
  - (b) the date when the declaration in respect of the ineligible  
person was made; and
  - (c) the period during which that declaration has effect.
- (3) The Board is to delete a person's name from the register —
  - (a) on the expiry of the period during which the declaration  
in respect of the person has effect; or
  - (b) on the revocation of that declaration under  
section 13(1ba)(b) of the Act.
- (4) The Board is to publish a copy of the register at least twice in  
each year in a newspaper circulating generally in the State.

*[Regulation 20 inserted in Gazette 31 Jul 2001 p. 3938.]*



**21. Prescribed amount of maximum fine under section 13A**

For the purposes of section 13A of the Act, the amount that a fine is not to exceed is \$25 000.

*[Regulation 21 inserted in Gazette 31 Jul 2001 p. 3938.]*

**22. Prescribed offences and modified penalties (section 20B(2) and (4))**

- (1) For the purposes of section 20B(2) of the Act, an offence against a provision of the Act specified in column 2 of the Table to this regulation is an offence for which an infringement notice may be given.
- (2) For the purposes of section 20B(4) of the Act, the amount specified in column 3 of the Table to this regulation opposite a provision of the Act specified in column 2 of that Table is the modified penalty for an offence against that provision.

**Table**

<b>Column 1 Item</b>	<b>Column 2 Provision of Act</b>	<b>Column 3 Modified penalty</b>
1.	section 4(1)(A)(d)	\$1 000
2.	section 4A(2)	\$1 000
3.	section 4A(2a)	\$20
4.	section 4A(3)	\$2 000
5.	section 9AA	\$200
6.	section 10(3aa)	\$200
7.	section 10(4)	\$50
8.	section 10AA	\$50
9.	section 10B	\$50
10.	section 10C	\$50
11.	section 16(1)	\$400
12.	section 16(2)	\$400
13.	section 18(2)	\$200
14.	section 19(1)	\$10
15.	section 39(c)	\$400
16.	section 45A(4)	\$1 000

*[Regulation 22 inserted in Gazette 31 Jul 2001 p. 3939.]*

**23. Prescribed form of preliminary notice under section 12A(3)**

For the purposes of section 12A(3) of the Act, the form of a preliminary notice is Form No. 12 in the First Appendix.

*[Regulation 23 inserted in Gazette 31 Jul 2001 p. 3939.]*

**24. Prescribed form of infringement notice under section 20B(3)**

For the purposes of section 20B(3) of the Act, the form of an infringement notice is Form No. 13 in the First Appendix.

*[Regulation 24 inserted in Gazette 31 Jul 2001 p. 3939.]*

**25. Prescribed form of notice withdrawing infringement notice under section 20B(7)**

For the purposes of section 20B(7) of the Act, the form of a notice stating that an infringement notice has been withdrawn is Form No. 14 in the First Appendix.

*[Regulation 25 inserted in Gazette 31 Jul 2001 p. 3939.]*

**First Appendix**

**Form No. 1**

The *Builders' Registration Act 1939* and Regulations

**REGISTER**

(Regulation 7)

Folio .....

BUILDERS' REGISTRATION BOARD  
OF W.A.

REGISTER OF BUILDERS.

No.	Name.	Address.	Date of Registration.	Minute Book Folio.	Qualification(s).	Remarks.

**Form No. 2**  
Western Australia  
The *Builders' Registration Act 1939* and Regulations  
**APPLICATION FOR REGISTRATION AS A BUILDER**  
(Regulation 8)

To the Builders' Registration Board of Western Australia, Perth,

1. I (a) ..... of (b) ..... in  
the State of Western Australia (c) ..... hereby apply  
to be registered as a builder under the provisions of the *Builders' Registration  
Act 1939*.

2. My qualifications for such registration are as follows: —

(a) I am over the age of 21 years, having been born at  
(d) ..... in the State of .....  
on the (e) .....

and

(b) I am permanently residing in Western Australia;

and

(c) I am a person of good character, as evidenced by the  
2 testimonials annexed to this application;

and

\*(d) I have completed the course of training and have passed the  
examination prescribed by the Board;

or

(e) I had at the time of the passing of the said Act been trading as a  
builder or supervisor of building for not less than 2 years, and I  
am competent to carry out and supervise building work.

3. The prescribed application fee accompanies this application.

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

(g) .....Applicant.

Declaration

I, the abovenamed applicant, do solemnly and sincerely declare that the particulars contained in my above application 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  
.....20..... } .....  
Applicant.

Before me

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

(a) Full name of applicant; (b) Address; (c) Occupation; (d) Place of birth;  
(e) Date of birth; (f) Date of application; (g) Signature of applicant.

\* Strike out paragraph which does not apply.

*[Form No. 2 amended in Gazette 9 Dec 1997 p. 7173.]*

**Form No. 2A**  
Western Australia  
*Builders' Registration Act 1939*  
**APPLICATION FOR REGISTRATION BY A PARTNERSHIP AS  
BUILDER**  
(Regulation 8B)

1. APPLICATION

Full names of all partners	Private addresses	Occupations
WE	of	
and	of	
and	of	
and	of	

Trading as .....  
(Business names)

at .....  
(Business address)

hereby make application for registration as a builder under the *Builders' Registration Act 1939*.

2. INFORMATION TO BE SUPPLIED BY APPLICANT

- 2.1 (a) Has the partnership previously applied for, or held a registration as a builder? (Yes/No). If yes, give details .....
- (b) Has the partnership applied for and been refused any other registration or licence required by law to carry on business or held any such registration or licence which has been cancelled or suspended at any time during the past 10 years? (Yes/No). If yes, give details .....

2.2 (a) Date partnership commenced .....

- (b) Name of partner who will hold individual registration for the partnership under section 10(2)(b)(ii) .....  
and ..... ..
- (c) Registration No..... ..

NOTE — If individual registration complying with section 10(2)(b)(ii) is not held, an individual application for registration in the form of Form No. 2 should accompany this application.

		\$
2.3	Financial standing: —	
	Total partnership assets	
	.....	.....
	Total partnership liabilities	
	.....	.....
	Net Worth .....	\$.....
	Contingent liabilities including court or arbitration proceedings pending give details —	
	.....	
	.....	
	.....	

- 2.4 Accompanying documents
  - (a) Financial statement in the form of Form No. 9 duly completed to support Item 2.3, applicants may enlarge the information in the accounts.
  - (b) Statutory declarations in the form of Form No. 10 by each partner (other than a partner applying for individual registration as a builder).
  - (c) Registration details from Business Names Office (in the form of a Computer Printout).

2.5. Address for service — The address to which notices or documents required or permitted to be served on the partnership under the Act may be sent

**Builders' Registration Regulations**  
**First Appendix**

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.....  
NOTE — Any notice sent to or delivered to the partnership at this  
address is deemed to have been validly served on the  
partnership.

3. STATUTORY DECLARATION

I .....of .....  
Name Address

.....do solemnly and sincerely declare that  
Occupation

I am authorised to make this declaration on behalf of.....

.....that the particulars  
Partnership name

contained in this application and accompanying statements are true and  
correct, and I make this solemn declaration under section 106 of the  
*Evidence Act 1906*.

Declared at .....this .....  
day of .....20 .....

.....  
Signature of applicant.

Before me —

.....  
Justice of the Peace or Commissioner for Declarations

Applications should be sent to —

The Registrar, Builders' Registration Board of Western Australia,  
18 Harvest Terrace, WEST PERTH W.A. 6005.

*[Form No. 2A inserted in Gazette 30 Nov 1984 p. 3990-1.]*



**Form No. 2B**

Western Australia

*Builders' Registration Act 1939*

**APPLICATION FOR REGISTRATION AS A BUILDER BY A  
BODY CORPORATE**

(Regulation 8C)

1. APPLICATION

.....Limited

(Name of Body Corporate)

trading as .....

(Business Name)

Address of registered office .....

Address of principal place of business in Western Australia .....

hereby makes application for registration as a builder under the *Builders' Registration Act 1939*.

2. INFORMATION TO BE SUPPLIED BY APPLICANT

2.1 (a) Has the body corporate previously applied for, or held a registration as a builder? (Yes/No). If yes, give details .....

(b) Has the body corporate applied for and been refused any other licence required by law to carry on business or held any such licence which has been cancelled or suspended at any time during the past 10 years? (Yes/No). If yes, give details .....

2.2 (a) Place of incorporation of the body corporate .....

(b) Date of incorporation (refer 2.5(c)) .....

2.3 (a) What are the names, addresses and occupations of the directors, secretary and auditor of the body corporate?

DIRECTORS

---

Full name	Address
-----------	---------

---

---

SECRETARY (or Public Officer)

---

Full name	Address
-----------	---------

---

---

AUDITOR

---

Full name	Address
-----------	---------

---

- 
- (b) Name of Director, Manager or Agent in Western Australia who will hold an individual registration as a builder, under section 10(2)(b)(ii) (See Note 1.)

.....  
(Full name)

Registration No.....  
Occupation and office held in the body corporate

.....

Note 1 — If individual registration complying with section 10(2)(b)(ii) is not held, an application for a registration in the form of Form No. 2 should accompany this application.

- (c) Is the body corporate solvent?

.....

Is it in Liquidation, under official management or in receivership? If so, supply details on a separate sheet.

.....

2.4 Financial standing

- (a) Has there been any material change in the financial position of the body corporate since the preparation of the last official balance sheet? (Yes/No). If yes, give details.

.....  
.....  
.....

- (b) Paid up Capital of the body corporate

.....

2.5 Accompanying documents

- (a) A copy of the latest available financial statements in the form and content required under the *Corporations Act 2001* of the Commonwealth, is annexed and marked "A", and is to be endorsed by the person before whom the declaration is made as follows —

This is the annexure marked "A" referred to in the Statutory Declaration of .....  
.....made on the .....20.....  
Before me — .....

(Justice of the Peace, or Commissioner  
for Declarations)

- (b) Statutory declarations relating to personal particulars by each director in the form of Form No. 10 (other than the director applying for an individual licence) are attached.
- (c) Copy of the Certificate of Incorporation and list of shareholders are attached.

2.6 Address for service — The registered office of the body corporate to which notices of documents required or permitted to be served on the body corporate may be sent

.....  
.....

NOTE — Any notice sent or delivered to the body corporate at this address is deemed to have been validly served on the body corporate.

3. STATUTORY DECLARATION

I .....

**Builders' Registration Regulations**  
**First Appendix**

---

of .....  
in the State of Western Australia do solemnly and sincerely declare —

- a director  
(a) that I am the secretary of .....  
the public officer  
..... Limited  
(b) that subject to the *Builders' Registration Act 1939*, the above body  
corporate has the power, authority and capacity to carry out  
building work of any kind.  
(c) that I am authorised by the Board of the above body corporate to  
make this declaration, and  
(d) that, to the best of my knowledge, information and belief, the  
statements contained in this application and the annexures are true  
in substance and in fact.

AND I, do solemnly and sincerely declare that the particulars contained  
in this application and accompanying statements are true and correct, and  
I make this solemn declaration under section 106 of the *Evidence  
Act 1906*.

Declared at .....this .....day  
of ..... 20 .....

.....  
Signature of applicant.

Before me —

.....  
Justice of the Peace or Commissioner for Declarations

Applications should be sent to —

The Registrar, Builders' Registration Board of Western Australia,  
18 Harvest Terrace, WEST PERTH W.A. 6005.

*[Form No. 2B inserted in Gazette 30 Nov 1984 p. 3991-3; amended in  
Gazette 28 Sep 2001 p. 5354.]*

**Form No. 3**

Western Australia

The *Builders' Registration Act 1939* and Regulations

No.....

Builders' Registration Board of Western Australia

**CERTIFICATE OF REGISTRATION**

(Regulation 8)

This is to certify that ..... has this day  
been registered as a builder under the provisions of the *Builders' Registration  
Act 1939*.

..... Chairman.

..... Registrar.

Date .....

*[Form Nos. 4-6 deleted in Gazette 31 Jul 2001 p. 3937.]*

**Form No. 7**

Western Australia

The *Builders' Registration Act 1939* and Regulations

**APPLICATION BY INTERSTATE BUILDER FOR A TEMPORARY LICENCE**

(Regulation 15)

To The Builders' Registration  
Board of Western Australia.

1. I, (a) ....., usually of (b) .....  
in the State of....., but at present temporarily residing at  
(c) ..... in the State of Western Australia (d) .....  
being about to trade as a builder temporarily within the State of Western  
Australia, within the meaning of the *Builders' Registration Act 1939*, hereby  
apply for the grant and issue to me under the *Builders' Registration Regulations*  
of a temporary licence to trade as a builder within the said State of Western  
Australia without being registered as a builder under the said Act.

2. My qualifications for the grant and issue to me of the temporary licence  
applied for are as follows: —

(a) I reside permanently at (b) ....., in the  
State of ....., but am residing temporarily at  
(c) ..... in this State;

and

(b) I am over 21 years of age, having been born at (f) .....  
..... in the State of ..... on  
the (g) ..... day of .....

and

(c) I am a person of good character;  
and

(d) I have for a period of not less than 2 years during the last past  
5 years been trading as a builder or supervisor of building and am  
competent to carry out and supervise building work.

3. The prescribed temporary licence fee accompanies this application.

Dated the ..... day of ..... 20 .....

.....  
Applicant.

(a) Full name of applicant. (b) Permanent address outside the State. (c) Present  
temporary address within the State. (d) Occupation. (f) Place of birth. (g) Date  
of birth.

Declaration

I, the abovenamed applicant, do solemnly and sincerely declare that the particulars stated in the above application are true and correct.

And I make this declaration under and by virtue of section 106 of the *Evidence Act 1906*.

Declared at ..... }  
in the State of Western Australia this ... } .....  
..... } Applicant.  
day of ..... 20 ..... }  
Before me:

.....  
J.P. or Commissioner of Declarations.

*[Form No. 7 amended in Gazette 9 Dec 1997 p. 7173.]*

**Form No. 8**

Western Australia

The *Builders' Registration Act 1939* and Regulations

**TEMPORARY LICENCE TO INTERSTATE BUILDER TO TRADE AS  
A BUILDER WITHOUT REGISTRATION**

(Regulation 15)

This licence is issued under the regulations made under the *Builders' Registration Act 1939*, and authorises (a) ..... usually of (b) ..... in the State of ....., but at present residing temporarily at (c) ....., in the State of Western Australia, Builder, to carry on temporarily the trade of a builder within the State of Western Australia without being registered as a builder under the said Act for a period of (d) ..... commencing on the (e) ..... day of ..... 20 ....., upon and subject to the following conditions, namely: —  
(f) .....  
.....  
.....  
.....

Dated the ..... day of ..... 20 .....  
..... Chairman.  
..... Registrar.

(a) Full name of builder. (b) Permanent address outside the State. (c) Temporary address within the State. (d) Period for which licence is granted.  
(e) Commencing date of licence. (f) Insert conditions (if any) imposed by the Board.



**Form No. 9**

*Builders' Registration Act 1939*

**Builders' Registration Regulations**

**FINANCIAL STATEMENT BY APPLICANT**

*(Regulation 8(2))*

**TO THE APPLICANT**

Under section 9A(2) and 10(2a) of the *Builders' Registration Act 1939* the Board may require an applicant for registration to satisfy the Board that the applicant has sufficient material and financial resources to meet financial obligations as and when they become due.

Under regulation 8(2)(b), the applicant is required to complete this form OR provide a prepared financial statement certified by the applicant's accountant.

Please indicate if any or all of the items below are held in joint names or by a partnership. You may attach further written details to this form if there is not enough space to include all relevant matters. *[Note: do not include intangibles such as goodwill, rights of indemnity, intellectual property such as trademarks and patents, formation expenses or borrowing expenses.]*

**Assets**

**Properties**

**Value**

**\$**

Residential and other properties (*eg. house, flat, factory, shop, vacant land*)

.....  
.....  
.....

Value of contents .....

**Cash balances** (*list bank, building society, etc. and branch*)

.....  
.....

**Builders' Registration Regulations**  
**First Appendix**

---

<b>Properties</b>	<b>Value</b>
	<b>\$</b>
<b>Building related assets</b>	
Salary, annual leave accrual .....	
Plant & equipment ( <i>exclude leased items</i> ) .....	
Motor vehicles ( <i>exclude leased items</i> ) .....	
Tools of trade .....	
Stock of materials .....	
Trade debtors ( <i>supply list</i> ) .....	
<b>Other assets</b>	
Personal effects .....	
Life insurance policies .....	
Superannuation accrued benefit .....	
Boat/caravan .....	
Other ( <i>eg. shares, investments</i> ) .....	
<b>Total Assets</b>	<b>\$</b>

**Liabilities**

<b>Properties</b>	<b>Value</b>
	<b>\$</b>
Owing on residential property .....	
Owing on other properties .....	
Owing on hire purchase/lease .....	
Owing on personal loans, credit cards .....	
Bank overdraft ( <i>limit</i> .....) .....	
Trade creditors ( <i>supply list</i> ) .....	
Unpaid tax liability .....	
Other liabilities ( <i>please specify</i> ) .....	
<b>Total liabilities</b>	<b>\$</b>

**Summary**

---

<b>Properties</b>	<b>Value</b>
	\$
Total Assets .....	\$
Less Total Liabilities .....	\$
	=====
<b>Net tangible assets</b>	<b>\$</b>
	=====

**Details of past business**

Have you ever been declared bankrupt or been a partner or director of an insolvent business? Yes/No  
*[If yes, please attach a written explanation and provide the name of the trustee, administrator, receiver, receiver and manager or liquidator.]*

**Guarantees**

List all personal or business guarantees or indemnities signed to secure debts, and the amounts secured.

---

---

---

Statutory declaration

I ..... of .....  
*Name* *Address*  
.....  
*Occupation*

do solemnly and sincerely declare that the particulars contained in this financial statement are true and correct, and I make this solemn declaration by virtue of section 106 of the *Evidence Act 1906*.

**Builders' Registration Regulations**  
**First Appendix**

---

Declared at ..... in the State of

Western Australia this ..... day

of ..... 20 .....

Before me

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

.....  
Signature of  
applicant/declarant

*[Form No. 9 inserted in Gazette 31 Jul 2001 p. 3940-2.]*

**Form No. 10**

Western Australia

*Builders' Registration Act 1939*

**STATUTORY DECLARATION RELATING TO PERSONAL  
PARTICULARS TO BE COMPLETED BY A DIRECTOR OR  
PARTNER NOT APPLYING FOR REGISTRATION IN HIS  
OWN NAME**

(Regulation 8D)

I .....  
(Full name)

supply the following personal particulars to accompany the application made by

.....  
(Body corporate or partnership name)

1.1 I am director of the body corporate/member of the partnership.  
(delete whichever is inapplicable)

1.2 Date of birth .....  
Answer questions 1.3 to 1.8 with "Yes" or "No" and where the  
answer is "Yes" give full particulars in the space provided in  
section 1.10.

	Yes/No
1.3 Have you previously applied for or held Registration as a Builder?	.....

1.4 Have you applied for and been refused any other licence or registration required by law to carry on business or held any such licence which has been cancelled or suspended at any time during the past 10 years?	.....
---	-------

1.5 Are you an undischarged bankrupt?	.....
---------------------------------------	-------

1.6 Have you been a bankrupt at any time during the past 10 years?	.....
---	-------

1.7 Have you been convicted of any offence involving dishonesty, fraud or breaches of bankruptcy or company law at any time during the past 10 years?	.....
--	-------

**Builders' Registration Regulations**  
**First Appendix**

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1.8 Have you or any body corporate of which you were a director or manager or any partnership of which you were a member been involved in court proceedings concerning the quality of any building work carried out by you or the body corporate or partnership at any time during the past 10 years? .....

1.9 REFERENCES — Attach 2 character testimonials and give the following details of the persons who have supplied them —

(Form No. 11)

Name	Occupation	Address
------	------------	---------

---

NOTE: Persons giving the character testimonials should be persons of standing in the community and should have known the applicant for a period of not less than 3 years. The character testimonials should not be dated more than 6 months before the date of this application.

1.10 PARTICULARS — Give below full particulars of any of questions 1.3 to 1.8 which you have answered “Yes”.

Question number	Particulars
-----------------	-------------

---

(if the above space is insufficient attach additional sheets in the same form)

**STATUTORY DECLARATION**

I ..... of .....  
Name Address

..... do solemnly and sincerely declare that  
Occupation

the particulars contained in my application and accompanying statements are true and correct, and I make this solemn declaration under section 106 of the *Evidence Act 1906*.

Declared at ..... this ..... day

of ..... 20 .....

.....  
Signature of applicant.

Before me —

.....  
Justice of the Peace or Commissioner for Declarations.

Applications should be sent to —

The Registrar, Builders' Registration Board of Western Australia,  
18 Harvest Terrace, WEST PERTH W.A. 6005.

*[Form No. 10 inserted in Gazette 30 Nov 1984 p. 3994-5.]*

**Form No. 10A**

*Builders' Registration Act 1939*

***Builders' Registration Regulations***

CERTIFICATE OF PAYMENT OF FEE UNDER SECTION 4A(1)(c)(iii)  
(Regulation 8E)

To: *(state name of local government)*

The person whose name appears below certifies that the person has paid to the Builders' Registration Board the fee determined by the Minister under section 4A(1)(c)(iii) of the *Builders' Registration Act 1939*.

Name:

Date of payment of fee:

Signed:

Officer (if signing on behalf of a body corporate):

[This certificate is not valid unless it has been stamped by the Builders' Registration Board.]

*[Form No. 10A inserted in Gazette 31 Jul 2001 p. 3942.]*



**Form No. 11**  
Western Australia  
*Builders' Registration Act 1939* and Regulations  
**CHARACTER TESTIMONIAL IN SUPPORT OF AN APPLICATION  
FOR REGISTRATION**

This is to certify that I have known .....  
(Applicant's Name)

of .....  
(Applicant's address)

for ..... years  
(minimum 3 years)

His association with me has been in a .....  
.....  
(personal, business or professional)

capacity.

I consider that he/she is a person of good character and repute and a fit and proper person to hold such a registration.

.....  
.....  
.....  
.....  
.....  
.....  
.....

Date ..... Signature .....

The Character Testimonial should not be dated more than 6 months before the date of application.  
Address .....  
.....  
Occupation .....

NOTE — Persons giving testimonials must have known the applicant for at least 3 years and must be persons of standing in the community. They are at liberty to add any further information they wish.

*[Form No. 11 inserted in Gazette 30 Nov 1984 p. 3996.]*

**Form No. 12**

*Builders' Registration Act 1939*

**Builders' Registration Regulations**

**PRELIMINARY NOTICE UNDER SECTION 12A(3)**

(Regulation 23)

*[If you intend to make a complaint to the Disputes Tribunal under section 12A(1) or (1a) of the Builders' Registration Act 1939 about any building work, the complaint cannot be made until this preliminary notice has been completed and given to the person who carried out the building work. A copy of this notice must also be given to the Disputes Tribunal at the time the complaint is made to the Disputes Tribunal.]*

PART A	<b>Who is making the complaint (the "complainant")?</b> Name of complainant ..... Address of complainant ..... ..... .....
	<b>Where was the building work about which the complaint is being made carried out?</b> Address where building work was carried out ..... ..... ..... <b>Who carried out the building work about which the complaint is being made (the "respondent")?</b> Name of respondent ..... Address of respondent ..... ..... .....

<b>PART B</b>	<p><b>What are the matters the respondent is called on to rectify or attempt to settle?</b></p> <p><i>[Set out here the matters that you are calling on the respondent to rectify/attempt to settle and indicate what remedy or settlement you are seeking. You may attach further written details to this notice if there is not enough space to include all relevant matters.]</i></p>  <p>Signed (by complainant) .....</p> <p>Date .....</p>
<p><b>TAKE NOTICE</b> that the complainant calls on the respondent to rectify the matters, or to attempt to settle the matters that are in dispute, as set out in Part B above.</p>	

*[Form No. 12 inserted in Gazette 31 Jul 2001 p. 3943.]*

**Form No. 13**  
*Builders' Registration Act 1939*  
**Builders' Registration Regulations**  
INFRINGEMENT NOTICE  
(Regulation 24)

No. of notice: .....

Date of service: .....

1.	To: ..... (name)  of ..... (address)  ..... Postcode .....						
It is alleged that at about ..... a.m./p.m. on the ..... day of ..... at .....							
..... you committed the offence described below and are liable for the modified penalty stated.							
Name and title of authorised person giving this notice .....							
.....							
Signature .....							
2.	<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 25%; text-align: center;">Section of Act</th><th style="width: 45%; text-align: center;">Description of offence</th><th style="width: 30%; text-align: center;">Modified penalty</th></tr></thead><tbody><tr><td style="height: 30px;"> </td><td> </td><td> </td></tr></tbody></table>	Section of Act	Description of offence	Modified penalty			
Section of Act	Description of offence	Modified penalty					
3.	If you wish to have a complaint of the alleged offence heard and determined by a court, you need not reply to this notice or pay the modified penalty, but in that case court proceedings may be taken against you and you may be liable for costs and a fine for the offence.						

4.	If you do <b>not</b> wish to have a complaint of the alleged offence heard and determined by a court, you may pay the modified penalty within 28 days after the date of this notice. If the modified penalty is not paid within that period, you will be taken to have declined to pay it and court proceedings may be taken against you and you may be liable for costs and a fine for the offence.
5.	Payment may be made by either — <ul style="list-style-type: none"><li>(a) posting this form and a cheque or money order, made payable to the <b>Builders' Registration Board</b> for the amount of the modified penalty stated in item 2, to the Corporate Services Manager, Builders' Registration Board, 18 Harvest Terrace, West Perth WA 6005; <b>or</b></li><li>(b) delivering this form, and paying the amount of the modified penalty stated in item 2, to an authorised person* at the Builders' Registration Board, 18 Harvest Terrace, West Perth WA 6005.</li></ul> <p>[*Authorised persons for the purposes of paragraph (b) are the Registrar, the Deputy Registrar and the Corporate Services Manager of the Builders' Registration Board.]</p>

*[Form No. 13 inserted in Gazette 31 Jul 2001 p. 3944.]*

**Form No. 14**  
*Builders' Registration Act 1939*  
**Builders' Registration Regulations**  
**WITHDRAWAL OF INFRINGEMENT NOTICE**  
(Regulation 25)

No. of notice: .....

Date of service: .....

<p>To: ..... (name)</p> <p>of ..... (address)</p> <p>Infringement notice no. .... served on you on the ..... day of ..... for the offence described below has been withdrawn.</p> <p>The modified penalty:</p> <p style="padding-left: 40px;">*has been paid and a refund is enclosed. *has not been paid and should not be paid. [*Delete as appropriate.]</p> <p>Name and title of authorised person giving this notice .....</p> <p>Signature .....</p>		
Section of Act	Description of offence	Modified penalty

*[Form No. 14 inserted in Gazette 31 Jul 2001 p. 3945.]*

## Second Appendix

### Fees

Item no. section/ regulation	Description of circumstance	Fee \$
1. s. 4(1a) r. 8A	On an application, by an unregistered person, for an authorisation to construct a specified building	236
2. s. 9(6)(a)	To obtain from the registrar a list of the names and addresses of all persons registered in the register	30
3. s. 9(6)(b)	To obtain from the registrar a certificate as to the registration or non-registration of a named person on a specific date or during a specific period For an individual —	18
4. s. 10(1)(a)	(a) (not a company or other body corporate) to be registered under the Act	225
5. s. 9A(1)(e)	(b) who is an architect, engineer etc. with 5 years experience to be registered under the Act	225
6. s. 10(2)(a) r. 8B(2)	For a partnership to be registered under the Act	168
7. s. 10(2)(a) r. 8C(2)	For a company or other body corporate to be registered under the Act	225
8. s. 22(1) r. 8(6)	For the issue of a [Form 3] certificate of registration	24
9. s. 24(1)(i) r. 15(2)	On an application for a temporary licence — (a) for an individual (b) for a partnership (c) for a company or other body corporate	220 301 682
10. s. 34A r. 19	On a complaint or application to the Disputes Tribunal — (a) by a financially disadvantaged person (b) by any other person	16 27

*[Second Appendix inserted in Gazette 28 Jun 2005 p. 2914.]*

**Notes**

- <sup>1</sup> This reprint is a compilation as at 17 February 2006 of the *Builders' Registration Regulations* and includes the amendments made by the other written laws referred to in the following table<sup>3</sup>. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Builders' Registration Act Regulations</i> <sup>4</sup>	26 Apr 1940 p. 622-7	1 May 1940 (see <i>Gazette</i> 26 Apr 1940 p. 597)
Untitled regulations	17 Mar 1966 p. 732	17 Mar 1966
Untitled regulations	17 Dec 1968 p. 3871-2	17 Dec 1968
Untitled regulations	3 Oct 1969 p. 3018	3 Oct 1969
Untitled regulations	23 Oct 1969 p. 3278	23 Oct 1969
Untitled regulations	9 Mar 1970 p. 755	9 Mar 1970
<i>Builders' Registration Amendment Regulations 1983</i>	5 Aug 1983 p. 2889	5 Aug 1983
<i>Builders' Registration Amendment Regulations (No. 2) 1983</i>	30 Dec 1983 p. 5135	30 Dec 1983
<i>Builders' Registration Amendment Regulations 1984</i>	6 Jul 1984 p. 2054	6 Jul 1984
<i>Builders' Registration Amendment Regulations (No. 2) 1984</i>	30 Nov 1984 p. 3989-96	1 Dec 1984 (see r. 2 and <i>Gazette</i> 30 Nov 1984 p. 3945)
<i>Builders' Registration Amendment Regulations 1986</i>	29 Aug 1986 p. 3205	1 Sep 1986 (see r. 2 and <i>Gazette</i> 29 Aug 1986 p. 3162)
<i>Builders' Registration Amendment Regulations 1987</i>	31 Dec 1987 p. 4609	31 Dec 1987
<i>Builders' Registration Amendment Regulations 1988</i>	1 Jul 1988 p. 2161	1 Jul 1988
<i>Builders' Registration Amendment Regulations 1989</i>	7 Jul 1989 p. 2112	7 Jul 1989
<i>Builders' Registration Amendment Regulations (No. 2) 1990</i>	21 Sep 1990 p. 4897-8	21 Oct 1990 (see r. 2)
<i>Builders' Registration Amendment Regulations 1997</i>	9 Dec 1997 p. 7172-3	1 Jan 1998 (see r. 2)



## Builders' Registration Regulations

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Citation	Gazettal	Commencement
<i>Builders' Registration Amendment Regulations 1998</i>	17 Jul 1998 p. 3761	17 Jul 1998
<b>Reprint of the Builders' Registration Regulations as at 22 Sep 2000</b> (includes amendments listed above)		
<i>Builders' Registration Amendment Regulations (No. 2) 2001</i>	31 Jul 2001 p. 3935-46	1 Aug 2001 (see r. 2 and <i>Gazette</i> 31 Jul 2001 p. 3907)
<i>Builders' Registration Amendment Regulations (No. 3) 2001</i>	28 Aug 2001 p. 4796-7	28 Sep 2001 (see r. 2(b) and <i>Gazette</i> 28 Sep 2001 p. 5352)
<i>Corporations (Consequential Amendments) Regulations 2001 Pt. 3</i>	28 Sep 2001 p. 5353-8	15 Jul 2001 (see r. 2 and <i>Commonwealth Gazette</i> 13 Jul 2001 No. S285)
<i>Builders' Registration Amendment Regulations (No. 2) 2003</i>	9 Jan 2004 p. 86-7	9 Jan 2004
<i>Builders' Registration Amendment Regulations 2005</i>	28 Jun 2005 p. 2913-15	1 Jul 2005 (see r. 2)
<b>Reprint 2: The Builders' Registration Regulations as at 17 Feb 2006</b> (includes amendments listed above)		

- <sup>2</sup> Under the *Alteration of Statutory Designations Order (No. 3) 2001* a reference to the Department for Community Welfare is, unless the contrary intention appears, to be read and construed as a reference to the Department for Community Development.
- <sup>3</sup> The *Builders' Registration Amendment Regulations 2003* as published in *Gazette* 12 Sep 2003 p. 4071 has no effect because it was made in error by the Governor instead of the Board.
- <sup>4</sup> Now known as the *Builders' Registration Regulations*; citation changed (see note under r. 1).