

CM301*

Building Services (Complaint Resolution and Administration) Act 2011

Building Services (Complaint Resolution and Administration) Amendment Regulations (No. 3) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Services (Complaint Resolution and Administration) Amendment Regulations (No. 3) 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Building Services (Complaint Resolution and Administration) Regulations 2011*.

4. Regulation 5A inserted

At the end of Part 1 insert:

5A. Regulated building service: unauthorised work

- (1) In this regulation —
unauthorised work has the meaning given in the *Building Act 2011* section 51(1).

- (2) Unauthorised work is prescribed for the purposes of the definition of *regulated building service* in section 3 of the Act.

5. Regulation 8 amended

In regulation 8(2) after “building service complaint” insert:

or HBWC complaint

6. Regulation 27 inserted

At the end of Part 4 insert:

27. Enforcement of decisions of former Tribunal

- (1) In this regulation —
former Tribunal has the meaning given in section 132 of the Act;
repealed Act has the meaning given in section 132 of the Act.
- (2) If a person fails to comply in whole or in part with an order of the former Tribunal or the Registrar of the former Tribunal under section 12A(1)(a) or (1a)(a) of the repealed Act, the Building Commissioner or the State Administrative Tribunal may deal with the matter as if the order were a building remedy order to which section 51 of the Act applied.
- (3) For the purposes of subregulation (2) —
 - (a) if the amount claimed is not more than \$100 000, the Building Commissioner is taken to be the responsible adjudicator under section 51 of the Act;
 - (b) otherwise, the State Administrative Tribunal is taken to be the responsible adjudicator.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
