Home Building Contracts Act 1991

Home Building Contracts Amendment Regulations 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Home Building Contracts Amendment Regulations 2001*.

2. Commencement

These regulations come into operation on the day on which section 56 of the *Building Legislation Amendment Act 2000* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Home Building Contracts Regulations 1992**.

[* Reprinted as at 17 October 1997. For amendments to 16 January 2001 see 1999 Index to Legislation of Western Australia, Table 4, p. 140, and Gazette 3 March 2000.]

4. Regulation 6A inserted

After regulation 6 the following regulation is inserted —

6A. Prescribed form of preliminary notice under section 17(3)

For the purposes of section 17(3) of the Act, the form of a preliminary notice is Form 1 in Schedule 9.

5. Regulations 8, 9 and 10 inserted

After regulation 7 the following regulations are inserted —

8. Prescribed offences and modified penalties (section 31B(2) and (4))

(1) For the purposes of section 31B(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 31B(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

Column 3 Modified
T .
penalty
\$400
\$100
\$1 000
\$100
\$1 000
\$1 000
\$1 000
\$1 000
\$1 000
\$2 000
\$500
\$2 000
\$200

9. Prescribed form of infringement notice (section 31B(3))

For the purposes of section 31B(3) of the Act, the form of an infringement notice is Form 2 in Schedule 9.

10. Prescribed form of notice withdrawing infringement notice (section 31B(7))

For the purposes of section 31B(7) of the Act, the form of a notice stating that an infringement notice has been withdrawn is Form 3 in Schedule 9.

6. Schedule 9 inserted

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After Schedule 8 the following Schedule is inserted —

Schedule 9 — Prescribed forms

[rr. 6A, 9, 10]

Form 1

Home Building Contracts Act 1991

Home Building Contracts Regulations 1992

PRELIMINARY NOTICE UNDER SECTION 17(3)

[If you intend to make an application to the Disputes Tribunal under section 17(1) of the Home Building Contracts Act 1991, the application cannot be made until this preliminary notice has been completed and given to the other party. A copy of this notice must also be given to the Disputes Tribunal at the time the application is made to the Disputes Tribunal.]

"

PART A	Who is making the application (the "applicant")?			
	Name of applicant:			
	Address of applicant:			
	Who is the other party ("the respondent") in relation to the matters complained of in the application?			
	Name of respondent			
	Address of respondent			
PART B	What are the matters the respondent is called on to rectify or attempt to settle?			
	[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.]			
	Signed (by applicant):			
	Date:			

TAKE NOTICE that the applicant 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.

Form 2

Home Building Contracts Act 1991

Home Building Contracts Regulations 1992

INFRINGEMENT NOTICE

		<u> </u>				
1.			(name)			
	of		(address)			
		ged that	at about a.m./p	o.m. on the da		
	-		the offence described below a y stated.	and are liable for the		
			authorised person giving this no			
2.			Description of offence	Modified penalty		
	TC.	. 1 . 1	1: 4 64 11	1 00 1 1 1		
3.	determin modifie	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 not 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.	Paymen	t may be	e made by either —			
	(a) posting this form and a cheque or money order, made payable to the Builders' Registration Board 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; or					
	(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.					
		Registra	rised persons for the purposes or, the Deputy Registrar and the or of the Builders' Registration B	Corporate Services		

Form 3

Home Building Contracts Act 1991

Home Building Contracts Regulations 1992

WITHDRAWAL OF INFRINGEMENT NOTICE

No. of notice:		
Date of service	2	
То:		
	(name)	
of		
	(address)	
Infringement	notice no served o	on you on the day of
	for the offence describe	ed below has been
withdrawn.		
The modified	l penalty:	
	* has been paid and a refund is en	nclosed.
	* has been not been paid and sho	uld not be paid.
	[* Delete as appropriate.]	
Name and title	of authorised person giving this not	rice:
	· · · · · · · · · · · · · · · · · · ·	
	Description of offence	Modified penalty
	1	1

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.