

BUILDERS' REGISTRATION AMENDMENT ACT

No. 93 of 1990

AN ACT to amend the *Builders' Registration Act 1939*.

[Assented to 17 December 1990.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Builders' Registration Amendment Act 1990*.

Commencement

2. This Act shall come into operation on such day as is, or such days as are respectively, fixed by proclamation.

Principal Act

3. In this Act the *Builders' Registration Act 1939** is referred to as the principal Act.

[*Reprinted as approved 10 February 1981 and amended by Acts Nos. 10 of 1982, 39 of 1983, 14 of 1984, 8 of 1986 and 77 of 1987.]

Section 4 amended

4. Section 4 of the principal Act is amended—

(a) in subsection (1) by deleting the penalty provision at the foot of the subsection; and

(b) by inserting after subsection (1) the following subsection—

“ (1aa) A person who contravenes subsection (1) commits an offence and is liable to a penalty of—

(a) for an offence against subsection (1) (A) (b), \$10 000 and a daily penalty of \$100 for a continuing offence; and

(b) for an offence against any other provision of the subsection, \$400 for a first offence and a minimum of \$400 and a maximum of \$2 000 for a later offence. ”.

Section 4A amended

5. Section 4A of the principal Act is amended—

(a) in subsection (2) by deleting “Four hundred dollars or imprisonment for twelve months” and substituting the following—

“ \$10 000 ”;

(b) in subsection (2a) by deleting “Fifty dollars” and substituting the following—

“ \$100 ”; and

(c) in subsection (3) by deleting “One thousand dollars” and substituting the following—

“ \$10 000 ”.

Section 8A inserted

6. After section 8 of the principal Act, the following section is inserted—

Indemnity against liability

- “ 8A. No liability attaches to the Board or a member or employee of the Board for any act done in good faith in the performance or purported performance of the respective functions of the Board, member or employee under this Act. ”.

Section 9 repealed and a section substituted

7. Section 9 of the principal Act is repealed and the following section is substituted—

Register of builders

- “ 9. (1) The Board shall keep in the prescribed form a register of persons registered under sections 9A, 10 and 10A to be known as the register of builders.

(2) The Board shall include in each registration made under section 9A or 10 the qualification for registration of the person being registered.

(3) The Board shall cause the register to be progressively amended in accordance with any list of amendments to the register approved by the Board at a meeting of the Board.

(4) A revised register incorporating all amendments to 30 June last shall be prepared and brought into use by the Board by 1 August each year.

(5) The register is to be open for inspection by any person without fee during the ordinary hours of business of the Board.

(6) A person may, on payment of the prescribed fee, if any, obtain from the registrar—

(a) a list of the names and addresses of all persons registered in the register;

(b) a certificate as to the registration or non-registration of a named person on a specified date or during a specified period.

(7) A certificate purporting to be signed by the registrar certifying that a person was or was not registered under this Act on a specified date or during a specified period is admissible in any proceedings as evidence of the matters stated in the certificate. ”.

Section 10 amended

8. Section 10 of the principal Act is amended by inserting at the foot of subsection (4) the following—

“ Penalty: \$250. ”.

Section 10B amended

9. Section 10B of the principal Act is amended by deleting “Two hundred dollars” and substituting the following—

“ \$250 ”.

Section 10C amended

10. Section 10C of the principal Act is amended by deleting “Two hundred dollars” and substituting the following—

“ \$250 ”.

Section 12A amended

11. Section 12A of the principal Act is amended in subsection (4) by deleting "Five hundred dollars" and substituting the following—

" \$2 000 and a daily penalty of \$100 for a continuing offence ".

Section 13 amended

12. Section 13 of the principal Act is amended in subsection (1) (ca) by deleting ", as the case may be, as required by section ten B of this Act" and substituting the following—

" in compliance with section 10B or 10C, as the case may be ".

Section 15 amended

13. Section 15 of the principal Act is amended by deleting "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" and substituting the following—

" commits an offence and is liable to a penalty of \$10 000 ".

Section 16 amended

14. Section 16 of the principal Act is amended by deleting "shall be liable to a penalty of not more than fifty dollars" and substituting the following—

" commits an offence and is liable to a penalty of \$2 000 ".

Section 18 amended

15. Section 18 of the principal Act is amended at the foot of subsection (2) by deleting "Two hundred dollars" and substituting the following—

" \$1 000 ".

Schedule amended and transitional provisions

16. (1) The Schedule to the principal Act is amended by adding after item 3 the following item—

- “ 4. The districts of the City of Geraldton and of the Shires of Greenough, Chapman Valley and Northampton as constituted from time to time under the *Local Government Act 1960*. ”.

(2) Where at any time after the coming into operation of subsection (1) the principal Act commences to apply in an area by reason of the amendment effected by that subsection—

- (a) any act or thing lawfully begun in that area and not discontinued or abandoned before the principal Act commenced to apply in that area may be continued and completed as if the principal Act had not so commenced to apply; and
- (b) the Board shall not have power to make an order under section 12A of the principal Act in respect of building work begun in that area before the principal Act commenced to apply in that area.

(3) In subsection (2) (b) “Board” has the same meaning as it has in the principal Act.
