

WESTERN AUSTRALIA

BUILDERS' REGISTRATION AMENDMENT ACT

No. 8 of 1986

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

[Assented to 15 July 1986.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Builders' Registration Amendment Act 1986*.

Commencement

2. The provisions of this Act shall come into operation on such day as is, or 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 and 14 of 1984.]

Section 4A amended

4. Section 4A of the principal Act is amended by inserting after subsection (4) the following subsection—

- “ (5) The Minister may by writing signed by him delegate to the Commissioner for Consumer Affairs appointed under section 15 of the *Consumer Affairs Act 1971* the functions conferred on the Minister by subsections (1a), (3) and (4). ”.

Section 5A amended

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

- (a) in subsection (1) by deleting “5” and substituting the following—

“ 6 ”; and

- (b) in subsection (3)—

- (i) by deleting “5” and substituting the following—

“ 6 ”;

- (ii) by deleting “and” after paragraph (a); and

- (iii) by inserting after paragraph (a) the following—

“ (aa) one shall be a person nominated by the Minister whom the Minister considers to be qualified to represent the interests of registered builders trading in an area within which this Act applies, other than the metropolitan area as described in item 1 of the Schedule; and ”.

Section 5B amended

6. Section 5B of the principal Act is amended in subsection (2) by deleting "member referred to in subsection (3) (a)" and substituting the following—

“ members referred to in subsection (3) (a) and (aa) ”.

Section 5C amended

7. Section 5C of the principal Act is amended in subsection (3) by deleting "member referred to in subsection (3) (a)" and substituting the following—

“ members referred to in subsection (3) (a) and (aa) ”.

Section 6 amended

8. Section 6 of the principal Act is amended in subsection (3) by deleting "Three" and substituting the following—

“ Four ”.

Section 10 amended

9. Section 10 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (b) (iv) (III) by deleting "applies" and substituting the following—

“ applied at the time he gained such experience ”;

and

(ii) by deleting paragraph (d);

and

(b) after subsection (3) by inserting the following subsection—

“ (3a) Notwithstanding item (III) of subsection (1) (b), the Board may attach such prescribed conditions as it thinks fit to the registration of a person who is qualified for registration under that item. ”.

Section 13 amended

10. Section 13 of the principal Act is amended in subsection (1) by inserting after paragraph (e) the following paragraph—

- “ (ea) who being a builder registered under section 10(1) (b) (iv) (III), does not comply with any condition attached to his registration; or ”.

Schedule amended and transitional provisions

11. (1) The Schedule to the principal Act is amended by adding after item 2 the following item—

- “ 3. The districts of the City of Bunbury, and of the Shires of Busselton, Collie, Dardanup, Harvey and Murray as constituted under the *Local Government Act 1960* as at the commencement of the *Builders' Registration Amendment Act 1986*. ”.

(2) Notwithstanding the coming into operation of subsection (1)—

- (a) any act or thing lawfully commenced, and not discontinued or abandoned, before that coming into operation in an area to which the principal Act did not apply before that coming into operation may be continued and completed as if subsection (1) had not come into operation; and
 - (b) the Board shall not have power to make an order under section 12A of the principal Act in respect of building work commenced before that coming into operation in an area to which the principal Act did not apply before that coming into operation.
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