

## BUILDERS' REGISTRATION.

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No. 14 of 1984.

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### AN ACT to amend the Builders' Registration Act 1939-1983.

[Assented to 31 May 1984.]

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:—

1. (1) The Act may be cited as the *Builders' Registration Amendment Act 1984*. Short title and citation.

(2) In this Act the Builders' Registration Act 1939-1983 is referred to as the principal Act. Reprinted as approved 10 February 1981;

(3) The principal Act as amended by this Act may be cited as the Builders' Registration Act 1939-1984. amended by Acts Nos. 10 of 1982 and 39 of 1983.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 9A  
amended.

3. Section 9A of the principal Act is amended—

(a) by inserting after the section designation “9A.” the subsection designation “(1)”;

(b) in subsection (1), as so designated, by inserting after “under the Act shall” the following—

“ , subject to subsection (2) of this section, ”; and

(c) by inserting, after subsection (1), the following subsection—

“ (2) Notwithstanding subsection (1) of this section, the Board may require an applicant under that subsection to satisfy it that he has sufficient material and financial resources available to enable him to meet his financial obligations as and when they become due, and may refuse to register an applicant who fails to so satisfy it. ”.

Section 10  
amended.

4. Section 10 of the principal Act is amended—

(a) in subsection (1) by inserting after “as a registered builder shall” the following—

“ , subject to subsection (2a) of this section, ”; and

(b) by inserting after subsection (2) the following subsection—

“ (2a) Notwithstanding subsection (1) or (2) of this section, the Board may require an applicant under that subsection to satisfy it that the applicant has sufficient material and financial resources available to enable the

applicant to meet his or its financial obligations as and when they become due, and may refuse to register an applicant who fails to so satisfy it. ”.

5. Section 11 of the principal Act is repealed. Section 11 repealed.

6. Section 12A of the principal Act is amended— Section 12A amended.

- (a) by repealing subsections (2) and (3);
- (b) in subsection (4a), in paragraph (b), by deleting “subsection (3) of this section” and substituting the following—

“ section 14 of this Act ”; and
- (c) in subsection (6) by deleting “magistrate under this section” and substituting the following—

“ magistrate under section 14 of this Act ”.

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

- “ (ba) where the builder does not have sufficient material and financial resources available to enable the builder to meet his or its financial obligations as and when they become due; or ”.

8. Section 14 of the principal Act is repealed and the following section is substituted— Section 14 repealed and substituted.

- “ 14. (1) A person who feels aggrieved by— Appeal from decision or order of Board.
- (a) a decision of the Board refusing, cancelling, or suspending his registration, or refusing to re-register him or to annul the cancellation or suspension of his registration; or

- (b) an order of the Board under section 12A (1), (1a) or (4a) of this Act,

may appeal therefrom to a stipendiary magistrate of the local court nearest to the place where he resides, by causing notice of appeal in the prescribed form to be lodged with the clerk of that Court and served on the registrar within 28 days after he is notified of the decision or order.

(2) The appeal shall be by way of rehearing, and for that purpose the magistrate may take evidence on oath or affirmation in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction.

(3) The magistrate may confirm, reverse or modify the decision or order appealed from and make such order as to the costs of the appeal as he thinks fit; and any amount payable by one person to another by virtue of the magistrate's order is recoverable as a debt in any court of competent jurisdiction.

(4) The decision of the magistrate on the appeal is final. ”.

Transitional  
provisions.

9. (1) The powers conferred on the Builders' Registration Board of Western Australia by sections 9A (2) and 10 (2a) of the principal Act, as inserted by sections 3 and 4 respectively of this Act, may be exercised in the case of an applicant whose application for registration has been made but not finally disposed of by the Board before the coming into operation of this Act.

(2) The repeal of sections 11, 12A (2) and (3) and 14 of the principal Act, effected by sections 5, 6 and 8 respectively of this Act, shall not affect an appeal commenced before the coming into operation of this Act, which appeal may be continued and disposed of as if this Act had not been passed.