

# **BUILDERS' REGISTRATION (No. 3).**

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**No. 91 of 1979.**

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**AN ACT to amend the Builders' Registration Act,  
1939-1975.**

*[Assented to 21st December, 1979.]*

**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) This Act may be cited as the *Builders' Registration Act Amendment Act (No. 3), 1979.* Short title and citation.

(2) In this Act the Builders' Registration Act, 1939-1975, is referred to as the principal Act.

Reprinted as approved for reprint 30th March, 1971, and amended by Act No. 97 of 1975.

(3) The principal Act as amended by this Act may be cited as the Builders' Registration Act, 1939-1979.

Commence-  
ment.

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

Section 2  
amended.

3. Section 2 of the principal Act is amended—

(a) by deleting the definitions of "Building license" and "Company" and substituting the following definitions—

"Building license" means a building license issued under Part XV of the Local Government Act, 1960.

"Company" means a company incorporated under the Companies Act, 1961, or which, being a recognized company or foreign company, has complied with the relevant provisions of Part XI of that Act. ; and

(b) in lines one and two of the definition of "Local Authority" by deleting the words "municipal council or road board" and substituting the passage "council as defined in section six of the Local Government Act, 1960".

Section 3  
repealed and  
substituted.

4. Section 3 of the principal Act is repealed and the following section is substituted—

Area within  
which this  
Act applies.

3. (1) This Act applies within the area described in the Schedule to this Act.

(2) The Governor may from time to time make regulations amending the Schedule to this Act—

(a) by adding any area to the area described in that Schedule or by subtracting any area from the area so described; or

(b) by deleting and substituting the area described in that Schedule.

(3) Regulations made under subsection (2) of this section may provide that this Act, as amended by those regulations, may be cited in the manner specified in those regulations.

(4) Notwithstanding any increase in the area to which this Act applies effected by regulations made under subsection (2) of this section, any act or thing lawfully commenced, and not discontinued or abandoned, before the coming into operation of those regulations in an area to which this Act did not apply before that coming into operation but to which this Act applies after that coming into operation may be continued and completed as if those regulations had not come into operation.

(5) Notwithstanding the repeal of the Second Schedule to the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1965, by the Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, 1967 (in this subsection called "the amending Act") and the provisions of this section as those provisions existed during the period commencing with the coming into operation of the amending Act and ending immediately before the coming into operation of the Builders' Registration Act Amendment Act (No. 3), 1979—

(a) the area within the boundaries (as from time to time defined, altered or extended during that period) of the Metropolitan Water, Sewerage, and Drainage Area constituted by the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, shall be deemed for all purposes of this Act to have been the area within which this Act applied during that period; and

- (b) any act or thing done during that period in the area within the boundaries referred to in paragraph (a) of this subsection in purported exercise of any power conferred by this Act shall not be deemed to be invalid by reason only of that repeal and those provisions.

(6) Notwithstanding the coming into operation of the Builders' Registration Act Amendment Act (No. 3), 1979, any act or thing lawfully commenced, and not discontinued or abandoned, before that coming into operation in an area to which this Act did not apply before that coming into operation but to which this Act applies after that coming into operation may be continued and completed as if the Builders' Registration Act Amendment Act (No. 3), 1979, had not come into operation. .

Section 4  
amended.

5. Section 4 of the principal Act is amended—

- (a) in subsection (1) by deleting—

- (i) in lines one and two the words “No person who is not registered under this Act shall” and substituting the passage “Subject to this section, a person who is not registered under this Act shall not”;

- (ii) the words “two thousand four hundred dollars” in lines three and four of subparagraph (i) of paragraph (A) and substituting the words “six thousand dollars or such other amount as may be prescribed by regulations made under section twenty-four of this Act”; and

(iii) in the penalty provision at the foot of that subsection—

(A) the words “one hundred” in lines one and two and substituting the words “four hundred”;

(B) the words “one hundred” in line three and substituting the words “four hundred”;

(C) the words “one thousand” in lines three and four and substituting the words “two thousand”; and

(D) the word “twelve” in line seven and substituting the word “twenty-five”;

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

(1a) Notwithstanding anything in subsection (1) of this section, the Board may, on the application in writing in the form approved by the Board of a person who is not registered under this Act, authorize in writing that person to construct for himself a building—

(a) which is specified in that authority; and

(b) which is not a dwelling house or a building referred to in subparagraph (aa) of paragraph (A) of subsection (1) of this section.

(1b) In subsections (1) and (1a) of this section—

“construct” includes add to, alter, improve, renovate and repair. ;

and

(c) in lines three and four of paragraph (i) of subsection (3) by deleting the words “two thousand four hundred dollars” and

substituting the words "six thousand dollars or such other amount as may be prescribed by regulations made under section twenty-four of this Act".

Section 4A  
amended.

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

- (a) in lines three and four of paragraph (a) of subsection (1) by deleting the words "two thousand four hundred dollars" and substituting the words "six thousand dollars or such other amount as may be prescribed by regulations made under section twenty-four of this Act"; and
- (b) in paragraph (c) of subsection (1) by inserting, before the passage "; and" in line eight of subparagraph (i), the words "or is a building which that person is authorized under subsection (1a) of section four of this Act to construct".

Section 10  
amended.

7. Section 10 of the principal Act is amended in lines four and five of subsection (4) by deleting the words "figures his registered number" and substituting the words "letters and figures his name and registered number".

Section 10B  
amended.

8. Section 10B of the principal Act is amended in line one of paragraph (b) by inserting, before the words "registered number", the words "name and".

Section 10C  
amended.

9. Section 10C of the principal Act is amended in line nine by inserting, before the words "registered number", the words "name and".

Section 21  
amended.

10. Section 21 of the principal Act is amended by inserting—

- (a) after the section designation "21.", the subsection designation "(1)"; and

- (b) after the existing section, the following subsection—

(2) In any legal proceedings, civil or criminal, instituted by or under the direction of or against the Board, a certificate purporting to be signed by the chairman of the Board and stating that—

- (a) the persons named in that certificate constituted the Board on the date specified in that certificate;
- (b) a resolution, order or act set out or described in that certificate was passed, made or done by the Board on the date specified in that certificate;
- (c) the registrar or a clerk or other employee of the Board was appointed specially or generally by the Board on the date specified in that certificate to represent or to prosecute on behalf of the Board in those proceedings;
- (d) the registrar or a clerk or other employee of the Board was authorised to prosecute in those proceedings;
- (e) any member of the Board or the registrar or a clerk or other employee of the Board was duly nominated or appointed as such on the date specified in that certificate; or
- (f) a quorum of the Board was present at the passing of any resolution, making of any order or doing of any act by the Board,

shall be *prima facie* evidence of the facts so stated on its mere production by any person in those proceedings. .

Schedule  
inserted.

11. The principal Act is amended by inserting, after section 24, the following Schedule—

## SCHEDULE.

(Section 3)

*AREA WITHIN WHICH THIS ACT APPLIES.*

All that portion of land bounded by lines starting from a point on the Low Water Mark of the Indian Ocean situate in prolongation westerly of the northern boundary of Swan Location 5392 (Reserve 23563) and extending easterly to and along that boundary and northern boundaries of Locations 3871 (Reserve 23103), 5270 (Reserve 23084), again 3871, 7550 (Part Reserve 25746), 8001 (Part Reserve 25746), E1, 7265 (Reserve 26052) and again E1 to the easternmost southeastern corner of Location 2470; thence southerly along the prolongation southerly of the eastern boundary of the last mentioned location to the northern boundary of Location G; thence easterly along that boundary and onwards to the left bank of the Swan River; thence generally northerly and generally easterly upwards along that bank to the north-eastern corner of lot 2 of Location 2 as shown on Land Titles Office Diagram 5821; thence generally southeasterly along northeastern boundaries of that lot to the northern boundary of Location 4; thence easterly, southerly and westerly along boundaries of that location to the north-western corner of Lot 312 of Location 5 as shown on Land Titles Office Plan 5694; thence southerly along western boundaries of that lot and lots 1, 315 and 317 of Locations 5A and 6 to a northern boundary of Lot 321; thence westerly and southerly along boundaries of that lot to a northern boundary of Lot 11 of Swan Location 1317, as shown on Land Titles Office Diagram 3047; thence westerly and southerly along boundaries of that lot to the northwestern corner of Lot 50 of Location 1253, as shown on Land Titles Office Plan 5879; thence easterly along the northern boundary of that lot and onwards along northern boundaries of Lots 51 and 2 of Location 1253 aforesaid to the prolongation northerly of the western boundary of Lot 80 of Location 1310; thence southerly to and along boundaries of that lot and onwards to the northern boundary of Location 3264 (Class "A" Reserve 7537); thence easterly along that boundary and the northern boundaries of Location 1895, Reserve 11140, Locations 7762, 2746 (Reserve 15955) and 1884 to the eastern side of Roland Road (Road Number 2004); thence generally northerly along that side, to the southern alignment of Cameron Road (Road Number 10668); thence easterly along that alignment to the western side of (Road Number 2261); thence generally southerly along that side to a point situate in prolongation westerly of the northern boundary of Lot 19 of Location 1310, as shown on Land Titles Office Plan 5646; thence easterly and southerly to and along boundaries of that lot to the northern boundary of Location 12, as shown on Land Titles Office Plan 5828; thence easterly,



southerly and westerly along boundaries of that location to the northeastern corner of Location 2044; thence southerly along eastern boundaries of that location and Location 2045 to the northern boundary of Location 2086; thence easterly, southerly and westerly along boundaries of that location to the eastern boundary of Location 1956; thence southerly and westerly along boundaries of that location to the northeastern corner of Location 1850; thence southerly along the eastern boundary of that location to the northwestern corner of Location 1995; thence easterly and southerly along boundaries of that location and onwards to the northern side of the Parkerville to Mount Helena Railway Reserve; thence generally easterly along that side to a point situate in prolongation northerly of the western boundary of Location 1828; thence southerly to and along that boundary to the northern side of Stoneleigh Road; thence easterly along that side to the northwestern side of Sexton Street; thence northeasterly along that side to the northern alignment of Horace Street; thence easterly along that alignment and the northern boundary of Location 1868 and onwards to the southeastern side of Sawyers Road; thence generally southwesterly along that side and the northwestern side of Reserve 7889 (Pipe Track), to the eastern boundary of Location 986; thence southerly along that boundary to the southeastern side of Reserve 7889 (Pipe Track) aforesaid; thence generally north-northeasterly along that side to a point situate in prolongation westerly of the northern boundary of Location 1867; thence easterly along that prolongation to the northwestern corner of Location 1867 aforesaid; thence southerly and easterly along boundaries of that location to a northwestern corner of Location 1829; thence southerly along the western boundary of that location and onwards to the southern side of Great Eastern Highway; thence generally northeasterly along that side to a point situate in prolongation southerly of the eastern side of Bambrook Street; thence northerly to and along that side to the northwestern corner of Sawyers Valley Lot 123; thence easterly and southerly along boundaries of that lot and southerly along the eastern boundary of Lot 150 to the northern side of Great Eastern Highway aforesaid; thence generally easterly along that side to a northwestern boundary of the Helena River Reservoir Catchment Area (Reserve 6203); thence generally southwesterly and northwesterly along that boundary to a point situate in prolongation southerly of the western boundary of Sawyers Valley Lot 53; thence northerly to and along that boundary to the southern side of Helena Terrace; thence generally west-southwesterly along that side to the northernmost northwestern corner of Mundaring Suburban Lot 100; thence easterly, southerly and westerly along boundaries of that lot and westerly along southern boundaries of Lots 99 and 98 to the eastern boundary of Mahogany Creek Lot 51; thence south-southeasterly and west-southwesterly along boundaries of that lot and west-southwesterly along southern boundaries of Lot 52 (Reserve 29348) and Swan Location 1192 to the southwestern corner of that location, a point on the northern boundary of the Helena River Reservoir Catchment Area (Reserve 6203) afore-

said; thence generally southerly along that boundary to the southern boundary of Location 1492; thence southwesterly, southeasterly and easterly along boundaries of the Helena River Reservoir Catchment Area (Reserve 6203) aforesaid; to the eastern side of Road Number 3447; thence generally southerly along that side to a point situate in prolongation easterly of the northern boundary of Location 4898; thence westerly to the northeastern corner of that location; thence westerly, southerly, again westerly and again southerly along boundaries of State Forest Number 50, as shown on Lands and Surveys Original Plan 5166, to the northwestern corner of Location 3328; thence southwesterly along the northwestern boundary of that location to the northern boundary of Location 2621; thence westerly along that boundary and northern boundaries of Locations 990 and 1037 to the northwestern corner of the last mentioned location; thence southerly along the western boundary of that location to the northernmost northeastern corner of Reserve 23118; thence southwesterly and northwesterly along boundaries of that reserve to its intersection with a line joining the southwestern corner of Location 1421 and the northwestern corner of Reserve 5342; thence generally southerly along that line and the western boundary of Reserve 5342 to its southwestern corner; thence northwesterly to the southeastern corner of Helena Location 20a; thence westerly and northwesterly along boundaries of that location to the northernmost northeastern corner of Swan Location 2639; thence southerly along eastern boundaries of that location, Location 1025 and again 2639 to the northwestern corner of Location 1473; thence southerly and easterly along boundaries of that location to the northwestern corner of Canning Location 1879 (Reserve 16922); thence southerly along western boundaries of that location and onwards to the northwestern corner of Location 711; thence easterly and southerly along boundaries of that location and southerly along the eastern boundary of Location 563 to the northwestern corner of Location 972; thence easterly along the northern boundary of that location and easterly and southerly to and along boundaries of Location 963 to the northwestern corner of Location 961; thence easterly along the northern boundary of that location to its northeastern corner; thence northeasterly to the easternmost northeastern corner of the southwestern severance of Location 946; thence southerly along the eastern boundary of that location and onwards to the southeastern side of Road Number 1839; thence southwesterly along that side to the northeastern corner of Location 903; thence generally southerly along eastern boundaries of that location to its southeastern corner; thence 8 chains 84 and sevenths links easterly along the prolongation easterly of the southern boundary of that location; thence southerly to the eastern corner of the southwestern severance of Location 393; thence generally westerly along the southern side of Mundaring Weir Road to the eastern boundary of Location 383; thence southerly along that boundary to the northwestern corner of Location 742; thence easterly and southerly along boundaries of that location to the northernmost northwestern corner of Location 741; thence easterly and

southerly along boundaries of that location and southerly along eastern boundaries of Locations 740 and 183 to a point situate in prolongation westerly of the northern boundary of Location 390; thence easterly along that boundary and onwards to the western boundary of Location 673; thence generally northerly, easterly and southerly along boundaries of that location to the north-western corner of Location 363; thence easterly and southerly along boundaries of that location to the northwestern corner of Location 797; thence easterly along northern boundaries of that location and Locations 796, 795 and 794 to the north-eastern corner of the last mentioned location; thence southerly along the eastern boundary of that location to the northwestern corner of Location 793; thence easterly along the northern boundary of that location to its northeastern corner, a point on a southwestern boundary of the Coolgardie Water Supply Catchment Area (Reserve 6203); thence generally southeasterly along southwestern boundaries of that Catchment Area, generally southeasterly and generally south-westerly along boundaries of the Canning River Catchment Area (Reserve 5913) and generally southwesterly and generally northwesterly along boundaries of the Serpentine Catchment Area (Reserve 16634) to the eastern boundary of Cockburn Sound Location 1727 (Part of Class "A" Reserve 28862); thence northerly and westerly along boundaries of that location to the southern side of Falls Road; thence generally westerly along that side to the northernmost northwestern corner of Location 289; thence southerly and westerly along boundaries of that location and onwards to and along northern boundaries of Location 628 and Serpentine Town Lot 58 to the northwestern corner of that lot; thence west-northwesterly to the northeastern corner of Location 487; thence westerly along northern boundaries of that location and Serpentine Agricultural Area Lot 92 and onwards to the eastern side of the South Western Railway Reserve; thence generally northerly along that side to the left bank of the Serpentine River; thence generally northwesterly downwards along that bank to the eastern side of Rapids Road (Road Number 1246); thence northerly along that side to the southwestern corner of the eastern severance of Cockburn Sound Location 732; thence northerly 10 chains 93 and two tenths links along the western boundary of that severance; thence 334 degrees 12 minutes to a line parallel to and 2 chains northerly from the northern side of Lowlands Road (Road Number 1929); thence easterly along that line to a line parallel to and 2 chains southwesterly from the southwestern side of Lighthody Road; thence generally northwesterly along that line to a point situate in prolongation southerly of a line parallel to and 2 chains westerly from the western boundaries of Peel Estate Lots 275, 263, 1128, 262, 251 to 247 inclusive, 230, 229, 228, 214, 213, 197 and 196; thence northerly along that line to the southern boundary of Lot 106; thence westerly along that boundary to a line parallel to and 3 chains westerly from the western boundaries of lots 195, 179 and 178; thence northerly along that line to the southern side of Rowley Road (Road Number 8968); thence westerly to

and along that side and northern boundaries of Peel Estate Lots 790 and 1308 to the northwestern corner of the last mentioned lot; thence generally southerly along western boundaries of that lot and generally southerly along the western boundary of a Discontinued Tram Reserve to the southeastern corner of late Peel Estate Lot 622 as shown on Lands and Surveys Original Plan 2766; thence westerly along the southern boundary of that lot to a point situate in prolongation northerly of the eastern boundary of late Lot 1055; thence southerly along eastern boundaries of that late lot and late lots 1056 to 1060 inclusive to the southeastern corner of the last mentioned lot; thence generally southwesterly along the northwestern side of Road Number 8798 to a point situate 10 chains east of the prolongation southerly of the western boundary of Peel Estate Lot 621 (Reserve 23914); thence south to the southern side of Road Number 1607; thence generally westerly along that side to its intersection with the western side of Road Number 6104; thence generally southerly along that side to the southern boundary of Peel Estate Lot 901; thence westerly along that boundary and southern boundaries of Lots 1094 and Reserve 20716 and onwards to the Low Water Mark of the Indian Ocean aforesaid; thence generally northerly along that Low Water Mark to the western extremity of the South Mole; thence northwesterly to the western extremity of the North Mole and thence generally northerly along the Low Water Mark of the Indian Ocean aforesaid to the starting point.

Excluding the "Jarrahdale Country Water Area" as defined in the schedule gazetted on 29th March, 1968.

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