

BUILDERS' REGISTRATION.

No. 58 of 1970.

AN ACT to amend the Builders' Registration Act,
1939-1968.

[Assented to 5th November, 1970.]

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, 1970.*

Short title
and citation.

(2) In this Act the Builders' Registration Act, 1939-1968 is referred to as the principal Act.

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for reprint,
14th Janu-
ary, 1963, and
amended by
Acts Nos. 33
of 1965, 29
of 1966 and
41 of 1968.

(3) The principal Act as amended by this Act may be cited as the Builders' Registration Act, 1939-1970.

S. 12A added.

2. The principal Act is amended by adding after section 12 a section as follows—

Order to
remedy
unsatisfac-
tory building
work.

12A. (1) Where the Board is of opinion that any building work carried out by any builder under this Act has not been carried out in a proper and workmanlike manner, the Board may, by order in writing served on the builder order him or it to remedy the faulty or unsatisfactory building work within such reasonable time as is specified in the order.

(2) A builder on whom or on which an order has been served pursuant to subsection (1) of this section may, within the period of twenty-one days after service of the order, appeal to the magistrate of the nearest local court against the making of the order or any matter contained therein, by causing notice in writing of the appeal to be served within that period upon the court and the Board.

(3) At the hearing of an appeal duly made under subsection (2) of this section, the magistrate may—

- (a) set aside wholly or vary in any way the order of the Board; or
- (b) decline to set aside or vary the order of the Board,

and may make such order as to the costs of the appeal as he thinks fit, and the decision of the magistrate is final and not subject to any appeal.

(4) Any builder who fails to comply with—

- (a) the terms of an order of the Board made under this section, in any case where no appeal was duly made against the making of the order or where such an appeal was made but the order was not set aside or varied at the hearing of the appeal; or

- (b) the terms of an order of the Board made under this section as varied by a magistrate at the hearing of an appeal brought against the making of the order,

commits an offence.

Penalty: Five hundred dollars.

(5) The making of an order by the Board under this section in respect of any building work carried out by a builder does not, irrespective of whether an appeal is made against the making of the order or of the manner in which the appeal is disposed of, limit or affect in any way the power of the Board to deal with that or any other builder under section thirteen of this Act in connection with the performance, carrying out or completion of the building work which the order required to be remedied. .

3. The principal Act is amended by adding after section 20 a section as follows—

S. 20A added.

20A. (1) Any member of the Board, or person authorised in writing in that behalf by the chairman of the Board, may at any time enter upon any land on which any building work is being carried out and inspect the building work.

Right of
entry and
inspection.

(2) A person who in any way resists, obstructs, impedes or delays a member of the Board or other person authorised under subsection (1) of this section, in the exercise of his powers conferred by that subsection commits an offence. .
