

BUILDERS' REGISTRATION.

4° and 5° GEO. VI., No. XLIII.

No. 43 of 1940.**AN ACT to amend the Builders' Registration Act, 1939.**

[Assented to 30th December, 1940.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 Act Amendment Act, 1940*, and shall be read as one with the Builders' Registration Act, 1939 (No. 29 of 1939), hereinafter referred to as the principal Act.

Amendment
of s. 2.

2. Section two of the principal Act is amended by inserting therein after the definition of "Building" new definitions as follows:—

"Company" means a company incorporated or registered under the Companies Act, 1893-1938, or which, being a foreign company, has complied with the provisions of Part VIII. of the said Act.

“Local authority” means a municipal council or road board.

3. Section four of the principal Act is amended by deleting subsection (2) and inserting in lieu thereof a subsection as follows:—

Amendment
of s. 4.

(2) The persons exempted from the necessity of obtaining registration under this Act as mentioned in subsubparagraph (ii) of paragraph (A) of subsection (1) of this section are—

Exemption.

(a) any person who is—

(i) a member of the Royal Institute of the Architects of Western Australia or of the Institution of Engineers of Australia (Perth Division), or of the Australasian Institute of Mining and Metallurgy;

(ii) registered under the Architects Act, 1921;

(iii) an officer or servant of the Crown or of any Crown instrumentality, or of any local authority, in so far as he directs or supervises the carrying out of any contract or engagement in the performance of his duties as such officer or servant;

(b) any partnership, when not more than one of the partners is not registered under this Act;

(c) any local authority; and

(d) any company and any other body corporate whose building work is managed and supervised by a person registered under this Act or exempted from the necessity of obtaining registration under this Act.

4. Section ten of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

Amendment
of s. 10.
Repeal and
new section.

10. (1) Any person, not being a company or any other body corporate, who applies to be registered under this Act shall be entitled to be so registered if and when—

Who may be
registered.

(a) he has paid the prescribed fees for such registration; and

(b) he has satisfied the Board that he—

(i) has attained the age of twenty-one years; and

(ii) is a natural born or naturalised British subject; and

(iii) is a person of good character; and

(iv) (a) has completed the prescribed course of training and has passed the prescribed examinations; or

(b) subject as hereinafter provided, had at the time of the passing of this Act been trading as a builder or had been a supervisor of building work for not less than two years and is competent to carry out and supervise building work.

Provided that the alternative condition contained in this subsubparagraph (b) shall not be a qualification for registration under this Act after the expiration of six months next following the date of the commencement of this section.

(2) Any company or other body corporate which is not exempted under subsection (2) of section four of the Act and which applies to be registered under this Act shall, subject as hereinafter provided, be entitled to be so registered if and when—

(a) it has paid the prescribed fees for such registration; and

(b) it has satisfied the Board that—

(i) it is duly authorised to engage in the business of trading as a builder; and

(ii) there is already registered or exempt from registration under this Act at least one director of the company or at least one member of the board of management of the body corporate, or a person employed by the company or other body corporate to manage and supervise the building work undertaken by the company or the body corporate aforesaid.

(3) Provided that, and notwithstanding anything to the contrary contained in this Act, the registration under this Act of a company or other body corporate pursuant to subsection (2) of this section shall continue and have effect only while at least one director of the company or at least one member of the board of management of the body corporate, or a person employed by the company or the body corporate aforesaid to manage and supervise the building work undertaken by the company or the body corporate aforesaid continues to be registered under this Act.

5. A section is inserted in the principal Act after section sixteen, as follows:— New section.

16A. (1) It shall be lawful for any member of the Board, or for any officer of the Board authorised in that behalf by writing under the hand of the chairman of the Board, to enter the premises of any local authority at any time when such premises are open for business, and to examine and make copies of or extracts from all books, papers, records, documents, and other entries of the local authority relating to applications for and the issue of building permits by the local authority for the purpose of obtaining any information which the Board requires. Local authorities to furnish information to the Board.

(2) If any member or officer or servant of a local authority hinders or obstructs or attempts to hinder or obstruct any member or officer of the Board in the lawful exercise by him of the powers conferred by subsection (1) of this section, he shall be guilty of an offence.

Penalty: Fifty pounds.

6. (1) Any applicant under section four of this Act whose application has been refused by the Board shall be entitled, on demand, to be furnished in writing with the reason or reasons for such refusal.

(2) Within fourteen days of receipt by the applicant of such reasons, he or it may appeal to the magistrate of the nearest local court against the decision of the Board

by notice in writing of his or its intention so to do, at a day not less than ten days after service of such notice on the Board.

(3) The magistrate of the local court may allow such appeal or dismiss same, and, in the event of allowing such appeal, may direct the Board to register the appellant under this Act, in accordance with the provisions thereof.

(4) The magistrate of the local court may award costs to the successful party.

(5) The appellant may adduce all such evidence at the hearing of the appeal of which he has given the Board seven days' notice before the date fixed for the hearing, but not further or otherwise.

Citation of
principal Act
as amended.

7. The principal Act as amended by this Act may be cited as the Builders' Registration Act, 1939-1940.