

---

**BUILDERS REGISTRATION AMENDMENT**

---

## TABLE OF PROVISIONS

- |   |   |
|---|---|
| <ol style="list-style-type: none"><li>1. Short title.</li><li>2. Principal Act.</li><li>3. Amendment of section 7 of Principal Act (Fees, expenses, and financial assistance).</li><li>4. Amendment of section 11 of Principal Act (Building supervisors' certificates).</li><li>5. Amendment of section 14 of Principal Act (Fees).</li><li>6. Amendment of the Principal Act.</li></ol> | <ol style="list-style-type: none"><li>7. Validation of the grant of registrations and certificates under the Principal Act.</li><li>8. Suspension of section 31 of Principal Act for certain period.<br/>Schedule 1—Amendment of the Principal Act.<br/>Schedule 2—Validation of the grant of registrations and certificates under the Principal Act.</li></ol> |
|---|---|





## BUILDERS REGISTRATION AMENDMENT

---

No. 68 of 1979

---

AN ACT for the purpose of validating the grant of registrations and certificates under the Builders Registration Act 1977 and for the purpose of amending that Act to extend the power of making regulations relating to matters connected with the grant of those registrations and certificates and for certain other purposes.

[Royal Assent 14 December 1979]

\*\*\*\*\*

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Builders Registration Amendment Act 1979*. Short title.

**2**—In this Act, the *Builders Registration Act 1977*\* is referred Principal Act. to as the Principal Act.

---

\* No. 112 of 1977. Subsequently amended by No. 61 of 1978.

Amendment of section 7 of Principal Act (Fees, expenses, and financial assistance).

**3**—Section 7 (2) of the Principal Act is amended by omitting “ of the Board ” and substituting “ incurred by the Board in the exercise of its functions under this Act ”.

Amendment of section 11 of Principal Act (Building supervisors' certificates).

**4**—Section 11 of the Principal Act is amended by omitting subsection (5) and substituting the following subsections:—

(5) Subject to this Act, a full certificate shall not be granted unless the person to whom it is granted—

(a) holds one of the following qualifications:—

(i) the completion of a course of training that is, or any other qualifications that are, prescribed in relation to a class of building operation;

(ii) the possession of such knowledge and skill in relation to a class of building operation—

(a) as are deemed to be appropriate by the Board; and

(b) as are deemed by the Board, in the case of a class of building operation in relation to which a qualification referred to in subparagraph (i) is prescribed, to be equivalent to that qualification or to one of them, if more qualifications than one is so prescribed; and

(b) has had practical experience that the Board considers adequate in the carrying out of building operations—

(i) for a period of not less than 3 years; or

(ii) for periods that in the aggregate are of not less than 3 years, during the period of 5 years,

immediately before the date on which that person applied for the certificate.

(5A) Subject to this Act, a limited certificate shall not be granted unless the person to whom it is granted—

(a) holds one of the following qualifications in relation to the class of building operation in respect of which the certificate is granted:—

(i) the completion of a course of training that is, or any other qualifications that are, prescribed in relation to that class of building operation if that qualification is, or those qualifications are, so prescribed;

(ii) the possession of such knowledge and skill in relation to that class of building operation—

(a) as are deemed to be appropriate by the Board; and

(b) as are deemed by the Board, in the case of a class of building operation in relation to which a qualification referred to in subparagraph (i) is prescribed, to be equivalent to that qualification or to one of them, if more qualifications than one is so prescribed; and

(b) has had practical experience that the Board considers adequate in the carrying out of that class of building operation—

(i) for a period of not less than 3 years; or

(ii) for periods that in the aggregate are of not less than 3 years, during the period of 5 years,

immediately before the date on which that person applied for the certificate.

(5B) For the purposes of subsections (5) and (5A), “prescribed” means—

(a) prescribed in the regulations made under this Act; or

(b) prescribed by or under an Act, other than this Act, referred to in those regulations.

Amendment of  
section 14 of  
Principal Act  
(Fees).

**5**—Section 14 of the Principal Act is amended as follows:—

- (a) by being renumbered as subsection (1);
- (b) by inserting “but subject to subsection (3),” after “Act,”;
- (c) by adding the following subsections:—

(2) Regulations for the purposes of subsection (1) may prescribe—

(a) different fees according to whether the fees are payable in respect of—

(i) the grant or renewal of full registrations or limited registrations;  
or

(ii) the grant or renewal of full certificates or limited certificates;  
and

(b) different fees in respect of the grant or renewal of registrations according to whether any such registration is granted or renewed on the application of a public or private company, an individual, or 2 or more individuals jointly.

(3) Regulations for the purposes of subsection (1) may—

(a) prescribe the cases in which the Board may grant reductions in the fees prescribed by those regulations as being payable in respect of registrations, renewals of registrations, certificates, and renewals of certificates; and

(b) specify the amount of such a reduction or authorize the Board to determine that amount.

Amendment of  
the Principal  
Act.

**6**—The Principal Act is amended in the manner specified in Schedule 1.

7—Schedule 2 has effect.

Validation of the grant of registrations and certificates under the Principal Act.

8—(1) Section 31 of the Principal Act does not apply during the relevant period to building operations that are carried out, or caused to be carried out, for reward by a person who is not registered under that Act.

Suspension of section 31 of Principal Act for certain period.

(2) In subsection (1), “relevant period” means the period of 2 months commencing on the date on which the regulations take effect, being the first regulations that are made under the Principal Act, as amended by this Act.

### SCHEDULE 1

Section 6

#### AMENDMENT OF THE PRINCIPAL ACT

<i>Column 1</i> Provision of Principal Act amended	<i>Column 2</i> Amendment
(1) Section 9 (5).	Omit “corporation”, substitute “company”.
(2) Section 10 (1) (b).	Omit “corporation”, substitute “company”.
(3) Section 18 (2).	Omit “corporation”, substitute “company”.
(4) Section 31 (6).	Omit “(3)”, substitute “(5)”.

### SCHEDULE 2

Section 7

#### VALIDATION OF THE GRANT OF REGISTRATIONS AND CERTIFICATES UNDER THE PRINCIPAL ACT

1.—In this Schedule—

Interpretation.

“class of person”, in relation to a person referred to in clause 2, means any of the following classes of persons:—

- (a) a public company;
- (b) a private company;
- (c) an individual;
- (d) two or more individuals;

“first relevant period” means the period commencing on 1st January 1979 and ending immediately before the date of assent to this Act;

“second relevant period” means the period commencing on the date of assent to this Act and ending immediately before the date of the taking effect of the first regulations made under the Principal Act, as amended by this Act.

Validation of  
the grant of  
registrations.

2.—(1) A registration that was granted under the Principal Act by the Board to a person during the first relevant period shall be deemed to have been as validly granted to that person as if, during that period—

- (a) the amount that was paid by him to the Board in respect of the grant of the registration had been a fee validly prescribed, by regulations made for the purposes of section 14 of the Principal Act, as amended by this Act, as being payable by the class of person of which he is a member in respect of the kind of registration so granted to him; or
- (b) in the case of the payment by him to the Board of an amount, being a fee so prescribed the amount of which was reduced by the Board, those regulations had authorized the payment of such a reduced amount.

(2) A registration that is granted under the Principal Act by the Board to a person during the second relevant period shall be deemed to be as validly granted to that person as if, during that period—

- (a) the amount that is paid by him to the Board in respect of the grant of the registration is a fee validly prescribed, by regulations referred to in subclause (1) (a), as being payable by the class of person of which he is a member in respect of the kind of registration so granted to him; or
- (b) in the case of the payment by him to the Board of an amount, being a fee so prescribed the amount of which is reduced by the Board, those regulations authorize the payment of such a reduced amount.

Validation of  
the grant of  
certificates.

3.—(1) A certificate that was granted under the Principal Act by the Board to a person during the first relevant period shall be deemed to have been as validly granted to that person as if—

- (a) during that period—
  - (i) the amount that was paid by him to the Board in respect of the grant of the certificate had been a fee validly prescribed, by regulations made for the purposes of section 14 of the Principal Act, as amended by this Act, as being payable in respect of the kind of certificate so granted to him; or



- (ii) in the case of the payment by him to the Board of an amount, being a fee so prescribed the amount of which was reduced by the Board, those regulations had authorized the payment of such a reduced amount; and
- (b) during that period, in the case of a certificate that was not granted under section 47 of the Principal Act—
- (i) being a full certificate, the training, knowledge, skill, and experience possessed by that person that were accepted by the Board as entitling him to be granted that certificate had been one of the qualifications and the practical experience; or
  - (ii) being a limited certificate, the qualifications, if any, and experience or training, knowledge, skill, and experience possessed by that person that were accepted by the Board as entitling him to be granted that certificate in respect of the relevant class of building operation had been one of the qualifications and the practical experience,

that that person would have been required to possess to entitle him to be granted such a certificate under section 11 of the Principal Act, as amended by this Act.

(2) A certificate that is granted under the Principal Act by the Board to a person during the second relevant period shall be deemed to be as validly granted to that person as if—

- (a) during that period—
- (i) the amount that is paid by him to the Board in respect of the grant of the certificate is a fee validly prescribed, by regulations made for the purposes of section 14 of the Principal Act, as amended by this Act, as being payable in respect of the kind of certificate so granted to him; or
  - (ii) in the case of the payment by him to the Board of an amount so prescribed that is reduced by the Board, those regulations authorize the payment of such a reduced amount; and
- (b) during that period, in the case of—
- (i) a full certificate, the training, knowledge, skill, and experience possessed by that person that are accepted by the Board as entitling him to be granted that certificate are one of the qualifications and the practical experience; or

- (ii) a limited certificate, the qualifications, if any, and experience or training, knowledge, skill, and experience possessed by that person that are accepted by the Board as entitling him to be granted that certificate in respect of the relevant class of building operation are one of the qualifications and the practical experience,

that that person would be required to possess to entitle him to be granted such a certificate under section 11 of the Principal Act, as amended by this Act.