



Building Services (Registration) Amendment Regulations 2018

The Building Services (Registration) Amendment Regulations 2018 (the Amendment Regulations) were published in the Government Gazette on Friday 21 September 2018. The Amendment Regulations can be accessed on the State Law Publisher's website www.slp.wa.gov.au.

Background

This bulletin intends to outline the key Amendment Regulations as below:

Amendment Regulation 3 states that the Amendment Regulations amend the Building Services (Registration) Regulations 2011 (the Regulations).

Amendment Regulations 4 and 5 replace regulations 7 and 10(1) of the Regulations to remove:

- the option to apply for registration or renewal for 18 months. This means that all registrations and renewals must be issued for a period of three years;
- the provisions which enable the spreading of registrations and renewals, which are no longer required; and
- the pro rata refund provisions, as these are also no longer required - new regulation 10(1) provides sufficient general discretion for the Building Commissioner to refund part or all of a fee paid if circumstances warrant.

The background to the 18 month provisions is that in 2012, almost all registrations under the Act were made or renewed annually, falling due on 1 February in any year. This placed an unsustainable burden on the Building Services Board (the Board) and the then Building Commission, which is now the Building and Energy Division within the Department of Mines, Industry Regulation and Safety. To address this, the Regulations were amended in 2013 to redistribute registration and renewal dates more uniformly throughout each year from 2013 to 2016. This gave applicants the choice to register for durations ranging from 12 months to 36 months. By May 2016, the redistribution process was completed and from July 2016 the Board has only offered three year registrations to applicants seeking renewal. However, technically under regulation 7 of the Regulations, an application for registration or renewal of registration may be made for 18 months.

These changes will help contain the costs of the registration system and ensure its consistency.

Amendment Regulations 6, 7 and 8 replace Divisions 2, 4 and 5 respectively of Schedule 1 to the Regulations to delete prescribed 18 month application fees, which are now redundant.

- replacing references in clause 2(2) to Geraldton and Greenough with a reference to Greater Geraldton. This reflects the amalgamation of the former two local government districts into Greater Geraldton in 2011;
- replacing the reference in clause 2(3)(1) to the local government district of Roebourne with a reference to the local district of Karratha. This reflects the renaming of the local government district of Roebourne as the local government district of Karratha in 2014.

Amendment Regulation 10 amends clause 2(2)(b) in Schedule 4 to the Regulations by deleting the first reference to “local government”. This corrects a typographical error.

Disclaimer

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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