

## **Building Services (Registration) Amendment Regulations 2022**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Building Services (Registration) Amendment Regulations 2022*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Building and Construction Industry (Security of Payment) Act 2021* section 128 comes into operation.

**3. Regulations amended**

These regulations amend the *Building Services (Registration) Regulations 2011*.

**4. Regulation 3 amended**

In regulation 3 delete the definition of *insolvent*.

**5. Regulation 10A inserted**

After regulation 10 insert:

**10A. Notification of new director of building service contractor: prescribed information**

- (1) For the purposes of section 32A(3), the following information must be included in a notice of the appointment of any new director of a body that is a building service contractor —
  - (a) a copy of an ASIC current and historical company extract for the body that was extracted within the previous 30 days;
  - (b) the new director's Director Identification Number (DIN) if the new director is required to obtain a DIN under the *Corporations Act 2001* (Commonwealth) Part 9.1A;
  - (c) whether the new director is (or has been) a bankrupt or a person whose affairs are under insolvency laws, according to the *Interpretation Act 1984* section 13D;
  - (d) whether the new director has not paid a building service debt of a kind referred to in section 53(4) that the new director has incurred;
  - (e) whether the new director is (or has been) an officer of a corporation or a non-corporate body that became an insolvent on at least 1 occasion, but only if the period of 3 years has not elapsed since the insolvency event that resulted in the last insolvency.
- (2) A term used in subregulation (1)(e) has the same meaning as it has in Part 5A of the Act.

**6. Schedule 5 Division 2 amended**

In Schedule 5 Division 2 after the row relating to s. 32(1) insert:

s. 32A(2)	Failure to notify the Board of new director	\$1 000
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Clerk of the Executive Council