



Registered painting contractor obligations

A guide to registration obligations and the compliance audit program.

Building and Energy is responsible for regulating painting and decorating work and the Building Services Board (the Board) is responsible for registering painting contractors for work with a value of \$1,000 or more, in prescribed areas of Western Australia.

The building services Acts set out the obligations that registered service providers must adhere to.

General registration obligations

Written notice must be given to the Board within seven days of any of the following occurring:

- You change your address.
- There is a change in your eligibility.
- You are suffering financial difficulty.
- You have been charged with a serious offence.
- You are convicted of an offence against the law of the Commonwealth or another jurisdiction.
- You no longer have

Notify Building and Energy within 14 days if the business address or contact details change.

Contracting

The *Home Building Contracts Act 1991* (the Act) regulates contracts between anyone undertaking home building or associated work for a home owner where the value of the fixed price contract is between \$7,500 and \$500,000. Limited provisions apply to cost plus contracts. The following requirements apply:

- Notice for the home owner - You must provide the owner with a copy of the 'Notice for the Home Owner'.
- Home building work contract - Contracts must be in writing, contain all the terms, conditions and provisions of the agreement, show the date and be signed by both parties.
- Deposits and progress payments - Deposits must not exceed 6.5 per cent of the total cost of the work and progress payments must only be for work actually performed or materials already supplied.

- Contract variations - Variations must be in writing, show the date and be signed by both parties. You must give a copy to the home owner before the variation work commences.
- Price rises - 'Rise and fall' clauses are prohibited under the Act.
- Workmanship defects - You are liable to make good any defects in home building work where notified in writing within four months of practical completion.

Painting work

All painting and decorating work must be carried out in accordance with AS/NZS 2311:2009 or the paint manufacturers' specifications and to good trade practice.

Signage requirements

You must ensure your sign is located in a prominent position on the site and be able to be read by members of the public from outside the site, is of reasonable dimensions and written in clearly legible letters and numerals. It must contain the name, registration number and contact telephone number of the contractor and the name and registration number of the nominated supervisor of the contractor.

Advertising requirements

You must include the registration number of the registered painting and decorating contractor and nominated supervisor (where applicable) in all published advertising and display a sign at sites that complies with the legislation when carrying out painting and decorating work.

Supervision requirement

Ensure painting and decorating work is properly managed and supervised by the contractor, and where applicable, the nominated supervisor.

Compliance audit program

The compliance audit program monitors that:

- relevant standards are being met through proficient and workmanlike trade practices;
- legislative obligations are being complied with; and
- painters and decorators are protecting their interests by ensuring they comply with their contractual and workmanship obligations and instilling in the public confidence in the painting and decorating profession

A written notice of an audit will be issued to the registered painting and decorating contractor to allow adequate time to retrieve the relevant or required documents ready for the audit.

During the audit, the registered painting and decorating contractor will have an opportunity to discuss any compliance related matters.

Building and Energy officers are bound by the Department of Mines, Industry Regulation and Safety's Code of Conduct. Any information obtained during the audit will remain confidential unless the Board or Building and Energy is required to disclose the information by law.

Inspections of painting and decorating work will also be conducted. The sites will be selected from current or recently completed work being undertaken.

Generally, an audit conducted at your office may take approximately two hours, depending on the size and nature of the business.

What happens after an audit is completed?

The Building Commissioner acknowledges compliance efforts and will support registered painting and decorating practitioners and contractors who are endeavouring to comply with their requirements. When necessary, actions taken for non-compliance may include formal warnings and prosecutions seeking the imposition of penalties. Where warranted, the use of public warning to protect the public from serious non-compliance will be considered along with disciplinary action.

Information will be gathered and collated and will be then communicated with the industry.

Other inspections

Site inspections can occur randomly without notice, as a result of other audit activities and in response to complaints.

Further information

Further information regarding your obligations is located on the department's website at:

www.dmirs.wa.gov.au/building-and-energy

Copies of the building services acts are available on the Parliamentary Counsel's Office website at www.legislation.wa.gov.au

Disclaimer – The information contained in this fact sheet is provided as general information and a guide only. It 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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