

LEGISLATIVE ASSEMBLY

**BUILDING AMENDMENT (ENFORCEMENT AND OTHER MEASURES) BILL
2016**

(Amendments and New Clauses to be moved by Mr Wynne)

1. Clause 2, lines 11 and 12, omit "78, 79, 84, 85 and 86), Part 7 (except Division 2" and insert "77, 78, 83, 84 and 85), Part 7 (except Divisions 2 and 4".
2. Clause 2, line 13, omit "51(1), 57 and 104" and insert "50(1), 56 and 103".
3. Clause 3, lines 10 to 12, omit "means a building surveyor notified to the relevant council under section 80A" and insert "has the meaning set out in section 80A(2)".
4. Clause 6, page 7, after line 9 insert—
 - "() If the designated building surveyor notified to the relevant council is replaced by another director or employee of the body corporate for any period, the registered body corporate must within 7 days after the replacement is made—
 - (a) notify the relevant council in writing of the new designated building surveyor; and
 - (b) give a copy of that notice to the person who appointed the registered body corporate under this Part."
5. Clause 22, omit this clause.
6. Clause 24, page 59, lines 17 to 18, omit "who issues a building permit".
7. Clause 24, page 59, lines 23 to 25, omit all words and expressions on these lines and insert—
 - "(a) the building work to which a building permit applies; or
 - (b) the building permit."
8. Clause 85, lines 20 to 23, omit all words and expressions on these lines and insert—

"the person is registered as a building surveyor (unlimited)." **substitute**—

"the person—

 - (a) is a natural person; and
 - (b) is registered as a building surveyor under Part 11 and whose registration authorises the carrying out of work required for performing all the functions of a municipal building surveyor."!
9. Clause 95, page 176, line 23, omit "23" and insert "22".
10. Clause 95, page 176, line 27, omit "23" and insert "22".

11. Clause 95, page 176, line 30, omit "23" and insert "22".
12. Clause 95, page 177, line 2, omit all words and expressions on this line and insert—
 "(1) Section 25A as substituted by section 23 of the".
13. Clause 95, page 177, line 5, omit "24" and insert "23".
14. Clause 95, page 177, after line 6 insert—
 "(2) Section 25A as in force immediately before the commencement of section 23 of the amending Act continues to apply in relation to building work for which a building permit was issued before that commencement."
15. Clause 95, page 177, line 9, omit "24" and insert "23".
16. Clause 95, page 177, line 13, omit "24" and insert "23".
17. Clause 95, page 177, line 17, omit "24" and insert "23".
18. Clause 95, page 177, line 20, omit "24" and insert "23".
19. Clause 95, page 177, after line 21 insert—

"10A Suspension of building permit

Section 25AE as inserted by section 23 of the amending Act does not apply in relation to a building permit issued before the commencement of section 23 of the amending Act."

20. Clause 95, page 177, line 23, omit "36" and insert "35".
21. Clause 95, page 177, line 26, omit "36" and insert "35".
22. Clause 95, page 177, line 30, omit "59" and insert "58".
23. Clause 95, page 177, line 34, omit "59" and insert "58".
24. Clause 95, page 178, line 3, omit "70" and insert "69".
25. Clause 95, page 178, line 7, omit "70" and insert "69".
26. Clause 95, page 178, line 11, omit "71" and insert "70".
27. Clause 95, page 178, line 14, omit "71" and insert "70".
28. Clause 95, page 178, line 18, omit "71" and insert "70".
29. Clause 95, page 178, line 21, omit "71" and insert "70".
30. Clause 95, page 178, line 25, omit "71" and insert "70".
31. Page 190, after line 18 insert the following heading—
 "Division 4—Amendment to Architects Act 1991"
32. Page 190, after line 18 insert the following heading—

"Division 5—Amendment to Criminal Procedure Act 2009"

NEW CLAUSES

33. Insert the following New Clause to follow clause 111 and heading proposed by amendment 31—

'AA Grounds for disciplinary action against a registered architect

After section 32(d) of the **Architects Act 1991** insert—

"(da) the architect has breached or failed to comply with section 16(4) of the **Building Act 1993**; or

(db) the architect who is a builder named in a building permit has breached or failed to comply with section 16(4A) of the **Building Act 1993**; or".

34. Insert the following New Clause to follow clause 111 and heading proposed by amendment 32—

'BB New clause 3AA inserted in Schedule 2—Indictable offences that may be heard and determined summarily

After clause 3 of Schedule 2 to the **Criminal Procedure Act 2009** insert—

"3AA Building Act 1993

3AA.1 Indictable offences under the **Building Act 1993**."