Building Amendment Regulations (No. 3) 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the Building Amendment Regulations (No. 3) 2017.

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* (gazettal day);

(b) regulations 5 to 8, 9(2), (3) and (5) and 11 — on the day after the period of 1 month beginning on gazettal day;

(c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Building Regulations 2012*.

4. Regulation 53 amended

In regulation 53(2)(b) delete “$57.45.” and insert:

$58.45.

5. Regulation 55 amended

In regulation 55(1) insert in alphabetical order:

*declaration of intended demolition*, in relation to a dwelling the ownership of which is transferred, means a statutory declaration made by the person to whom the ownership is transferred declaring that the person intends to demolish the dwelling within the period of 6 months beginning on the transfer day;

*transfer day*, in relation to a dwelling the ownership of which is transferred, means the day on which the ownership is transferred;
6. **Regulation 56 amended**

   (1) In regulation 56 delete “If an owner” and insert:

       (1) If an owner

   (2) In regulation 56 in the Penalty delete “Penalty:” and insert:

       Penalty for this subregulation:

   (3) At the end of regulation 56 insert:

       (2) It is a defence to a charge of an offence under subregulation (1) for the accused to prove that the person to whom the ownership of the dwelling is transferred gave the accused a declaration of intended demolition for the dwelling before the time of the transfer.

7. **Regulation 57 amended**

   (1) In regulation 57(1):

       (a) delete “56,” and insert:

           56(1),

       (b) delete “12 months of the ownership being transferred,” and insert:

           the post-transfer period,

   (2) In regulation 57(1) in the Penalty delete “Penalty:” and insert:

       Penalty for this subregulation:
(3) After regulation 57(1) insert:

(1A) In subregulation (1) —

**post-transfer period**, in relation to a dwelling, means —

(a) if the new owner gave the prior owner a declaration of intended demolition for the dwelling before the time of the transfer — the period of 6 months beginning on the transfer day; or

(b) if the new owner did not give the prior owner a declaration of intended demolition for the dwelling before the time of the transfer — the period of 12 months beginning on the transfer day.

(4) In regulation 57(2) delete “The new owner” and insert:

If the new owner did not give the prior owner a declaration of intended demolition for the dwelling before the time of the transfer, the new owner

(5) After regulation 57(2) insert:

(3) It is a defence to a charge of an offence under subregulation (1) for the accused to prove that the dwelling was demolished within the post-transfer period.

8. **Regulation 60 amended**

In regulation 60(2) delete “56(a),” and insert:

56(1)(a),

9. **Schedule 4 amended**

(1) In Schedule 4 clause 1 in the Table delete the item relating to Broomehill and insert:

<table>
<thead>
<tr>
<th>Broomehill-Tambellup</th>
<th>Whole district other than —</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) townsites;</td>
<td>(b) Broomehill Suburban Lots 362, 363, 372 to 423, 427</td>
</tr>
</tbody>
</table>
(2) In Schedule 4 clause 1 in the Table delete the item relating to Laverton and insert:

<table>
<thead>
<tr>
<th>Laverton</th>
<th>Whole district other than townsites</th>
</tr>
</thead>
</table>

(3) In Schedule 4 clause 1 in the Table delete the item relating to Menzies and insert:

<table>
<thead>
<tr>
<th>Menzies</th>
<th>Whole district other than townsites</th>
</tr>
</thead>
</table>

(4) In Schedule 4 clause 1 in the Table delete “Narrogin (Shire)” and insert:

Narrogin

(5) In Schedule 4 clause 1 in the Table delete the item relating to Wiluna and insert:

<table>
<thead>
<tr>
<th>Wiluna</th>
<th>Whole district other than townsite of Wiluna</th>
</tr>
</thead>
</table>

10. **Schedule 5 amended**

(1) In Schedule 5 in the Table insert in alphabetical order:

<table>
<thead>
<tr>
<th>Chapman Valley</th>
<th>Whole district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gingin</td>
<td>Whole district</td>
</tr>
</tbody>
</table>
(2) In Schedule 5 in the Table delete the item relating to Narrogin (Town).

11. Schedule 6 amended

In Schedule 6 delete “r. 56” and insert:

r. 56(1)

12. Various references to “an performance” amended

In the provisions listed in the Table delete “an performance” (each occurrence) and insert:

a performance

| Table |
|---|---|
| r. 3 def. of approved barrier solution | r. 31C(1) Table |
| r. 31C(2) Table | r. 31G(2) |
| r. 36(2)(c) | r. 50(1B) |
| r. 51(5) | |

R. KENNEDY, Clerk of the Executive Council.