

No. 35.] *Building Operations and Building Materials Control and Continuance.* [1951.]

BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL AND CONTINUANCE.

15° and 16° Geo. VI., No. XXXV.

No. 35 of 1951.

AN ACT to Amend and Continue the Operation of the Building Operations and Building Materials Control Act, 1945-1950.

[Assented to 20th December, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Building Operations and Building Materials Control Act Amendment and Continuance Act, 1951*, and shall be read as one with the Building Operations and Building Materials Control Act, 1945-1949 (Act No. 26 of 1945, as continued by Act No. 56 of 1946 and affected by Act. No. 51 of 1946, and amended and continued by Acts Nos. 78 of 1947, 6 of 1948, 27 of 1949 and 29 of 1950), referred to in this Act as the principal Act.

Citation of principal Act as amended by this Act.

2. The principal Act, as amended by this Act, may be cited as the *Building Operations and Building Materials Control Act, 1945-1951*.

S. 20 amended.

3. Section twenty of the principal Act is amended by—

(a) deleting the figure one in brackets, thus, (1), in line one;

1951.] *Building Operations and Building* [No. 35.
Materials Control and
Continuance.

(b) adding after the word, "material" in line two of paragraph (b), the following paragraph—

(c) use, cause or permit to be used, any building material in a building operation;

4. Section thirty-two of the principal Act is repealed and re-enacted as follows:—

S. 32
repealed and
re-enacted.
Penalties.

32. (1) (a) Punishment for an offence against this Act shall, subject to the provisions of the next succeeding paragraph, be a fine not exceeding five hundred pounds.

(b) Where the offence is constituted by—
commencing, continuing, or carrying out a building operation;
acquisition of building material,

the Court, in addition to punishment, if any, imposed pursuant to the provisions of the last preceding paragraph,

shall, in the case of a building operation, impose upon the person on whose behalf the building operation is commenced, continued, or carried out, a penalty equal in amount to the cost at the time of the complaint of the offence of so much of the building operation as has then been effected;

shall, in the case of acquisition of building material, impose upon the person acquiring the building material a penalty equal in amount to the market value at the time of the complaint of the offence of the building material.

(2) A certificate signed by the Chairman of the Commission as to the cost of an unlawful transaction shall be *prima facie* evidence of that cost.

5. Section thirty-eight of the principal Act is amended by substituting for the word, "fifty-one," in line three, the word, "fifty-two".

S. 38
amended.