

**BUILDING OPERATIONS AND BUILDING
MATERIALS CONTROL AND
CONTINUANCE.**

11° and 12° GEO. VI., No. LXXVIII.

No. 78 of 1947.

AN ACT to amend the Building Operations and Building Materials Control Act, 1945-1946, and to continue the operation thereof.

[Assented to 13th January, 1948.]

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

1. This Act may be cited as the *Building Operations and Building Materials Control Act Amendment and Continuance Act, 1947*, and shall be read as one with the Building Operations and Building Materials Control Act, 1945-1946 (No. 26 of 1945 as continued by No. 56 of 1946 and affected by No. 51 of 1946), hereinafter referred to as the principal Act.

Short title.

51 of 1946,
ss. 15, 16
and 17.

2. The principal Act as amended by this Act may be cited as the Building Operations and Building Materials Control Act, 1945-1947.

Citation of
principal Act
as amended
by this Act.

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

Amendment
of s. 6.

(a) deleting all words in lines two, three, four and five;

(b) inserting after the words "Building materials" in line six the words "when used as provided in Part IV. and Part V. of this Act";

(c) inserting after the word "hospital" in line six of the definition "Business building" a definition as follows:—

51 of 1946,
s. 6.

"Commission" means the State Housing Commission constituted by the State Housing Act, 1946-1947," and

- (d) inserting after the word "immovable" in line two of the definition "Structure" the words "and whether complete or incomplete."

4. The principal Act is amended by substituting for the word "Board" wherever it occurs the word "Commission."

Amendment
of s. 13.

5. Section thirteen subsection (1) of the principal Act is amended by inserting—

- (a) in lines two and nine after the word "continued" the words "or has been completed since the passing of this Act";
- (b) in lines ten and eleven after the word "employed" the words "or who has been employed";
- (c) in line fourteen before the word "its" the words "in the case of a building operation not completed," and
- (d) in line fourteen before the word "as" the words "in the case of any building operation mentioned in this section."

Amendment
of s. 31.

6. Section thirty-one of the principal Act is amended by inserting the words "police or resident" after the word "stipendiary" in line two.

Amendment
of s. 32.

7. Section thirty-two of the principal Act is amended by—

- (a) substituting for the word "one" in line three the word "two";
- (b) inserting after the word "both" in line four the words "but, subject to the proviso hereto, not less than a fine of fifty pounds," and
- (c) adding after paragraph (b) the following—

cf. Criminal
Code, 1913,
ss. 19 (4) and
(7), and 669.

Provided that on finding that the circumstances of the case justify mitigation of the minimum penalty the magistrate may on recording his reasons for the finding deal with the case as if no provision for a minimum penalty were made.

Amendment
of s. 38.

8. Section thirty-eight of the principal Act is amended by substituting the word "forty-eight" for the word "forty-seven" in line three.