



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 91 of 1974

An Act to amend the Builders Licensing Act, 1967-1973.

[Assented to 5th December, 1974]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Builders Licensing Act Amendment Act, 1974".

(2) The Builders Licensing Act, 1967-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Builders Licensing Act, 1967-1974".

Commencement.

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) Notwithstanding the provisions of subsection (1) of this section, the Governor may, in the proclamation made for the purposes of that subsection, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Repeal of s. 3 of principal Act and enactment of section in its place—

Arrangement.

3. Section 3 of the principal Act is repealed and the following section is enacted and inserted in its place:—

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—THE BOARD AND THE ADVISORY COMMITTEE

DIVISION I—THE BOARD

DIVISION II—THE ADVISORY COMMITTEE

PART III—LICENCES

PART IIIA—POWERS OF THE BOARD

PART IIIB—THE BUILDERS APPELLATE AND
DISCIPLINARY TRIBUNAL

DIVISION I—CONSTITUTION AND POWERS OF THE TRIBUNAL

DIVISION II—JURISDICTION OF THE TRIBUNAL

DIVISION III—APPEALS AGAINST DECISIONS AND ORDERS OF
THE TRIBUNAL

PART IIIC—THE BUILDING INDEMNITY FUND

PART IV—OFFENCES AND MISCELLANEOUS

4. Section 4 of the principal Act is amended—

- (a) by striking out the definition of “deputy”;
- (b) by striking out the definition of “member”;
- (c) by striking out the definition of “the chairman” and inserting in lieu thereof the following definition:—

“the Chairman” of the Board, the Advisory Committee, or the tribunal includes any person duly acting in the office of the Chairman;;

and

- (d) by inserting after the definition of “the secretary” the following definition:—

“the tribunal” means the Builders Appellate and Disciplinary Tribunal constituted pursuant to this Act: .

Amendment of
principal Act,
s. 4—
Interpretation.

5. Section 5 of the principal Act is amended by inserting in subsection (5) after the passage “any member” the passage “of the Board”.

Amendment of
principal Act,
s. 5—
The Board.

6. Section 6 of the principal Act is amended—

- (a) by inserting in subsection (1) after the passage “a member” the passage “of the Board”;
- (b) by inserting in subsection (2) after the passage “a member”, wherever it occurs, the passage “of the Board”;
- (c) by inserting in subsection (3) after the passage “a member” first occurring the passage “of the Board”;
- (d) by inserting in subsection (4) after the passage “a member” the passage “of the Board”;
- and
- (e) by inserting in subsection (5) after the passage “a member”, wherever it occurs, the passage “of the Board”.

Amendment of
principal Act,
s. 6—
Tenure of
office.

7. Section 7 of the principal Act is amended by inserting in subsection (6) after the passage “any member” the passage “of the Board”.

Amendment of
principal Act,
s. 7—
Proceedings
of the
Board.

8. Section 8 of the principal Act is amended by inserting in subsection (2) after the word “members” the passage “of the Board”.

Amendment of
principal Act,
s. 8—
Common seal
of the Board.

Amendment of
principal Act,
s. 12—
The register.

9. Section 12 of the principal Act is amended—

(a) by inserting after the passage “the holder of a general builder’s licence” in subsection (1) the passage “, the holder of a provisional general builder’s licence,”;

(b) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) In the month of October in each year, the Board shall furnish the Minister with a copy of the register made up to the thirtieth day of September of that year and the Minister shall, as soon as practicable after receiving that copy of the register, cause it to be published in such manner as he thinks fit.;

(c) by striking out from subsection (4) the passage “as at the date to which the register purports to have been so corrected” and inserting in lieu thereof the passage “as at the thirtieth day of September in the year in which the copy of the register is published”;

and

(d) by inserting in subsection (5) after the passage “the holder of a general builder’s licence” the passage “or a provisional general builder’s licence”.

Amendment of
principal Act,
s. 13—
The advisory
committees.

10. Section 13 of the principal Act is amended—

(a) by inserting in subsection (5) after the passage “re-appointment as a member” the passage “of the advisory committee”;

(b) by inserting in subsection (6) after the passage “on a member” the passage “of the advisory committee”;

and

(c) by inserting in subsection (7) after the passage “a member” the passage “of the advisory committee”.

Amendment of
principal Act,
s. 15—
General
builder’s
licence.

11. Section 15 of the principal Act is amended by inserting in subparagraph (iii) of paragraph (c) of subsection (2) after the passage “as would render him fit” the passage “to organize, supervise and control building work generally and otherwise”.

Amendment of
principal Act,
s. 16—
Restricted
builder’s
licence.

12. Section 16 of the principal Act is amended by inserting in subparagraph (ii) of paragraph (c) of subsection (2) after the passage “as would render him fit” the passage “to organize, supervise and control building work within that classified trade and otherwise”.

Amendment of
principal Act,
s. 17—
Matters to be
considered by
the Board.

13. Section 17 of the principal Act is amended by inserting after subsection (1) the following subsection:—

(1a) Where the Board refuses an application for a licence or the renewal of a licence, it shall give reasons in writing for its refusal.

14. Sections 18 and 19 of the principal Act are repealed and the following Parts are enacted and inserted in their place:—

Repeal of ss. 18 and 19 of principal Act and enactment of Parts IIIA and IIIB in their place.

PART IIIA

POWERS OF THE BOARD

18. (1) The Board may upon receipt of a complaint of any person on whose behalf the holder of a licence has performed any building work, or of its own motion, conduct an investigation in order to ascertain whether the holder of a licence has carried out building work in a proper and workmanlike manner.

Power of investigation.

(2) A complaint under this section must be made within two years after the completion of the building work to which it relates.

(3) If, after making such investigations, and receiving such reports, as the Board thinks fit, the Board decides that the building work has not been carried out in a proper and workmanlike manner, it may order the holder of the licence to carry out such remedial work as may be specified in the order within such time as may be so specified.

(4) Where the Board orders the holder of a licence to carry out remedial work under this section, it may further order the holder of the licence to furnish the Board within a specified time after completion of the work with a certificate of a person holding professional qualifications specified in the order certifying that the remedial work has been carried out in a proper and workmanlike manner.

(5) A person who fails to comply with an order under this section shall be guilty of an offence and liable to a penalty not exceeding one thousand five hundred dollars.

(6) Before the Board orders the holder of a licence to carry out remedial work under this section it must—

(a) allow him the opportunity to make representations to the Board either personally or, subject to subsection (7) of this section, by a representative approved by the Board;

and

(b) satisfy itself that it will be reasonably practicable for the holder of the licence to comply with the terms of the proposed order.

(7) Where the Board proposes to order the holder of a licence to carry out remedial work and, in the opinion of the Board, a fair estimate of the cost of carrying out the proposed remedial work is two thousand dollars or more, the Board shall, if the holder of the licence desires to be represented by counsel, allow the holder of the licence to make representations by counsel to the Board before it proceeds to make an order.

18a. (1) For the purposes of an investigation under this Part, the Board may—

Power to summon licensed builders and other persons before the Board.

(a) by summons signed on behalf of the Board by a member of the Board, or the secretary, require the attendance before the Board of a licensed person or any other person who the Board thinks may assist it in the conduct of an investigation under this Part;

(b) by summons signed on behalf of the Board by a member of the Board, or the secretary, require the production of any books, papers or documents;

(c) inspect any books, papers or documents produced before the Board, and retain them for such reasonable period as the Board thinks fit, and make copies of them, or of any of their contents;

(d) require any person to make an oath or affirmation that he will truly answer all questions put to him by the Board relating to any matter subject to investigation by the Board (which oath or affirmation may be administered by any member of the Board, or the secretary);

or

(e) require any person appearing before the Board (whether he has been summoned to appear or not) to answer any relevant questions put to him by any member of the Board.

(2) Subject to subsection (3) of this section, if any person—

(a) who has been served with a summons to attend before the Board fails without reasonable excuse to attend in obedience to the summons;

(b) who has been served with a summons to produce any books, papers or documents, fails without reasonable excuse to comply with the summons;

(c) misbehaves himself before the Board, wilfully insults the Board or any member thereof, or interrupts the proceedings of the Board;

or

(d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the Board,

he shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(3) A person shall not be obliged to answer a question put to him under this section if the answer to that question would tend to incriminate him, or to produce any books, papers or documents if their contents would tend to incriminate him.

Compensation
when complaint
made
vexatiously or
for an ulterior
purpose.

18b. (1) Where, in the opinion of the Board, a complaint has been made under this part against the holder of a licence—

(a) vexatiously;

or

(b) for some ulterior purpose,

the Board may order the complainant to pay to the holder of the licence a sum, fixed by the Board, to compensate him for the time, trouble and expense incurred by him as a result of the complaint.

(2) A sum that a person is ordered to pay under subsection (1) of this section may be recovered from him summarily by the person in whose favour the order has been made.

PART IIIB

THE BUILDERS APPELLATE AND DISCIPLINARY TRIBUNAL

DIVISION I—CONSTITUTION AND POWERS OF THE TRIBUNAL

19. (1) There shall be a tribunal entitled the “Builders Appellate and Disciplinary Tribunal”.

Establishment
of the
tribunal.

- (2) The tribunal shall consist of five members of whom—
- (a) one, who shall be the Chairman of the tribunal, shall be a person holding judicial office under the Local and District Criminal Courts Act, 1926-1974, appointed by the Governor as Chairman of the tribunal;
- and
- (b) four shall be nominated members as follows—
- (i) two shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Minister;
- (ii) one shall be a person with wide knowledge of, and experience in, the building industry appointed by the Governor from a panel of three nominees submitted to the Minister by the Master Builders Association of South Australia Incorporated;
- and
- (iii) one shall be a person of wide knowledge of, and experience in, the building industry appointed by the Governor from a panel of three nominees submitted to the Minister by the Housing Industry Association.

19a. (1) The Chairman of the tribunal shall be appointed for such term of office, not exceeding five years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of his term of office, shall be eligible for re-appointment. The Chairman.

(2) The Governor may appoint a person holding judicial office under the Local and District Criminal Courts Act, 1926-1974, to be a deputy of the Chairman, and such a person, while acting in the absence of the Chairman, shall have all the powers, authorities, duties and obligations appertaining to the office of Chairman.

19b. (1) A nominated member of the tribunal shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment, and, upon the expiration of his term of office, shall be eligible for re-appointment. Terms and conditions upon which nominated members hold office.

(2) The Governor may appoint a suitable person to be a deputy of a nominated member of the tribunal, and such a person, while acting in the absence of that member shall be deemed to be a member of the tribunal, and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed a deputy.

(3) The Governor may remove a nominated member of the tribunal from office for—

- (a) mental or physical incapacity;
- (b) neglect of duty;
- or
- (c) dishonourable conduct.

(4) The office of a nominated member of the tribunal shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice addressed to the Minister;

or

- (d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a nominated member of the tribunal becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a nominated member of the tribunal becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Allowances
and expenses.

19c. The members of the tribunal shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Validity of
acts of the
tribunal.

19d. (1) An act or proceeding of the tribunal shall not be invalid by reason only of a vacancy in its membership.

(2) No liability shall attach to a member of the tribunal for any act or omission by him, or by the tribunal, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

Chairman, etc.

19e. (1) The Chairman shall preside at the hearing of any proceedings by the tribunal.

(2) The Chairman and two other members of the tribunal shall constitute a quorum of the tribunal.

(3) Subject to subsection (4) of this section, a decision in which a majority of the members present at any hearing concur, or if the members are equally divided in opinion, a decision in which the Chairman and one other member concur shall be a decision of the tribunal.

(4) The Chairman shall determine any question relating to the admissibility of evidence, and any other question of law or procedure.

Proceedings
before the
tribunal.

19f. (1) The tribunal shall give to any person who is a party to proceedings instituted before the tribunal reasonable notice of the time and place at which it intends to hear those proceedings, and shall afford any such person a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses, and to make submissions to the tribunal.

(2) If a person to whom notice has been given pursuant to subsection (1) of this section does not attend at the time and place fixed by the notice, the tribunal may hear the proceedings in his absence.

(3) Any party to proceedings before the tribunal shall be entitled to appear personally or by counsel.

19g. (1) In the exercise of its powers and functions under this Act, the tribunal may— Powers
of the
tribunal.

- (a) by summons signed on behalf of the tribunal by a member of the tribunal require the attendance before the tribunal of any person;
- (b) by summons signed on behalf of the tribunal by a member of the tribunal require the production of any books, papers or documents;
- (c) inspect any books, papers or documents produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any of them, or of any of their contents;
- (d) require any person to make oath or affirmation that he will truly answer all questions put to him by the tribunal relating to any matter being inquired into by the tribunal (which oath or affirmation may be administered by any member of the tribunal);

or

- (e) require any person appearing before the tribunal, including the person whose conduct is subject to an inquiry, (whether he has been summoned to appear or not) to answer any relevant questions put to him by any member of the tribunal, or by any other person appearing before the tribunal.

(2) Subject to subsection (3) of this section, if any person—

- (a) who has been served with a summons to attend before the tribunal fails without reasonable excuse to attend in obedience to the summons;
- (b) who has been served with a summons to produce any books, papers or documents, fails without reasonable excuse to comply with the summons;
- (c) misbehaves himself before the tribunal, wilfully insults the tribunal or any member thereof, or interrupts the proceedings of the tribunal;

or

- (d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the tribunal,

he shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(3) A person shall not be obliged to answer a question put to him under this section if the answer to that question would tend to incriminate him, or to produce any books, papers or documents if their contents would tend to incriminate him.

(4) In the course of any proceedings, the tribunal may—

- (a) receive in evidence any transcript of evidence in proceedings before a court and draw any conclusions of fact therefrom that it considers proper;

or

- (b) adopt, as in its discretion it considers proper, any findings, decision, or judgment of a court that may be relevant to the proceedings.

Reasons for decision of tribunal to be given.

19h. The tribunal shall give reasons in writing for any decision or order given or made by the tribunal in any proceedings under this Act.

DIVISION II—JURISDICTION OF THE TRIBUNAL

Appeals from decisions and orders of the Board.

19i. (1) Any person aggrieved by a decision or order of the Board shall, subject to this section, be entitled to appeal to the tribunal against the decision or order of the Board.

(2) An appeal must be instituted within one month of the making of the decision or order appealed against, but the tribunal may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The tribunal may, on the hearing of the appeal, exercise one or more of the following powers, as the case requires:—

- (a) affirm, vary or quash the decision or order appealed against, and substitute any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Board for further consideration;
- (c) make any further order that the case may require.

Powers of inquiry.

19j. (1) The tribunal may, on the complaint of the Board conduct an inquiry into the conduct of any person who holds a licence under this Act.

(2) Where the tribunal, after holding an inquiry under subsection (1) of this section, is satisfied that there is proper cause for disciplinary action, it may exercise any one or more of the following powers:—

- (a) it may reprimand the holder of the licence;
- (b) it may impose a fine not exceeding one thousand dollars on the holder of the licence;
- (c) it may cancel the licence and disqualify the person by whom it was held from obtaining or holding a licence under this Act, or a licence of a specific kind under this Act, temporarily or permanently, or until the further order of the tribunal.

(3) There shall be proper cause for disciplinary action against the holder of a licence under this Act—

- (a) if the licence or any renewal of the licence has been obtained by fraud or misrepresentation;
- (b) if the holder of the licence has committed any offence the commission of which renders him, in the opinion of the tribunal, unfit to be the holder of the licence;
- (c) if the holder of the licence has been, in the opinion of the tribunal, negligent or incompetent in carrying out any building work;

- (d) if the holder of the licence has been, in the opinion of the tribunal, guilty of fraud or misrepresentation in connection with negotiating any contract for the performance of building work or in connection with carrying out any building work;
 - (e) if the holder of the licence, having undertaken the personal supervision and control of any building work fails, in the opinion of the tribunal, to exercise proper supervision and control of that building work;
 - (f) if the holder of the licence has been ordered by the Board to carry out remedial work and fails to carry out that work in accordance with the order;
- or
- (g) if, in the case of the holder of a provisional general builder's licence, the holder of the licence has contravened, or failed to comply with, any condition of the licence.

DIVISION III—APPEALS AGAINST DECISIONS AND ORDERS OF THE TRIBUNAL Appeal.

19k. (1) Any person aggrieved by a decision or order of the tribunal shall, subject to this section, be entitled to appeal to the Supreme Court against the decision or order of the tribunal.

(2) The appeal must be instituted within one month of the making of the decision or order appealed against, but the Supreme Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The Supreme Court may, on the hearing of the appeal, exercise one or more of the following powers, as the case requires:—

- (a) affirm, vary or quash the decision or order appealed against, and substitute any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the tribunal for further hearing or consideration or for re-hearing;
- (c) make any further or other order as to costs or any other matter that the case requires.

(4) Any such appeal shall be heard and determined by the Full Court.

19l. (1) Where an order has been made by the tribunal, and the tribunal, or the Supreme Court, is satisfied that an appeal against the order has been instituted, it may suspend the operation of the order until the determination of the appeal.

Operation of order may be suspended.

(2) Where the tribunal has suspended the operation of an order under subsection (1) of this section, the tribunal may terminate the suspension, and where the Supreme Court has suspended the operation of an order under subsection (1) of this section, the Supreme Court may terminate the suspension.

PART IIIc

THE BUILDING INDEMNITY FUND

Building
Indemnity
Fund.

19m. (1) There shall be a fund entitled the "Building Indemnity Fund".

(2) The fund shall be maintained and administered by the Board.

(3) The fund shall consist of all moneys raised by way of levy under this Part.

Levy.

19n. (1) The Board may, by notice published in the *Gazette*, impose a levy upon the holders of general builders' licences and provisional general builders' licences.

(2) A levy imposed upon a person under this section shall be an amount fixed by regulation for each dwelling house constructed by him.

(3) Where a levy has been imposed under this section, a person liable to the levy shall on or before the first day of February and the first day of August in each year pay to the Board the amount payable by him in consequence of a levy under this section in respect of dwelling houses completed by him during the preceding period of six months.

Application
of the
fund.

19o. (1) The Board may apply moneys from the fund in satisfaction or partial satisfaction of claims approved under this section.

(2) Where a person lodges with the Board a claim in the prescribed form and satisfies the Board by such evidence as it may require—

(a) that he has a claim for damages or compensation against a person who holds, or formerly held, a general builder's licence, or a provisional general builder's licence in respect of domestic building work that he has performed, or has contracted to perform;

and

(b) that by reason of the insolvency of the person against whom the claim lies, or for any other reason, he (the claimant) is unlikely to obtain, satisfaction of his claim,

the Board may approve the claim as a claim against the fund.

(3) No claim shall be lodged with the Board under this section—

(a) in respect of an act or default that occurred before the commencement of the Builders Licensing Act Amendment Act, 1974;

or

(b) in respect of an act or default that occurred more than one year before the date on which the claim is lodged with the Board.

(4) The Board shall fix a day in each half-year as the day for payment of claims approved by it during the preceding period of six months under this section and on that day the Board shall—

(a) apply moneys from the fund in full satisfaction of those claims;

or

(b) where the amount standing to the credit of the fund is insufficient fully to satisfy those claims—apply moneys from the fund to satisfy those claims to such extent as the amount of the fund allows.

(5) In this section—

“domestic building work” means building work in relation to a dwelling house or its curtilage:

“half-year” means the period commencing on the first day of January and ending on the thirtieth day of June in any year and the period commencing on the first day of July and ending on the thirty-first day of December in any year.

15. Section 20 of the principal Act is repealed.

Repeal of
s. 20 of
principal Act.

16. Section 21 of the principal Act is amended—

Amendment of
principal Act,
s. 21—
Offences.

(a) by striking out subsection (1);

(b) by striking out from subsection (2) the passage “Five hundred dollars” and inserting in lieu thereof the passage “One thousand dollars”;

(c) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) A person shall not—

(a) undertake, or submit a bid or tender to carry out building work within a classified trade for fee or reward;

or

(b) carry out building work within a classified trade for fee or reward,

unless he is the holder of a general builder’s licence or the holder of a restricted builder’s licence authorizing him to carry out building work within that classified trade.

Penalty: One thousand five hundred dollars.;

(d) by striking out subsection (6) and inserting in lieu thereof the following subsection:—

(6) Subject to subsection (6a) of this section, a person shall not—

(a) construct or cause to be constructed;

(b) employ any other person to construct;

or

(c) organize or arrange for the construction of,

any building for immediate sale or for immediate letting under lease or licence if the construction is not, or is not to be, carried out under the personal supervision and control of the holder of a general builder’s licence.

Penalty: One thousand five hundred dollars.;

(e) by striking out the passage "Seven hundred and fifty dollars" from subsections (8a), (8b), (8c) and (8d) and inserting in lieu thereof in each case the passage "One thousand five hundred dollars";

(f) by striking out the passage "Four hundred dollars" from subsections (9) and (10) and inserting in lieu thereof in each case the passage "One thousand dollars";

(g) by striking out subsection (11) and inserting in lieu thereof the following subsection:—

(11) A person shall not, for fee or reward—

(a) construct any building or cause any building to be constructed;

or

(b) undertake to construct any building, or organize or arrange for the construction of any building,

unless he is the holder of a general builder's licence and the construction is or is to be, carried out under the personal supervision and control of the holder of a general builder's licence.

Penalty: One thousand five hundred dollars.;

(h) by striking out the passage "One hundred dollars" from subsections (13), (14) and (15) and inserting in lieu thereof in each case the passage "Two hundred dollars";

(i) by striking out the passage "Two hundred dollars" from subsections (16), (18) and (19) and inserting in lieu thereof in each case the passage "Five hundred dollars";

(j) by striking out from subsection (20) the passage "Five hundred dollars" and inserting in lieu thereof the passage "One thousand dollars";

and

(k) by inserting after subsection (20) the following subsection:—

(21) This section shall not be construed as preventing a registered architect from acting in the ordinary course of his profession.

Repeal of
s. 22 of
principal Act
and enactment
of section in
its place.

17. Section 22 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Power of
inspection,
etc.

22. (1) An authorized person may enter upon any land upon which building work is being, or has been, carried out and—

(a) make any inspection, and conduct any tests, necessary or expedient to determine whether the building work is being, or has been, carried out in a proper and workman-like manner;

and

(b) take any steps necessary for the enforcement of this Act.

(2) A person shall not hinder an authorized person in the exercise of powers conferred by this section.

Penalty: One thousand dollars.

(3) An authorized person does not incur any civil or criminal liability by acting in the exercise of his powers under this section.

(4) For the purposes of this section, an authorized person is—

(a) a member of the Board;

(b) the secretary of the Board;

or

(c) a person authorized in writing to exercise the powers conferred by this section by the Chairman of the Board.

18. Section 23 of the principal Act is amended by striking out the passage "Two hundred dollars" and inserting in lieu thereof the passage "Five hundred dollars".

Amendment of
principal Act,
s. 23—
Member of
Board not to
divulge
information.

19. Section 29 of the principal Act is amended by striking out from paragraph (k) the passage "two hundred dollars" and inserting in lieu thereof the passage "Five hundred dollars".

Amendment of
principal Act,
s. 29—
Regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor