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GEORGI VI REGIS.

A.D. 1945.

No. 41 of 1945.

An Act to provide for the regulation of the use of certain essential building materials, and for incidental purposes.

[Assented to 24th January, 1946.]

WHEREAS, by reason of conditions brought about by the war in which His Majesty has been engaged, the supply of certain essential building materials is insufficient to meet the demand therefor: AND WHEREAS it is necessary and desirable to regulate the use of those essential building materials during the period when the supply thereof is so insufficient: BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title. 1. This Act may be cited as the "Building Materials Act, 1945".

Interpretation. 2. In this Act—
"essential building material" means—
(a) any material described in the first schedule; and
(b) any material which pursuant to section 3 is declared to be an essential building material:

"Minister" means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor.

Power to declare additional essential building materials.

3. (1) If satisfied that the supply of any building material (other than a material described in the first schedule) is insufficient to meet the demand therefor, the Governor may,

by proclamation, declare that material to be an essential building material for the purposes of this Act.

(2) The Governor may by proclamation revoke or vary any such proclamation.

(3) Whilst any proclamation declaring a material to be an essential building material is in force, that material shall be an essential building material for the purposes of this Act.

4. (1) Any person who uses or causes to be used any essential building material for any purpose described in the second schedule shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds unless the use of the essential building material for the purpose for which it is used is authorized by a permit in writing issued by the Minister or by some person authorized by the Minister for the purpose.

Restriction of use of essential building materials to certain purposes.

(2) Any person who uses or causes to be used any essential building material contrary to any condition of a permit issued by the Minister or by some person authorized by the Minister for the purpose shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(3) The Governor may by proclamation from time to time vary the provisions of the second schedule and may for that purpose amend any provision of that schedule or add any provision to that schedule or amend any provision so added and any variation of the said schedule so made shall have the same effect as if enacted in this Act.

(4) The Minister or any person authorized by the Minister for the purpose may issue to any person a permit to use or to cause to be used any essential building material for any purpose specified in the permit. Any such permit may be issued subject to such conditions as the Minister or person aforesaid considers necessary.

5. The Minister may appoint any officers necessary for the administration of this Act. Any person so appointed shall not, by virtue of that appointment, be subject to the Public Service Act, 1936-1945.

Officers.

6. (1) Any person who desires to acquire from any other person any essential building material to which this section applies may apply to the Minister for the issue of a priority certificate under this Act. The Minister or any person authorized by the Minister for the purpose may issue to the applicant a priority certificate for the acquisition of that material.

Issue of priority certificates.

Any priority certificate may be issued subject to such conditions as the Minister or person aforesaid considers necessary.

(2) The Minister may, from time to time, by notice published in the *Gazette*—

- (a) set out the order of priority in which priority certificates will be issued ;
- (b) give directions as to the order in which the essential building materials to which this section applies are to be sold or otherwise supplied in accord with priority certificates issued under this Act.

(3) This section shall apply to the following essential building materials and no others, namely :—

- I. Roofing tiles of all kinds ;
- II. Corrugated asbestos cement sheets ;
- III. Corrugated sheet and plain sheet galvanized iron ;
- IV. Galvanized, black and cast iron water and gas pipes ;
- V. Such other essential building materials as the Governor declares by proclamation.

The Governor may, by proclamation, declare that this section shall apply to any essential building material and may, by proclamation, revoke any such proclamation.

Control of sale
of certain
essential
building
materials.

7. (1) If any person engaged in the business of selling any essential building materials to which section 6 applies (hereinafter in this section referred to as "the seller") has in his possession or disposition any essential building materials to which section 6 applies and if any person to whom a priority certificate for the acquisition of any such material has been issued (which said person is hereinafter referred to in this section as the "authorized purchaser") has, either by himself or some person authorized by him, requested the seller to sell or dispose of to him any materials authorized to be acquired by him by the said certificate, the seller shall not sell or dispose of essential building materials of that kind to any other person unless before so doing he sells or disposes of materials of that kind to every authorized purchaser making a request as aforesaid.

(2) Any seller who sells or disposes of any essential building material contrary to the provisions of subsection (1) of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(3) Any seller who sells or disposes of any essential building material contrary to any direction of the Minister given in accordance with paragraph (b) of subsection (2) of section 6 shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(4) If a seller is charged with selling or disposing of any essential building material to any person contrary to this section and before selling or disposing of materials of that kind to an authorized purchaser, it shall be a sufficient defence if the seller satisfies the court that in the ordinary course of business, the seller, by reason of reasonable doubts as to the ability of the authorized purchaser to make any payments arising out of the sale or disposition of the material, would not have sold or disposed of the material to the authorized purchaser.

8. (1) In any proceedings for an offence against this Act a certificate in writing purporting to be signed by the Minister and stating that a permit under this Act had or had not at any date specified in the certificate of the Minister been issued to any specified person or stating the conditions upon which any such permit was issued shall, in the absence of evidence to the contrary, be sufficient evidence of the facts stated in the certificate of the Minister.

Evidentiary
provision.

(2) In any proceedings for an offence against this Act where it is alleged that any essential building material has been used or caused to be used for any purpose described in the second schedule, the court, upon view of the building or structure for which the proceedings relate or upon the consideration of any plan or specifications with respect to such building or structure or after hearing evidence as to probable cost of construction of the building or structure or the repair, alteration or addition to the building or structure, may find that the cost of construction of the building or structure or, as the case may be, of the repair, alteration or addition thereto, exceeds or if completed will exceed any amount specified in the second schedule, without further proof thereof being given on behalf of the prosecution.

9. The Governor may make any regulations necessary or convenient for carrying this Act into effect and without limiting the generality of the powers hereby conferred may make regulations—

Regulations.

(a) prescribing the form of permits to be issued under this Act and conditions upon which permits may be issued ;

- (b) for enabling the Minister to ascertain what supplies of essential building materials are within the State and the extent to which those supplies are being used and for requiring any persons to supply information to the Minister for any such purpose ;
- (c) for authorizing the Minister to make orders or to give directions as to the manner in which suppliers or sellers of essential building materials shall supply or sell the same to the intent that the supply or sale thereof shall be first made to persons who may under this Act use or cause the same to be used without permit under this Act or to whom permits under this Act have been issued, before being supplied or sold to other persons, and for authorizing the Minister to issue priority certificates for the purpose of giving effect to any such orders or directions and requiring suppliers and sellers of essential building materials to supply or sell the same in accordance with any such priority certificates ;
- (d) prescribing penalties not exceeding one hundred pounds for the breach of any regulation.

Proceedings
for offences.

10. All proceedings for offences against this Act shall be disposed of summarily.

Duration of
Act.

11. (1) This Act shall continue in force until the first day of November, nineteen hundred and forty-six, or until such earlier date as may be declared by the Governor by proclamation.

(2) The Governor may by proclamation declare that this Act shall cease to operate as from any date specified in the proclamation and earlier than the date aforesaid and this Act shall cease to operate from the date so specified.

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

C. W. M. NORRIE, Governor.

SCHEDULES.

THE FIRST SCHEDULE.

Essential Building Materials.

1. Building bricks of all kinds other than refractory bricks or bricks of cement concrete.
 2. Roofing tiles of all kinds.
 3. Corrugated asbestos cement sheets.
 4. All timber of a kind usually used for the purpose of the construction of or alteration to buildings.
 5. Galvanized, black, and cast iron water and gas pipes.
 6. Corrugated sheet and plain sheet galvanized iron.
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THE SECOND SCHEDULE.

Purposes for which essential building materials described in the first schedule shall not be used except pursuant to permit issued under this Act.

1. The construction of any dwelling house of which the total cost of construction (including any amount payable to any builder or contractor) exceeds or if completed will exceed £1,000.
2. The construction of any building or structure of any kind (other than a dwelling house) of which the total cost of construction (including any amount payable to any builder or contractor) exceeds or if completed will exceed £150.
3. The carrying out of any repairs or alteration or addition to any building or structure of which the total cost of so doing (including any amount payable to any person for the purpose of carrying out the repairs, alteration or addition) exceeds or if completed will exceed £100.
4. The carrying out of any alteration or addition to any dwelling house for the purpose of subdividing the dwelling house into two or more occupancies the total cost of so doing (including any amount payable to any person for the purpose of carrying out the alteration or addition) exceeds or if completed will exceed £200.