



ANNO DECIMO QUINTO

GEORGII VI REGIS.

A.D. 1951.

No. 42 of 1951.

**An Act to amend the Building Materials Act,
1949-1950.**

[Assented to 13th December, 1951.]

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

1. (1) This Act may be cited as the " Building Materials Act Amendment Act, 1951 " Short titles.

(2) The Building Materials Act, 1949-1950, as amended by this Act, may be cited as the " Building Materials Act, 1949-1951 ".

(3) The Building Materials Act, 1949-1950, is hereinafter referred to as " the principal Act ".

2. Section 4 of the principal Act is amended—

(a) by striking out the words " one thousand seven hundred pounds " in subdivision (i.) of subparagraph (b) of paragraph 1. of subsection (2) thereof and by inserting in lieu thereof the words " two thousand pounds " ;

(b) by striking out the words " one thousand eight hundred pounds " in subdivision (ii.) of subparagraph (b) of paragraph 1. of subsection (2) thereof and by inserting in lieu thereof the words " two thousand one hundred pounds " ;

Amendment of
principal Act,
s. 4—
Control of use
of essential
building
materials.

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- (c) by striking out the words " one thousand nine hundred pounds " in subdivision (iii.) of subparagraph (b) of paragraph 1. of subsection (2) thereof and by inserting in lieu thereof the words " two thousand two hundred pounds " ;
- (d) by adding before the word " or " at the end of subdivision (i.) of subparagraph (c) of paragraph 1. of subsection (2) thereof the words " and the said person has not, since the twenty-fourth day of January, nineteen hundred and forty-six, constructed or caused to be constructed a dwellinghouse upon land in which he had a registered interest or beneficial interest at the time of the construction of the dwellinghouse " ;
- (e) by striking out the word " beneficial " occurring in subdivisions (i.) and (ii.) of subparagraph (c) of paragraph 1. of subsection (2) thereof and by inserting in lieu thereof in each case the word " registered " ;
- (f) by adding at the end of paragraph iv. of subsection (2) thereof the following proviso :—

Provided that nothing in this paragraph shall apply to the carrying out of any alteration or addition to any building or structure during the construction of the building or structure or during the period of twelve months after the completion of the building or structure but nothing in this proviso shall apply to the construction of one out-building during the said period of twelve months :

- (g) by adding the following subsections at the end thereof :—

(4) In this section—

" outbuilding " includes garage, stable, shed, workshop, laundry, and any other building of a similar nature :

" registered interest " means—

(a) an estate of freehold or leasehold ;
or

(b) an agreement for sale and purchase with the Crown,

which is registered under The Real Property Act, 1886-1945, or the Registration of Deeds Act, 1935.

(5) For the purposes of this section an outbuilding shall be deemed to be appurtenant to a building or structure if the outbuilding is situated on land occupied with the building or structure.

3. Section 5 of the principal Act is amended—

Amendment of principal Act, s. 5—
Use of cement.

- (a) by striking out the words “appurtenant to any building” in the fifth and sixth lines thereof;
- (b) by inserting after the word “cement” in the first, fourth and seventh lines of subsection (3) thereof in every case the words “or cement product”.

4. Section 8 of the principal Act is amended—

Amendment of principal Act, s. 8—
Control of sale of essential building materials.

- (a) by inserting before the words “shall be guilty of an offence” in the penultimate line of subsection (5) thereof the words “or who supplies any such return which is false in any material particular”;
- (b) by adding at the end of subsection (6) thereof the words “If in any proceedings for an offence under this subsection evidence is given to the satisfaction of the court that the essential building material was sold or supplied to the authorized purchaser for the purpose of carrying out any work but has not, after the lapse of such time as the court deems reasonable in the circumstances, been used in the carrying out of that work, and is no longer in the possession or control of the authorized purchaser and if evidence to the contrary is not given to the satisfaction of the court, then it may be deemed by the court that the essential building material was used or disposed of contrary to the provisions of this subsection”;
- (c) by inserting therein after subsection (7) thereof the following subsection :—

(7a) If in pursuance of any direction given by the Minister under subsection (1) of this section, any seller disposes of any essential building material to any person for the purpose of being used for the construction of any specified building or structure and if that person uses or causes or permits to be used the essential building material for any other purpose, he shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

Amendment of
principal Act,
s. 9—
Removal of
stop notice.

5. Section 9 of the principal Act is amended by adding at the end thereof the following subsections (the previous part of section 9 being read as subsection (1) thereof):—

(2) When a notice has been given under subsection (1) of this section in respect of a dwellinghouse in course of construction, the owner may at any time after six months from the giving of the notice apply to the local court of full jurisdiction nearest to the dwellinghouse for the issue of a permit for any materials which he reasonably requires for the completion of the dwellinghouse to an area of twelve and a half squares and at a cost of not more than two thousand two hundred pounds.

(3) Upon such an application the local court may issue any permit which it thinks proper for the purpose of completing the dwellinghouse as aforesaid; and notwithstanding the notice issued under subsection (1) the permit shall give the same rights as if issued by the Minister.

Amendment of
principal Act,
s. 12—
Duration of
permit.

6. Section 12 of the principal Act is amended by adding at the end thereof the following subsection:—

(3) If any notice is given under section 9 with respect to any building or structure and if subsequent to the giving of the notice a permit (whether issued before or after the passing of the Building Materials Act Amendment Act, 1951) is issued with respect to the building or structure and the permit is issued subject to the observance of any condition during any period of time specified in the permit then, notwithstanding the foregoing provisions of this section, the permit shall be deemed to continue in force until the expiration of any such period of time specified in the permit.

Amendment of
principal Act,
s. 14—
Requirements
of building
contracts.

7. Section 14 of the principal Act is amended—

(a) by striking out subsection (2) thereof and by inserting in lieu thereof the following subsection:—

(2) Whether or not any contract such as is referred to in subsection (1) provides for the payment of the money aforesaid into a special purpose account, the builder shall, within three days after receiving any such money, pay the money into a special purpose account in a bank in South Australia in the joint names of the owner and the builder.

(b) by inserting after the word "liable" in the third line of subsection (4) thereof the words "for a first offence";

(c) by inserting after the word "pounds" in the fourth line of subsection (4) thereof the words "or to imprisonment for any term not exceeding six months and for a second or subsequent offence to imprisonment for any term not exceeding twelve months";

(d) by adding at the end of subsection (6) thereof the words "and all such money which is not withdrawn as aforesaid shall be the property of the owner".

8. Section 20 of the principal Act is amended by inserting after subsection (1) thereof the following subsection :—

Amendment of principal Act, s. 20—
Information as to materials.

(1a) The Minister may by notice in writing require any person who has, in the construction of any building or structure, used or caused to be used any essential building materials to disclose to the Minister within the time specified in the notice the source from which the person obtained the essential building materials and the time at which the essential building materials were obtained.

9. Section 26 of the principal Act is amended by inserting therein after subsection (3) thereof the following subsection :—

Amendment of principal Act, s. 26—
Temporary accommodation.

(3a) Where satisfied that it is desirable so to do in order to serve the reasonable needs of persons inhabiting any such temporary housing accommodation, the Treasurer may provide buildings for such shops, kindergartens, health centres, and other places of a like nature as the Treasurer deems desirable. Any such building may be let by the Treasurer at such rentals and on such terms and conditions as are from time to time fixed by the Treasurer.

10. Section 29 of the principal Act is amended by striking out the word "fifty-one" in the third line thereof and by inserting in lieu thereof the word "fifty-two".

Amendment of principal Act, s. 29—
Duration of Act.

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

C. W. M. NORRIE, Governor.