



ANNO SEPTIMO

GEORGII VI REGIS.

A.D. 1943.

No. 22 of 1943.

An Act to amend the Housing Improvement Act,
1940-1942.

[Assented to 16th December, 1943.]

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 "Housing Improvement Act Amendment Act, 1943".

(2) The Housing Improvement Act, 1940-1942, as amended by this Act, may be cited as the "Housing Improvement Act, 1940-1943".

(3) The Housing Improvement Act, 1940-1942, is hereinafter referred to as "the principal Act".

Amendment of
principal Act—

2. The following section is enacted and inserted in the principal Act after section 21 thereof :—

Power of
Treasurer to
lend £100,000.

21a. Notwithstanding any provision of any other Act to the contrary and without any further appropriation than this section, the Treasurer may, from the surplus disclosed in the revenue accounts of the Treasurer for the financial year ended on the thirtieth day of June, nineteen hundred and forty-three, lend to the housing authority for the purposes of this Act the sum of one hundred thousand pounds. The said sum shall be lent for such period and on such terms and subject to such conditions as the Treasurer may from time to time decide and the whole or any part thereof may, if the Treasurer so decides, be lent free of interest for any period.

3. The following sections are enacted and inserted in the principal Act after section 56 thereof :—

Amendment of principal Act—

56a. (1) Any person who, whether as principal or agent or in any other capacity, wilfully demands or wilfully recovers as rent in respect of any house in respect of which a notice fixing the maximum rental thereof is in force under this Part, any sum which by virtue of this Part is irrecoverable, shall be guilty of an offence against this Act.

Penalty for demanding rent in excess of that fixed.

(2) Any person who is knowingly a party to any contract or arrangement under which any sum is paid or is agreed to be paid to that person as rent for any house in respect of which a notice fixing the maximum rental thereof is in force under this Part shall if that sum is, by virtue of this Part, irrecoverable, be guilty of an offence against this Act.

56b. (1) Any landlord of any house in respect of which a notice fixing the maximum rental thereof is in force under this Part who fails, by himself or his agent, to keep or cause to be kept, a record showing the rent received in respect of that house, shall be guilty of an offence against this Act.

Record of rents.

(2) Any landlord of any house in respect of which a notice fixing the maximum rental thereof is in force under this Part, or any agent of any such landlord, who wilfully makes or wilfully allows to be retained, in any record showing the rent of that house, any entry which is false in a material particular, shall be guilty of an offence against this Act.

4. Section 59 of the principal Act is amended—

Amendment of s. 59 of principal Act—

(a) by adding at the end of subsection (1) thereof the following passage :—

Letting house subject to condition that furniture be purchased.

“ Any person who whether as principal or agent or in any other capacity makes it a condition of the grant, renewal or continuance of the tenancy of any such house that the tenant shall purchase any furniture shall be guilty of an offence against this Act ”.

(b) by adding at the end of subsection (2) thereof the following passage :—

“ and any person who whether as principal or agent or in any other capacity requires the payment of any such fine, premium, or other like sum shall be guilty of an offence against this Act ”.

1943. **Housing Improvement Act Amendment No. 22.**
Act, 1943.

(c) by inserting therein after subsection (2) thereof the following subsection :—

(2a) Any person who whether as principal or agent or in any other capacity pays, gives, or recovers any consideration for obtaining or making available a key of any house in respect of which a notice fixing the maximum rental thereof is in force under this Part, shall be guilty of an offence against this Act.

(d) by inserting after the word "sum" in the second line of subsection (3) thereof the words "or for obtaining or making available any such key".

Amendment of
s. 74 of
principal Act—
Service of
notices.

5. Section 74 of the principal Act is amended by inserting after the word "abode" wherever occurring in the sixth and ninth lines thereof in each case the words "or business".

Amendment of
principal Act—

6. The following section is enacted and inserted in the principal Act after section 89 thereof :—

Construction
of Act.

90. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any enactment of this Act would, but for this section, have been construed in excess of that power it shall, nevertheless, be a valid enactment to the extent to which it is not in excess of that power.

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

C. M. BARCLAY-HARVEY, Governor.