



ANNO UNDECIMO

GEORGII VI REGIS.

A.D. 1947.

No. 21 of 1947.

An Act to amend the Building Materials Act, 1945-1946.

[Assented to 6th November, 1947.]

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, 1947 ". Short titles.

(2) The Building Materials Act, 1945-1946, as amended by this Act, may be cited as the " Building Materials Act, 1945-1947 ".

(3) The Building Materials Act, 1945-1946, is hereinafter referred to as " the principal Act ".

2. Section 2 of the principal Act is amended—

(a) by inserting therein before the definition of " essential building material " the following definition :—

" area ", applied to a building or structure, means the superficies of a horizontal section thereof made at the point of its greatest surface inclusive of the external walls or if the building or structure consists of two or more stories the total superficies calculated as aforesaid in respect of each storey in the building or structure, together in every case with the superficies of every verandah, balcony, porch and similar structure attached to the building or structure :

Amendment of
principal Act,
s. 2—
Interpretation.

(b) by inserting therein after the definition of "Minister" the following definition :—

"square" applied to the measurement of any area means the space of one hundred square feet.

Enactment of
s. 4b of
principal Act—

3. The following section is enacted and inserted in the principal Act after section 4a thereof :—

Prohibition of
demolition of
dwelling-
house.

4b. (1) Any person who—

(a) demolishes any dwelling-house or any part thereof ;
or

(b) makes any alteration to any dwelling-house so as to render it uninhabitable as a dwelling-house, shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(2) It shall be a defence to any proceedings for an offence against this section if sufficient proof is given that the dwelling-house was demolished or altered—

(a) with the permit in writing of the Minister or some person authorized by the Minister for the purpose and in accordance with any conditions of such permit ; or

(b) in compliance with an order or notice of a local board of health given pursuant to the Health Act, 1935-1943, or the Housing Improvement Act, 1940-1946.

(3) The Minister or any person authorized by the Minister for the purpose may issue to any person any permit as aforesaid. Any such permit may be issued subject to such conditions as the Minister or person aforesaid considers necessary.

(4) For the purposes of this section "dwelling-house" includes any building which at any time within twelve months before it is demolished or altered is occupied by some person as a place of habitation.

Amendment of
principal Act,
s. 6—
Issue of
priority
certificates.

4. Section 6 of the principal Act is amended—

(a) by inserting after the word "Corrugated" in paragraph II of subsection (3) thereof the words "and plain" ;

(b) by inserting in subsection (3) thereof after paragraph IV thereof the following paragraphs :—

IVa. Steel reinforcing rods of $\frac{1}{2}$ inch or $\frac{3}{8}$ inch gauge ;

IVb. Tongued and grooved flooring boards ;

5. Section 7 of the principal Act is amended—

Amendment of
principal Act,
s. 7—
Contract of
sale.

- (a) by striking out subsection (1) thereof and by inserting in lieu thereof the following subsections :—

(1) Any person engaged in the business of selling any essential building material to which section 6 applies (hereinafter in this section referred to as “the seller”) who has in his possession or disposition any essential building material to which section 6 applies, shall not sell or dispose of that building material except—

(a) to a person to whom a priority certificate for the acquisition of such material has been issued (which said person is hereinafter referred to in this section as the “authorized purchaser”); or

(b) to a person authorized by the authorized purchaser to acquire or to secure the possession of the essential building materials under the priority certificate ;
or

(c) in pursuance of a direction in writing given by the Minister or some person authorized by the Minister for the purpose.

(1a) The Minister or any person authorized by the Minister for the purpose may from time to time, by notice in writing given to any seller, direct that the seller may sell or dispose of any essential building materials to which section 6 applies other than to authorized purchasers. Any such direction may fix quotas of such essential building materials which may be so sold or disposed of or otherwise authorize the sale or disposal of such of the essential building materials as are not required for the purposes of authorized purchasers. Any such direction shall be in force for such period as is stated in the direction and the direction may be given subject to such conditions as the Minister or person authorized by the Minister deems necessary.

- (b) by inserting after the passage “section 6” in the fourth line of subsection (3) thereof the words “or to any direction of the Minister or person authorized by the Minister given in accordance with subsection (1a) of this section” ;

(c) by striking out subsection (4) thereof and by inserting in lieu thereof the following subsections :—

(4) If any building material to which section 6 applies is sold or supplied to an authorized purchaser by virtue of a priority certificate issued for the acquisition of that building material and if the authorized purchaser or any person who under the authority of the authorized purchaser has acquired or secured possession of that building material uses or disposes of or causes or permits to be used or disposed of the building material in any manner contrary to any condition of the priority certificate or for a purpose other than a purpose stated in the application for the permit or priority certificate, he shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds unless the building material was so used or disposed of after the completion of the work in respect of which the priority certificate was issued and the building material was surplus material and unnecessary to be used for the purposes of the said work.

(5) If a priority certificate is issued to any authorized purchaser for the acquisition of any essential building material to which section 6 applies and if the authorized purchaser or any person authorized by the authorized purchaser to acquire or secure the possession of the essential building material to which the priority certificate relates, by reason of the exercise or the purported exercise of rights conferred by the priority certificate, acquires or obtains possession of essential building materials to a greater extent than authorized by the priority certificate or attempts so to acquire or obtain possession, he shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

Amendment of
principal Act,
s. 8—
Evidentiary
provision.

6. Section 8 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) In any proceedings for an offence against this Act, if evidence is given that any essential building material has been used upon any land for any purpose and if there is proof that any person is the owner or occupier of that land, then, in the absence of proof to the contrary, the essential building materials shall be deemed to have been used or, as the case may require, to have been caused to be used for that purpose by that person.

7. The following sections are enacted and inserted in the principal Act after section 8 thereof :—

Enactment of
ss. 8a-8c of
principal Act—

8a. Without limitation of any other power given by this Act with respect to any permits or priority certificates, the Minister or person authorized by the Minister for the purpose may, on the issue of a permit or priority certificate under this Act, issue the permit or priority certificate upon the condition that the cost of construction of or, as the case may be, of carrying out the work in respect of which it is issued is not more than a sum specified in the permit or priority certificate.

Conditions for
permits, etc.

8b. (1) Every permit or priority certificate issued under this Act before the passing of the Building Materials Act Amendment Act, 1947, shall cease to have any force or effect after the expiration of twelve months after the said passing unless the work in respect of which it was issued was commenced before the expiration of the said period, in which event the permit or priority certificate shall continue in force until the completion of the work, or unless the duration of the permit or priority certificate is extended as provided by this section.

Duration of
permit or
priority
certificate.

(2) Every permit or priority certificate issued under this Act after the passing of the Building Materials Act Amendment Act, 1947, shall cease to have any force or effect after the expiration of twelve months after the issue thereof unless the work in respect of which it was issued was commenced before the expiration of the said period, in which event the permit or priority certificate shall continue in force until the completion of the work, or unless the duration of the permit or priority certificate is extended as provided by this section.

(3) The Minister or any person authorized by the Minister for the purpose may extend the duration of any permit or priority certificate issued under this Act.

8c. The Minister or any person authorized by the Minister for the purpose, if satisfied—

Revocation of
permit or
priority
certificate.

(a) that any application for the issue of a permit or priority certificate and upon which a permit or priority certificate was issued under this Act contains any false or misleading statement ; or

(b) that any provision of or condition upon which any permit or priority certificate was issued under

this Act or any provision of this Act relating to any permit or priority certificate has been broken or has not been observed,

may revoke or suspend the permit or priority certificate.

Amendment of principal Act, s. 10—
Proceedings for offences.

8. Section 10 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) The complaint in respect of an offence against this Act shall be made within twelve months from the time when the matter of complaint arose.

Amendment of principal Act s. 11—
Duration of Act.

9. Section 11 of the principal Act (as amended by section 6 of the Building Materials Act Amendment Act, 1946) is amended by striking out the word “forty-seven” in the second line thereof and by inserting in lieu thereof the word “forty-eight”.

Amendment of principal Act, first schedule.

10. The first schedule to the principal Act (as amended by section 7 of the Building Materials Act Amendment Act, 1946) is amended—

(a) by striking out the words “other than bricks of cement concrete” in paragraph 1 thereof and by inserting in lieu thereof the words “, bricks or blocks of cement concrete, and breeze blocks”;

(b) by inserting after the word “Corrugated” in paragraph 3 thereof the words “and plain”;

(c) by adding at the end thereof the following paragraphs:—

7. Cement and cement products.

8. Steel reinforcing rods of $\frac{1}{2}$ inch or $\frac{3}{8}$ inch gauge.

Amendment of principal Act, second schedule.

11. The second schedule to the principal Act (as amended by section 8 of the Building Materials Act Amendment Act, 1946) is amended—

(a) by striking out paragraph 1 thereof and by inserting in lieu thereof the following paragraphs:—

1. The construction of any dwelling-house (other than a dwelling-house such as is referred to in paragraph 1a hereof) of which the total cost of construction (including any amount payable to any builder or contractor) exceeds or if completed will exceed £1,000, or the area of which when completed will exceed ten squares.

1a. The construction of any dwelling-house if the dwelling-house is intended for occupation by other than the owner thereof or if the dwelling-house is intended for occupation by the owner for holiday purposes or for intermittent intervals and of which the total cost of construction (including any amount payable to any builder or contractor) exceeds or if completed will exceed £150.

- (b) by inserting after the words "carrying out," in the twentieth line of paragraph 4a thereof the words "during the construction of the building or structure or the carrying out of the alteration or addition or".

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

C. W. M. NORRIE, Governor.