

ACTS

OF

THE PARLIAMENT

OF

SOUTH AUSTRALIA

1940

With an Act reprinted pursuant to the Amendments Incorporation Act, 1937, Tables, and Indexes.

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ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 1 of 1940.

An Act to apply, out of the General Revenue, the sum of One Million Pounds to the Public Service for the year ending the thirtieth day of June, nineteen hundred and forty-one.

[*Assented to 18th July*, 1940.]

BE IT 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 "Supply Act (No. 1), 1940".

Issue and application of £1,000,000.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending the thirtieth day of June, nineteen hundred and forty-one, any sum or sums of money not exceeding in the whole the sum of one million pounds.

Payments not to exceed last year's Estimates.

3. No payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended the thirtieth day of June, nineteen hundred and forty, except such payments as are necessary to pay any annual increases of salary fixed by—

(*a*) any return which has been made by the Classification and Efficiency Board under the Public Service Act, 1936-1938, or any previous Act relating to the public service, and is for the time being in force; or

(*b*) any regulation made by the South Australian Railways Commissioner and confirmed by the Governor-in-Council and for the time being in force:

Provided that this section shall not authorize the payment of any increase whereby any salary is increased to a sum exceeding three hundred and eight pounds per annum.

Recoup to Governor's Appropriation Fund.

4. (1) All money appropriated from the Governor's Appropriation Fund to meet expenditure incurred between the thirtieth day of June, nineteen hundred and forty, and the commencement of this Act, shall be recouped to the Governor's Appropriation Fund out of the money voted by this Act, to the intent that the Governor shall thereafter have power to appropriate revenue under the authority of subsection (1) of section 72 of the Constitution Act, 1934-1939, to the full extent and for the purposes permitted by that subsection.

(2) In this section "Governor's Appropriation Fund" means the Governor's Appropriation Fund as defined by subsection (2) of section 72 of the Constitution Act, 1934-1939.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 2 of 1940.

An Act to amend the Public Works Standing Committee Act, 1927-1935.

[*Assented to 25th July,* 1940.]

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 " Public Works Standing Committee Act Amendment Act, 1940 ".

(2) The Public Works Standing Committee Act, 1927-1935, as amended by this Act, may be cited as the " Public Works Standing Committee Act, 1927-1940 ".

(3) The Public Works Standing Committee Act, 1927-1935, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment s. 25a of principal Act—

3. The following section is hereby enacted and inserted in the principal Act after section 25 thereof :—

Operation of s. 25 during time of war.

25a. Subsection (1) of section 25 of this Act shall not apply to any Bill introduced by a Minister while Australia is at war, if the Bill bears an endorsement signed by the said Minister and certifying that all public works to which the Bill relates and which are estimated to cost, when complete, more than thirty thousand pounds, and which have not been inquired into by the committee, are works urgently required for or in connection with the carrying on of the war.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

***

Provided that this section shall not authorize the payment of any increase whereby any salary is increased to a sum exceeding three hundred and eight pounds per annum.

Recoup to Governor's Appropriation Fund.

4. (1) All money appropriated from the Governor's Appropriation Fund to meet expenditure incurred between the thirtieth day of June, nineteen hundred and forty, and the commencement of this Act, shall be recouped to the Governor's Appropriation Fund out of the money voted by this Act, to the intent that the Governor shall thereafter have power to appropriate revenue under the authority of subsection (1) of section 72 of the Constitution Act, 1934-1939, to the full extent and for the purposes permitted by that subsection.

(2) In this section " Governor's Appropriation Fund " means the Governor's Appropriation Fund as defined by subsection (2) of section 72 of the Constitution Act, 1934-1939.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 4 of 1940.

An Act to amend the Adoption of Children Act, 1925-1934.

[*Assented to 5th September,* 1940.]

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 "Adoption of Children Act Amendment Act, 1940".

(2) The Adoption of Children Act, 1925-1934, as amended by this Act, may be cited as the "Adoption of Children Act, 1925-1940".

(3) The Adoption of Children Act, 1925-1934, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 14—

2. Section 14 of the principal Act is amended by adding at the end thereof the following subsection :—

Variation of order.

(4) Where an order of adoption is varied or reversed (whether before or after the passing of the Adoption of Children Act Amendment Act, 1940) the court shall communicate to the Principal Registrar of Births, Deaths, and Marriages the fact that the order has been varied or reversed, whereupon the Principal Registrar shall make such alteration or entry in the Adopted Children's Register relating to the child, the subject of the order, as is necessary to make the Adopted Children's Register accord with the variation or reversal of the order.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 5 of 1940.

An Act to amend the Scaffolding Inspection Act, 1934.

[*Assented to 5th September,* 1940.]

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 "Scaffolding Inspection Act Amendment Act, 1940".

(2) The Scaffolding Inspection Act, 1934, as amended by this Act, may be cited as the "Scaffolding Inspection Act, 1934-1940".

(3) The Scaffolding Inspection Act, 1934, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 3—

2. Paragraph (*e*) of subsection (1) of section 3 of the principal Act is amended so as to read as follows:-

Application of Act.

(*e*) any other portion of the State, whether comprised in a municipality or district council district or not, to which the Governor may by proclamation declare that this Act shall apply.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 6 of 1940.

An Act to authorize the Treasurer to raise moneys to the amount of three million pounds for various public works, and for other purposes.

[*Assented to 12th September,* 1940.]

BE IT 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 " Public Purposes Loan Act, 1940 ".

Interpretation.

2. In this Act "Financial Agreement" means the Financial Agreement made between the Commonwealth and all the States of Australia and ratified by the Financial Agreement Act, 1927.

Power to borrow.

3. The Treasurer may arrange for the sum of three million pounds to be borrowed in accordance with the Financial Agreement on behalf of the State.

Application of moneys.

4. All sums of money borrowed under section 3 of this Act shall be applied to the several purposes set forth in the first schedule to this Act, and to the extent set forth in that schedule ; and shall be applied by the Treasurer in such amounts and manner as the Governor, by warrant under his hand, countersigned by the Chief Secretary, from time to time authorizes and directs.

Salaries to be submitted to Parliament.

5. All salaries of officers, payable out of moneys borrowed under this Act, shall be annually submitted to Parliament.

Advances.

6. The Governor may, by warrant countersigned by the Chief Secretary, authorize the Treasurer to advance to the proper responsible Minister of the Crown, for the purposes of this Act, any sums of money not exceeding in the whole the amount authorized by this Act to be borrowed; and an amount equal to the sums of money so advanced shall be retained by the Treasurer out of any moneys borrowed under the authority of this Act, and applied in repayment of the moneys so advanced.

Power to borrow money for expenses incurred.

7. In addition to the amount of three million pounds authorized by section 3 of this Act to be borrowed, there may be borrowed under that section such sum as will be sufficient to pay all discounts, charges, and other expenses incurred in connection with the borrowing of that amount of three million pounds, and the amount of those discounts, charges, and other expenses shall be charged proportionately to the several purposes set forth in the first schedule to this Act.

Re-application of repaid loan moneys.

8. (1) In this section and in the following section "repaid loan moneys" means money received by the Treasurer in repayment of advances made or other sums expended out of moneys borrowed under any Act.

(2) The Treasurer may apply any repaid loan moneys for the time being in his hands to the several purposes set forth in the second schedule to this Act and to the extent therein set forth, and in such amount and manner as the Governor by warrant under his hand countersigned by the Chief Secretary from time to time authorizes and directs.

Entries of repayments in Treasury accounts.

9. Whenever the Treasurer receives any repaid loan moneys he shall make a reduction corresponding to the amount so received, in the debits of the appropriate loan accounts in the books of the Treasurer.

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

C. M. BARCLAY-HARVEY, Governor.

SCHEDULES.

THE FIRST SCHEDULE.

Undertakings to be Paid for out of Loans raised pursuant to this Act.

Undertaking.	Amount.	
HIGHWAYS AND LOCAL GOVERNMENT.	£	£
Construction of Roads	—	100,000
CONSERVATOR OF FORESTS.		
Afforestation	—	150,000
ENGINEERING AND WATER SUPPLY.		
Morgan-Whyalla Water Main	2,000,000	
Adelaide and Millbrook Water District	30,000	
Adelaide Sewers	120,000	
Barossa Water District	200,000	
		2,350,000
ARCHITECT-IN-CHIEF.		
Hospital Buildings	25,000	
Other Government Buildings—Additional Accommodation	4,000	
Agricultural College	1,000	
		30,000
MISCELLANEOUS.		
Advances to South Australian Housing Trust ...	—	200,000
Loan to Lower River Broughton Irrigation Trust..	—	7,000
Deficiency in Revenue Account, 1939-40	—	163,000
Total	—	£3,000,000

THE SECOND SCHEDULE.

Undertakings to be Paid for out of Repaid Loan Moneys.

Undertaking.	Amount.	
	£	£
STATE BANK.		
Advances for Homes	100,000	
Loans to Producers.....	500	
Frost Relief	500	
Advances to Settlers.....	10,000	
Loans for Fencing and Water Piping	10,000	
Vermin Proof Fencing	2,000	
		123,000

Undertakings to be Paid for out of Repaid Loan Moneys—continued.

Undertaking.	Amount.	
	£	£
FARMERS' ASSISTANCE BOARD.		
Farmers Relief and Farmers Assistance Acts	224,500	
Drought Relief	500	
		225,000
LANDS.		
Land Repurchase for Closer Settlement	—	1,000
IRRIGATION.		
Irrigation and Reclamation of Swamp Lands	10,000	
Lessees Reclaimed Swamp Lands, Loans to	500	
South-Eastern Drainage	1,500	
		12,000
CONSERVATOR OF FORESTS.		
Afforestation (Portion of Expenditure only)	—	103,000
RAILWAYS COMMISSIONER.		
Railway Accommodation	—	180,000
HARBORS BOARD.		
Coal-handling Appliances	500	
Deepening, etc.	24,500	
Wharves, Jetties, Plant, etc.	35,000	
		60,000

Undertakings to be paid for out of Repaid Loan Moneys.—continued.

Undertaking.	Amount.	
ENGINEERING AND WATER SUPPLY.		
Adelaide and Millbrook Water District (Portion of Expenditure only)	29,700	
Adelaide Sewers (Portion of Expenditure only)	63,000	
Country Water Districts	28,000	
Barossa Water District (Portion of Expenditure only)	32,000	
Beetaloo, Bundaleer and Baroota Water District	37,000	
Spring Creek and Mount Remarkable Water District	100	
Tod River Water District	28,000	
Warren Water District	10,000	
Water Conservation	700	
River Murray Weirs, Dams, Locks, etc.	37,000	
Glanville Workshops	500	
Metropolitan Floodwaters	10,000	
		276,000
ARCHITECT-IN-CHIEF.		
School Buildings	38,500	
Hospital Buildings (Portion of Expenditure only)	31,500	
Police and Courthouse Buildings	14,000	
Other Government Buildings, Additional Accommodation (Portion of Expenditure only)	2,500	
Agricultural College (Portion of Expenditure only)	2,500	
Parliament Buildings	500	
Gaols and Prisons	500	
		90,000
PRODUCE DEPARTMENT.		
Produce Stores	—	25,000
MINISTER OF REPATRIATION.		
Settlement of Discharged Soldiers on Land	—	18,000
TREASURER.		
Expenses and Discounts of Floating Conversion Loans	—	10,000
MISCELLANEOUS.		
Wheat Pools Account	—	1,000
Total		£1,124,000

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 7 of 1940.

An Act to amend the Public Supply and Tender Act, 1914-1930.

[*Assented to 19th September,* 1940.]

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 "Public Supply and Tender Act Amendment Act, 1940".

(2) The Public Supply and Tender Act, 1914-1930, as amended by this Act, may be cited as the "Public Supply and Tender Act, 1914-1940".

(3) The Public Supply and Tender Act, 1914-1930, is hereinafter referred to as "the principal Act".

Amendment of principal Act—

2. The principal Act is amended by inserting therein after section 7 the following section :—

Incorporation of board.

7a. (1) The board shall be a body corporate under the name of "The Supply and Tender Board", and shall have perpetual succession and a common seal, and by its corporate name shall be capable of suing and being sued and of acquiring and disposing of real and personal property : Provided that the board shall not dispose of any real property without the consent of the Governor.

(3) Judicial notice shall be taken of the incorporation and of the common seal of the board, and the production of any deed, instrument or writing, if sealed with the said seal, shall be *prima facie* evidence of the due making and execution of the deed, instrument or writing.

Amendment of principal Act—

3. The principal Act is amended by inserting therein after section 15a the following sections :—

Contracts by board.

15b. (1) The board may enter into, vary, and discharge contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows:—

I. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the board may make in writing and under the common seal of the board, and may be varied or discharged in the same manner:

II. Any contract which, if made between private persons, would be by law required to be in writing signed by or on behalf of the parties to be charged therewith, the board may make in writing under the common seal as aforesaid, or in writing signed by any person acting under the authority of the board, express or implied, and may be varied or discharged in the same manner as it was or might have been made:

III. Any contract which, if made by private persons, would be by law valid although only made by parol, may be made by the board in either of the two ways aforesaid, or by parol by any person acting under the authority of the board, express or implied, and may be varied or discharged in the same manner as it was or might have been made.

(2) All contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

(3) Every deed, conveyance, contract or document made in writing under the common seal of the board shall be signed by any three members of the board.

Provisions as to previous contracts and dealings in property.

15c. (1) Any contract made in the name of the board before the passing of the Public Supply and Tender Act Amendment Act, 1940, shall be deemed to be as valid as if, at the time of the making of the contract, the board was a body corporate and the board was empowered to enter into contracts in the name of the board.

(2) All real and personal property acquired by the board before the passing of the Public Supply and Tender Act Amendment Act, 1940, shall be deemed to have been legally acquired and any such real or personal property shall be vested in the board as a body corporate.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 8 of 1940.

An Act to provide for the alignment of the public streets within part of the Municipality of Henley and Grange, to provide for the defining of the boundaries of allotments of land within such part, and for incidental purposes.

[*Assented to 26th September,* 1940.]

WHEREAS by notice published in the *Government Gazette* on the seventeenth day of May, nineteen hundred and twenty-three, the Governor of the State of South Australia, with the advice and consent of the Executive Council thereof, did declare that, by virtue of the Municipal Corporations Act, 1890, and the Municipal Corporations Act Amendment Act, 1903, the alignments and marks mentioned in a public notice given by the council of the Municipality of Henley and Grange under section 116 of the Municipal Corporations Act, 1890, published in the *Government Gazette* on the ninth day of February, nineteen hundred and twenty-two, are respectively to be the alignments and permanent marks of the public streets mentioned in and referred to in the said public notice AND WHEREAS pursuant to section 119 of the Municipal Corporations Act, 1890, the said alignments and permanent marks are deemed to be the alignments and permanent marks of the public streets to which the said notice relates AND WHEREAS the said alignments and permanent marks have been found to be inaccurate and by reason of the said inaccuracy doubts have arisen as to what are the true boundaries both of the public streets within the part of the said Municipality in which the public streets are situated and of allotments of land within such part NOW THEREFORE BE IT 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 "Henley and Grange Alignment Act, 1940".

Survey of area.

2. (1) The Surveyor-General shall cause to be surveyed the whole of the area referred to in the schedule to this Act, and shall cause to be prepared a plan showing—

(*a*) the alignment of all public streets within the said area; and

(*b*) the boundaries of all allotments of land within the said area; and

(*c*) if any certificate of title has been issued for any part of any allotment of land within the said area, the boundaries of each such part,

and may cause any permanent marks to be fixed in any such public street for the purpose of defining permanently the alignment.

(2) The Surveyor-General may cause any part of the said work to be carried out at any one time and so that if part only of the work is carried out at any one time, a plan may be prepared in respect thereof. If more than one plan is prepared as mentioned in this subsection in respect of different parts of the said area, all the plans so prepared shall be deemed to be included in any reference in this Act to "the said plan".

(3) In making the said survey and preparing the said plan, the Surveyor-General shall consult with the council of the said Municipality, and with the Registrar-General of Deeds, and shall have regard to—

(*a*) all plans relating to the said area which are in the office of the Surveyor-General, or the Lands Titles Registration Office;

(*b*) existing physical boundaries erected on land within the said area;

(*c*) any other matters which the Surveyor-General considers necessary or proper to be considered.

(4) After the said plan is prepared, the Surveyor-General shall cause copies thereof to be open for inspection by any person at the office of the Surveyor-General and at the office of the council of the said Municipality. The Surveyor-General shall give notice in the *Government Gazette* and in two newspapers published in Adelaide that the plan is open for inspection at the said offices and that any person who so desires may make representations to the Surveyor-General that the plan does not give effect to the provisions of this section. The notice shall state the part of the said Municipality to which the said plan relates and shall fix a time (being not less than one month)

within which any person may make representations to the Surveyor-General as aforesaid. If any such representations are made to the Surveyor-General, he shall consider the representations and, if he thinks fit, may alter the said plan accordingly.

Effect of survey and plan.

3. (1) When satisfied that the said plan gives effect to the provisions of section 2, the Surveyor-General shall cause the said plan to be prepared in triplicate and each copy shall be signed by the Surveyor-General. The Surveyor-General shall deposit one copy in the office of the Surveyor-General, one copy in the General Registry Office, and one copy with the clerk of the council of the said Municipality.

(2) Upon deposit as aforesaid—

(*a*) the said notice given by the Governor and the said public notice given by the council of the said Municipality and the plan therein referred to (so far as the same relate to the land referred to in the said plan) shall be deemed to be void and of no effect and the alignments and permanent marks therein referred to (so far as the same relate to the land referred to in the said plan) shall cease to be alignments and permanent marks:

(*b*) the alignments of the public streets shown in the said plan shall be deemed to be the alignments of those streets and any permanent marks fixed in the said public streets by the Surveyor-General shall be permanent marks of those streets:

(*c*) the boundaries shown in the said plan as the boundaries of any allotments of land or portions of allotments of land shall be deemed to be the boundaries of those allotments or portions notwithstanding any certificate of title or other document.

(3) The provisions of this section shall apply notwithstanding the provisions of The Real Property Act, 1886-1939, or any other Act or law to the contrary.

Correction of register book.

4. (1) The Registrar-General of Deeds shall cause any correction to be made in any register book or plan or any certificate of title or other document which is necessary to give effect to the provisions of section 3 and for the purpose of securing the production to him of any certificate of title or other document shall exercise any of the powers conferred by section 220 or any other provisions of The Real Property Act, 1886-1939.

(2) If any certificate of title or other document is required to be produced as aforesaid, then, notwithstanding any agree-

ment to the contrary, any person having the possession thereof shall not be entitled to demand or receive any fee or charge from any other person for the production thereof.

(3) No fee shall be payable to the Registrar-General of Deeds in respect of the correction of any register book or any certificate of title or document pursuant to this section.

Payment by council of one-half of expenses.

5. The council of the said Municipality shall pay to the Commissioner of Crown Lands one half of the expenses incurred in carrying out the said survey and in preparing the said plan.

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

C. M. BARCLAY-HARVEY, Governor.

THE SCHEDULE.

All the land comprised in Lands Titles Office Plans Nos. 553, 562, 601, 823, 1857, and 2221, being the subdivisions of the whole of sections 448, 449, and 2080, Hundred of Yatala, together with abutting streets and roads.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

***

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

No. 10 of 1940.

An Act to amend the Trustee Act, 1936.

[*Assented to 26th September,* 1940.]

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 "Trustee Act Amendment Act, 1940".

(2) The Trustee Act, 1936, as amended by this Act, may be cited as the "Trustee Act, 1936-1940".

(3) The Trustee Act, 1936, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of s. 17a of principal Act—

3. The following section is enacted and inserted in the principal Act after section 17 thereof:—

Power of delegation of members of fighting forces.

17a. (1) Where a trustee is a member of any naval, military or air force of any part of the British Dominions the power of delegation conferred on him by section 17 of this Act shall not be limited to a term of twelve calendar months, but may be so exercised that the delegation is operative for the whole of the period of his service with any such naval, military or air force.

(2) This section shall be deemed to have come into operation on the third day of September, nineteen hundred and thirty-nine and shall apply to any power of attorney granted on or after that day and during the continuance of any war in which the Commonwealth is engaged. Any such war shall be deemed to continue from the commencement thereof until the day of the issue of a proclamation by the Commonwealth that the war has ceased.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 11 of 1940.

An Act to amend the Wills Act, 1936.

[*Assented to 26th September,* 1940.]

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 "Wills Act Amendment Act, 1940".

(2) The Wills Act, 1936, as amended by this Act, may be cited as the "Wills Act, 1936-1940".

(3) The Wills Act, 1936, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of s. 6a of principal Act—

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

Extension of testamentary capacity of soldiers, sailors and airmen.

6a. (1) A will made—

(*a*) during a war by a member of any naval, military, or air force of the Commonwealth or of any other part of His Majesty's Dominions: or

(*b*) during or after a war by any person who had during that war been such a member,

shall, if the person making the will was, at the time when the will was made, of the age of eighteen years or more be as valid as if he were of the age of twenty-one years or more.

(2) This section shall have effect notwithstanding any other provision of this Act or of any other Act, and shall have the same effect as if it had come into operation on the third day of September nineteen hundred and thirty-nine.

(3) In this section "a war" means any war in which the Commonwealth of Australia is engaged.

(4) For the purposes of this section a war shall be deemed to continue from the commencement thereof until the day on which a proclamation is issued by the Commonwealth declaring that the war has ceased.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 12 of 1940.

An Act to amend the Dairy Produce Act, 1934-1938.

[*Assented to 30th September,* 1940.]

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 "Dairy Produce Act Amendment Act, 1940".

(2) The Dairy Produce Act, 1934-1938, and this Act may be cited together as the "Dairy Produce Act, 1934-1940".

(3) The Dairy Produce Act, 1934-1938, is in this Act referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 5 of principal Act—Term of office.

3. Section 5 of the principal Act is amended by inserting after subsection (1) thereof the following subsection:—

(1a) Every subsequent member of the board whether appointed before or after the passing of the Dairy Produce Act Amendment Act, 1940, shall hold office for such term not exceeding two years as the Governor determines at the time of the appointment of the member, and if no term is so determined for two years: Provided that the term of office of any member shall, notwithstanding any term or condition of his appointment, be deemed to be determined when this Act expires. A retiring member shall be eligible for re-appointment.

Amendment of principal Act, s. 26—Duration of Act.

4. Section 26 of the principal Act is amended by striking out the word "forty" at the end thereof and inserting in lieu thereof the word "forty-two".

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 13 of 1940.

An Act to authorize the construction of a water main from Morgan to Whyalla, to ratify an Agreement made between the Commissioner of Waterworks and The Broken Hill Proprietary Company Limited relating to the supply of water from the River Murray to the Company at Whyalla, to enact certain provisions relating to the sale and supply of water by the said Company, and for other purposes.

[*Assented to 3rd October,* 1940.]

BE IT 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 " Northern Areas and Whyalla Water Supply Act, 1940 ".

Commencement.

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation.

Incorporation.

3. This Act is incorporated with the Waterworks Act, 1932-1936, and that Act and this Act shall be read as one Act.

Interpretation.

4. In this Act—

" the Company " means the company incorporated in the State of Victoria under the name of The Broken Hill Proprietary Company Limited and its successors and assigns :

" the Agreement " means the agreement set out in the schedule to this Act.

Construction of Morgan-Whyalla pipe line and works.

5. The Commissioner of Waterworks may construct and maintain—

(*a*) a pipe line from a point at or near Morgan to a point at or near Whyalla for the purpose of supplying water drawn from the River Murray to Whyalla and to other towns and areas which can conveniently be supplied with water from the said pipe line:

(*b*) any pumping stations, reservoirs, dams, buildings, structures and other works and equipment which he deems it expedient to construct and maintain in connection with the supply of water by means of the said pipe line.

Ratification of Agreement.

6. (1) The Agreement is hereby ratified and approved.

(2) The Commissioner of Waterworks may in addition to exercising any of the powers conferred upon him by section 5 of this Act, construct and maintain any other works and equipment, and do any other act or thing which he deems it expedient to construct, maintain or do for the purpose of enabling him to carry out his obligations under the Agreement.

Supply of water at reduced price for new industries.

7. (1) The Commissioner may, at his discretion, charge the Company a price lower than that fixed in the Agreement for any water, above three hundred and forty million gallons in any year of supply, which the Company may require for, or by reason of the establishment or carrying on of any new industries at Whyalla, or for or by reason of the extension of existing industries at Whyalla: Provided that if the Commissioner pursuant to this subsection sells to the Company at a price lower than that fixed in the Agreement any water required for the establishment or carrying on of new industries by any person other than the Company or for the extension of existing industries by any person other than the Company the Company shall make in the rates or prices charged to that person a reduction corresponding to the concession in price granted to the Company.

(2) In this section "year of supply" means year of supply as defined in the Agreement.

Supply of water at reduced prices to persons other than the Company.

8. (1) Where any person (in this section called "the applicant"), other than the Company, desires a supply of water within the Whyalla Water District for or by reason of the establishment or carrying on by the applicant of any new industries at Whyalla, or for or by reason of the extension of

existing industries by the applicant at Whyalla, at rates or prices lower than those for the time being charged by the Company, the applicant may apply to the Company for a supply at reduced rates.

(2) If the Company does not grant the application, it shall inform the Commissioner thereof and the Commissioner may, at his discretion, charge the Company a price lower than that fixed in the Agreement for such quantity of water as the Commissioner considers should be supplied to the applicant at reduced rates; and in such a case the Company shall make in the rates or prices charged to the applicant for water, a reduction corresponding to the reduction in price granted by the Commissioner to the Company: Provided that the Commissioner shall not charge the Company a price lower than that fixed in the Agreement, except for water supplied to the Company in excess of three hundred and forty million gallons in any year of supply.

Supply of water by the Company.

9. (1) The Governor may by proclamation declare that any area defined or described in the proclamation and consisting of land in or near Whyalla shall be the Whyalla Water District and may from time to time by proclamation revoke or vary any such proclamation.

(2) The Company may supply water to consumers within the Whyalla Water District.

Application of Waterworks Act to Company.

10. (1) Subject to this section, the Company may, within the Whyalla Water District, exercise any of the rights, powers and privileges conferred upon the Commissioner of Waterworks by Parts III., IV., V. and VIII. of the Waterworks Act, 1932-1936, and those Parts of that Act shall, except as provided in this section, apply to the Company and other persons in the Whyalla Water District—

(*a*) as if every reference in the said Parts to the Commissioner or the Engineer-in-Chief were a reference to the Company:

(*b*) as if the Whyalla Water District were a water district within the meaning of that term as used in the said Act.

(2) The Governor may by regulation—

(*a*) modify or alter any provision of the Waterworks Act, 1932-1936, so far as it applies in relation to the Whyalla Water District pursuant to this section, and in such a case the modified or altered provision shall apply in relation to the said District:

(*b*) declare that any provision of the Waterworks Act, 1932-1936, shall not apply in relation to the Whyalla Water District:

(*c*) revoke or vary any regulation for the time being in force under this section.

(3) Sections 7 and 8, subsection (3) of section 26, sections 27, 31a, subsection (3) of section 86, sections 100, 101, 110, 119a, 121 and 122 of the Waterworks Act, 1932-1936, shall not apply in relation to the Whyalla Water District.

(4) Instead of assessing any land or premises and declaring and recovering water rates thereon as provided in Part V. of the Waterworks Act, 1932-1936, the Company may sell water to the owner or occupier of such land or premises on terms mutually agreed upon between the Company and such owner or occupier.

(5) The Company shall at intervals of not more than three years submit to the Commissioner of Waterworks for his approval the scales or amounts of all rates or prices which it intends to charge for water within the Whyalla Water District, and shall not be entitled to recover from any person, in respect of water supplied or to be supplied, any money in excess of a sum computed on the basis of rates or prices approved by the said Commissioner: Provided that—

(*a*) the Commissioner shall not refuse his approval to any rates or prices intended to be charged by the Company for any water if such rates or prices are not more than the cost of the water to the Company, plus the cost incurred by the Company in delivering the water to consumers:

(*b*) for purposes of this proviso the cost of any water to the Company shall be the price which would be payable by the Company for that water under the scale set out in clause 7 of the Agreement, assuming that the Company were not liable for a minimum annual payment:

(*c*) for purposes of this proviso the cost incurred by the Company in delivering any water shall be ascertained by the Auditor-General from time to time and shall be the actual cost, if known at the time when the Commissioner's approval is sought, and if that cost is not then known, an estimate shall be made based on the actual cost previously incurred by the Company, and the amount estimated shall be deemed to be the cost:

(*d*) the certificate of the Auditor-General as to any such cost as mentioned in paragraph (*c*) of this proviso shall be conclusive.

Financial provision.

11. The moneys required for the purpose of enabling the Commissioner to perform his duties and exercise his powers and functions under this Act shall be paid out of moneys provided by Parliament for that purpose.

Repeal of s. 4 of Broken Hill Proprietary Company's Indenture Act, 1937.

12. Section 4 of the Broken Hill Proprietary Company's Indenture Act, 1937, is repealed.

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

C. M. BARCLAY-HARVEY, Governor.

SCHEDULE.

This Agreement made on the nineteenth day of August nineteen hundred and forty between The Commissioner of Waterworks (being the body corporate continued in existence by the Waterworks Act, 1932-1936 of South Australia) of the one part, and The Broken Hill Proprietary Company Limited (a company incorporated in the State of Victoria and having its registered office in Victoria at 422 Little Collins Street Melbourne) and its successors and assigns of the other part:

WHEREAS the said Company has established certain industries at Whyalla in the State of South Australia and for the purposes of those industries and for future developments which may be undertaken requires more water than is at present available, and is willing to purchase water from the said Commissioner on the terms set out in this Agreement:

AND WHEREAS the said Commissioner intends to lay down a pipe line and construct other works for the purpose of providing at Whyalla a supply of water drawn from the River Murray, and is willing to sell water to the Company on the terms set out in this Agreement:

NOW THIS AGREEMENT WITNESSETH that the parties hereto agree with each other as follows:—

Interpretation.

1. In this Agreement—

"the commencing day" means the day on which the Commissioner commences to deliver water in fulfilment of his obligations under this Agreement:

"the Commissioner" means the body corporate continued in existence by the Waterworks Act, 1932-1936 of South Australia under the name of "The Commissioner of Waterworks":

"the Company" means the company incorporated in the State of Victoria under the name of The Broken Hill Proprietary Company Limited and its successors and assigns:

"the State" means the State of South Australia:

"waterworks" includes pipes, pumps, reservoirs, dams, and other works, plant and equipment required for the supply of water:

"year of supply" means period of twelve months commencing on the commencing day or on any anniversary thereof.

Agreement subject to ratification.

2. (1) The clauses of this Agreement, other than clauses 1 and 2 thereof, shall have no force or effect until the Act referred to in subclause (2) of this clause comes into operation; but when the said Act comes into operation, the whole of this Agreement shall forthwith become binding.

(2) The Commissioner shall as early as practicable after the execution of this Agreement introduce or cause to be introduced into the Parliament of the State a Bill for an Act to authorize and ratify this Agreement and to provide for carrying it fully into operation.

Term of Agreement.

3. Subject to clause 11 hereof, this Agreement shall remain in operation until the expiration of thirty years calculated as from the commencing day.

Commencement of obligation to deliver water.

4. (*a*) The Company shall give the Commissioner not less than three years written notice of the day on which it requires the Commissioner to commence delivery of water under this Agreement; and the obligation of the Commissioner so to deliver water shall commence on that day or some other day mutually agreed on: Provided that the Commissioner shall not be liable for any failure to commence delivery on the day so notified or agreed, if that failure is due to causes beyond his control such as—

(*a*) war; or

(*b*) inability of the Government of South Australia to obtain finance after making all reasonable efforts to do so; or

(*c*) inability of the said Government, after making all reasonable efforts to do so, to obtain any materials plant or equipment required for the waterworks necessary to supply water from the River Murray to Whyalla.

Delivery of water.

5. (1) The Commissioner shall, on and after the commencing day, deliver to the Company from time to time such quantity of water from the River Murray as the Company requires but not exceeding three million gallons in any period of twenty-four hours.

(2) The water shall be delivered to the Company at the dam which at the time of the execution of this Agreement belongs to the Company and is situated at Whyalla near the southern boundary of section 26, Hundred of Randall at approximately forty feet above sea level.

(3) The Company shall from time to time give the Commissioner reasonable notice of the quantities of water which it requires.

Construction of mains and other works.

6. The Commissioner shall construct and maintain in good working order all such waterworks as are necessary to provide and deliver the water which the Commissioner is obliged to deliver under this Agreement.

Price of water.

7. Subject to the provisions hereinafter contained as to a minimum annual payment, the Company shall pay the Commissioner for all water delivered by him to the Company under this Agreement at the following rates :—

For all water up to the first 500 million gallons per year of supply	2s. 4d. per thousand gallons
For all water above 500 million gallons and up to 700 million gallons per year of supply	2s. 3d. per thousand gallons
For all water above 700 million gallons and up to 900 million gallons per year of supply	2s. 2d. per thousand gallons
For all water above 900 million gallons and up to 1,000 million gallons per year of supply	2s. 1d. per thousand gallons
For all water above 1,000 million gallons per year of supply	2s. per thousand gallons

Minimum annual payment.

8. (*a*) Subject to subclause (*b*) of this clause the Company shall pay to the Commissioner in each year of supply the sum of forty thousand pounds for water supplied or to be supplied during that year of supply. The sum so payable for each year of supply shall be paid in four equal quarterly instalments of which the first shall become due and payable on the commencing day of the year of supply, and the remainder on the respective commencing days of the subsequent quarters in the year of supply.

(*b*) If during any year of supply the value of the water delivered to the Company exceeds forty thousand pounds, the Company shall also within one month after the end of that year of supply pay to the Commissioner the amount by which such value exceeds forty thousand pounds: Provided that if in any year of supply during a triennial period, as hereinafter defined, the value of the water delivered to the Company is less than forty thousand pounds, and in any subsequent year of supply during the same triennial period the value of the water so delivered is more than forty thousand pounds then the amount by which the value of the water delivered in the earlier year was less than forty thousand pounds shall be carried forward to the credit of the Company and set off against any sum or sums in excess of forty thousand pounds payable to the Commissioner by the Company in any such subsequent

year: Provided also that in respect of each triennial period as hereinafter defined the Company shall be obliged to pay only one hundred and twenty thousand pounds or the value of the water delivered to it during that period which ever is the greater.

(*c*) In this clause " the value of any water " means its price computed on the scale set out in this Agreement at any lower price charged by the Commissioner under any enactment authorizing him to charge lower prices.

(*d*) For the purpose of this clause the term of this Agreement shall be divided into ten periods each consisting of three years of supply. The first such period shall commence on the commencing day, and the subsequent periods shall commence respectively at the end of the first period and at regular intervals of three years thereafter. In this clause the expression " triennial period " means any such period of three years of supply.

Quality of water.

9. The water to be delivered under this Agreement shall be water in the condition in which it is drawn from the River Murray at or near Morgan, and without any filtering, treatment or change except such change (if any) as necessarily occurs during the transmission of the water from Morgan to Whyalla.

Metering.

10. (*a*) The Commissioner shall measure all water delivered to the Company under this Agreement by a suitable meter installed at the expense of the Commissioner in the pipe from which the water is so delivered.

(*b*) The Commissioner shall during each month give the Company a written notice of the amount of water shown by the meter as having been delivered to the Company during the previous month. The notice shall be conclusive evidence of the amount of water delivered in the month to which the notice relates unless it is disputed as provided in this clause.

(*c*) The Company may within one month after receipt of any such notice give the Commissioner a written notice that it disputes the correctness of the amount of water shown in the notice given by the Commissioner and that it requires the meter to be tested.

(*d*) The Commissioner shall thereupon conduct a test of the meter by passing through it, into a receptable of known capacity, sufficient water to fill that receptacle or any part thereof of known capacity. The Company shall if so required by the

Commissioner permit the Commissioner to use without payment, for the purpose of any test under this subclause, any dam or reservoir of the Company which is suitable for that purpose, and can conveniently be so used.

(*e*) If on such test it appears that the meter is not measuring correctly the water actually delivered, the amount of water shown in the disputed notice and in any subsequent notice given by the Commissioner prior to the test shall be altered so as to show the true amount of water delivered, and the liability of the Company shall be adjusted accordingly. Thereafter, if the meter is not corrected or replaced, due allowance for the error shall be made in each monthly notice showing the amount of water delivered to the Company.

(*f*) The Company may at its own expense instal a meter at any convenient point in the pipe from which water is delivered to the Company. The readings of such meter shall be for the information of the Company, but shall not be binding on the Commissioner unless he agrees to accept them, with or without adjustments, as correct.

(*g*) The Commissioner may, without any request from the Company, at any time test any meter installed by him for the purpose of measuring the water delivered to the Company, and the Company shall if so required by the Commissioner permit the Commissioner to use for the purpose of the test any dam or reservoir of the Company which is suitable for that purpose and can conveniently be so used.

Renewal of Agreement.

11. (*a*) Within three years before the expiration of this Agreement, the Company may give the Commissioner written notice of its desire to renew this Agreement for any period specified in the notice, and being not longer than twenty years.

(*b*) When such a notice has been given the Commissioner and the Company shall, subject as hereinafter mentioned, continue to be bound by this Agreement during the period specified in the notice : Provided that the prices payable by the Company for water during that period shall not necessarily be the same as those set out in this Agreement, but shall be prices which, taking into account the costs of supplying water from Morgan to Whyalla at the time when such prices are being determined, are not less favourable to the Company than those set out in this Agreement; and if the parties do not agree on such prices within twelve months after the Company gives notice under subclause (*a*) of this clause, either party may require the prices to be determined by arbitration and they shall be determined accordingly.

IN WITNESS whereof the parties hereto have executed this Agreement.

The Common Seal of the Commissioner of Waterworks was affixed hereunto on the sixteenth day of August, 1940, in the presence of H. T. M. ANGWIN.

M. McINTOSH,
Commissioner of Waterworks.

The Common Seal of The Broken Hill Proprietary Company Limited was affixed hereunto on the nineteenth day of August, 1940, in the presence of .....

L. DARLING, Director.
C. Y. SYME, Director.
F. M. MITCHELL, Secretary.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 14 of 1940.

An Act to amend the Superannuation Act, 1926-1938.

[*Assented to 17th October,* 1940.]

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 "Superannuation Act Amendment Act, 1940".

(2) The Superannuation Act, 1926-1938, as amended by this Act, may be cited as the "Superannuation Act, 1926-1940".

(3) The Superannuation Act, 1926-1938, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act may be cited as one Act.

Enactment of s. 26e of principal Act.

3. The following section is enacted and inserted in the principal Act after section 26d:—

Increase of contributions by members of the fighting forces.

26e. (1) Where a contributor has been granted leave of absence for the purpose of enabling him to serve during any war in which the Commonwealth is engaged, in the military, naval or air force of any part of the British Dominions, and the board is of opinion that the contributor, if he had not been granted the leave, would during the period of the leave, have become entitled to an increase of salary of such amount as would bring his salary within a higher salary group, the contributor

shall have the same right or obligation to increase his contributions to the fund as he would have had under subsection (4) of section 24 of this Act if he had actually received salary at the increased rate as from the time when, in the board's opinion, he would have become entitled thereto.

(2) Where a contributor has a right under this section to increase contributions, he shall be deemed to have elected to exercise the right unless and until he notifies the board to the contrary. A notice that a contributor elects not to exercise a right under this section may be given at any time not later than three months after the contributor returns to duty as an employee upon the completion of the period of the leave of absence during which the right arose.

(3) Where a contributor is obliged, or elects, or is deemed to have elected, to increase his contributions to the fund in the circumstances set out in this section, the Treasurer shall, on behalf of the contributor, pay into the Fund the amount of the increase in such contributions, in respect of the period during which the contributor serves in the military, naval or air force.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 15 of 1940.

An Act to amend the Agricultural College Act, 1936-1938.

[*Assented to 24th October,* 1940.]

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 "Agricultural College Act Amendment Act, 1940".

(2) The Agricultural College Act, 1936-1938, as amended by this Act, may be cited as the "Agricultural College Act, 1936-1940."

(3) The Agricultural College Act, 1936-1938, is hereinafter referred to as "the principal Act."

Repeal of principal Act, ss. 9 and 10.

2. Sections 9 and 10 of the principal Act are repealed.

Amendment of principal Act—

3. The principal Act is amended by adding at the end thereof the following section:—

Provision as to endowment lands.

14. (1) The grant of the land comprised in land grants register book volume 574, folios 129, 130 and 131 and any dedication by the Governor of any such land, are hereby revoked. Notwithstanding the provisions of The Real Property Act, 1886-1939, the Registrar-General shall cause an entry to be made upon each of the said folios denoting that the land grant has been revoked.

(2) All the said land shall be deemed to be land of the Crown and may be dealt with in manner provided by the Crown Lands Act, 1929.

(3) All miscellaneous leases and perpetual leases of any part of the said land which were, before the passing of the Agricultural College Act Amendment Act, 1940, granted in purported pursuance of the Crown Lands Act, 1929, or any other Act relating to Crown lands, shall be deemed to have been lawfully granted and the provisions of the Crown Lands Act, 1929, shall apply to all such leases and the land comprised therein.

(4) All surrenders and cancellations of any such leases made before the passing of the Agricultural College Act, Amendment Act, 1940, in purported pursuance of the Crown Lands Act, 1929, or any other Act relating to Crown lands, shall be deemed to have been lawfully made.

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

G. J. R. MURRAY, Deputy Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 16 of 1940.

An Act to enable the Treasurer to grant assistance to farmers affected by the drought prevailing in the year nineteen hundred and forty.

[*Assented to 24th October,* 1940.]

BE IT 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 " Drought Relief Act, 1940 ".

Interpretation.

2. (1) In this Act " farmer " means any person who otherwise than as an employee is engaged in the cultivation of land for the production of cereals, and includes any party to a share farming agreement under which land is cultivated for such production.

(2) The decision of the Treasurer as to whether a person is a farmer or not shall be conclusive.

Advisory Board.

3. (1) The Treasurer may appoint an advisory board of three persons to assist him in the administration of this Act.

(2) The functions of the board shall be to furnish the Treasurer with information and advice relating to matters arising under this Act.

Power of Treasurer to borrow money and purchase goods.

4. (1) For the purposes of this Act the Treasurer may—

(*a*) borrow from the Commonwealth any sum or sums of money not exceeding in the aggregate six hundred thousand pounds :

(*b*) purchase any commodities.

(2) The Treasurer may direct that the Public Supply and Tender Act, 1914-1930, shall not apply in relation to any specified commodities or class of commodities purchased under this Act.

Power to make loans and supply commodities to farmers.

5. (1) Where the Treasurer is satisfied that any farmer is in necessitous circumstances, and has sustained loss by reason of the drought prevailing in the State during the year nineteen hundred and forty he may—

(*a*) make a loan of money to that farmer :

(*b*) sell or supply to that farmer any commodities which in the Treasurer's opinion are required for or in connection with the carrying on of farming operations by the farmer or for or in connection with the maintenance of himself and his dependents.

(2) Every such loan, sale, or supply shall be upon such terms and conditions as to payment, interest, security, and otherwise, as the Treasurer thinks fit.

(3) No money shall be lent and no goods shall be sold or supplied under this Act after the twenty-eighth day of February, nineteen hundred and forty-two.

(4) This Act without any further appropriation shall be sufficient authority for the Treasurer to expend money in making loans and purchasing commodities under this Act.

Bills of sale.

6. For the purpose of giving security for any loan made under this Act, or for the price of any commodities sold or supplied under this Act, a farmer may, by bill of sale, assign to the Treasurer any crops to be grown by him or on his behalf on any land within the State within any period not exceeding five years after the execution of the bill of sale ; and any such bill of sale shall be a bill of sale within the meaning of The Bills of Sale Act, 1886-1935, and shall operate to assign the ownership at law as well as in equity of the said crops, but without prejudice to the rights of a *bona fide* purchaser or mortgagee of the land on which the crops grow, under any contract of sale or mortgage entered into before the registration of the bill of sale. Any such crops shall be personal chattels within the meaning of The Bills of Sale Act, 1886-1935.

Exemption from stamp duty.

7. No stamp duty shall be payable upon any document made or executed by any applicant for assistance under this Act in connection with his application or by way of giving security for any loan or the price of any goods ; and no fees shall be payable under any Act for the registration of any such document.

8. The Governor may make regulations— Regulations.

(*a*) regulating the use of commodities sold or supplied to farmers under this Act, or purchased out of moneys lent to farmers under this Act:

(*b*) prescribing any other matter or thing necessary or convenient to be prescribed for the purpose of carrying this Act into effect:

(*c*) prescribing fines recoverable summarily and not exceeding twenty-five pounds for breach of any regulation.

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

G. J. R. MURRAY, Deputy Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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by this Act authorized to be issued, there shall or may be applied in the manner hereinafter mentioned, any sums of money not exceeding in amount respectively the several sums of money hereinafter specified, that is to say—

For defraying the charges of the State Government for the year ending the thirtieth day of June, nineteen hundred and forty-one, there shall be paid the sum of eight million, three-hundred and twenty-three thousand, five hundred and eight pounds, the said amount being appropriated as follows, viz. :— Estimates, 1940-1941.

	£	s.	d.
Legislative Council	3,396	0	0
House of Assembly	5,423	0	0
Parliamentary Library	1,395	0	0
Parliament House	2,160	0	0
Electoral	15,641	0	0
Government Reporting	9,743	0	0
Parliamentary Standing Committee on Public Works	1,132	0	0
Legislature, Miscellaneous	17,522	0	0
Private Secretary	500	0	0
Chief Secretary	4,231	0	0
Statistical (including Principal Registrar of Births, etc., and Public Actuary)	12,147	0	0
Audit	12,571	0	0
Printing and Stationery	53,646	0	0
Police	362,842	0	0
Sheriff and Gaols and Prisons	38,670	0	0
Hospitals	435,365	0	0
Children's Welfare and Public Relief	276,514	0	0
Central Board of Health	8,483	0	0
Chief Secretary, Miscellaneous	105,055	0	0
Attorney-General (including Registrar of Companies' Office)	5,076	0	0
Crown Solicitor	8,426	0	0
Parliamentary Draftsman	2,150	0	0
Public Trustee	8,574	0	0
Supreme Court	14,523	0	0
Adelaide Local Court	11,789	0	0
Adelaide Police Court	9,056	0	0
Country Local Courts	12,039	0	0
Coroners	1,254	0	0
Registrar-General of Deeds	20,264	0	0
Attorney-General, Miscellaneous	1,623	0	0
The Treasury and Superannuation Fund Branch	15,667	0	0
Motor Vehicles	23,922	0	0
Agent-General in England	4,468	0	0
Taxation	103,671	0	0
Stamp and Succession Duties	7,505	0	0
Immigration, Publicity and Tourist Bureau	21,300	0	0
Interest and Exchange	510,000	0	0
Unclaimed Moneys—Repayment of	250	0	0
Treasurer, Miscellaneous	141,400	0	0
Lands	130,567	0	0
Botanic Garden	11,133	0	0
Government Motor Garage	5,007	0	0
Soldier Settlement Administration, Lands and Irrigation Branches	60,389	0	0

	£	s.	d.
Commissioner of Crown Lands, Miscellaneous	20,925	0	0
Public Works (Office of the Commissioner)	2,074	0	0
Labour Exchange	2,702	0	0
Engineering and Water Supply	409,383	0	0
Architect-in-Chief	24,513	0	0
Government Offices	18,829	0	0
Cemetery (West Terrace)	3,427	0	0
Public Stores	26,228	0	0
Aborigines	31,704	0	0
Public Works	105,335	0	0
Commissioner of Public Works, Miscellaneous	15,185	0	0
Education	997,311	0	0
The Libraries	10,855	0	0
The Museum	5,402	0	0
The Art Gallery	2,994	0	0
School of Mines and Industries.....	28,106	0	0
Observatory	2,071	0	0
Minister of Education, Miscellaneous	36,141	0	0
Industry (including Public Service Commissioner's Office)	10,082	0	0
Factories and Steam Boilers	15,492	0	0
Unemployment Relief Council	196,603	0	0
Minister of Industry, Miscellaneous	200	0	0
Minister of Agriculture	3,068	0	0
Agriculture	71,238	0	0
Agricultural College	22,931	0	0
Stock and Brands	13,016	0	0
Produce	64,302	0	0
Fisheries and Game	5,796	0	0
Chemistry	11,823	0	0
Woods and Forests	6,588	0	0
Minister of Agriculture, Miscellaneous	6,155	0	0
Department of Lands (Irrigation and Drainage) ...	168,365	0	0
Minister of Irrigation, Miscellaneous	325	0	0
Mines	21,410	0	0
Minister of Mines, Miscellaneous	100	0	0
Harbors Board	283,499	0	0
Minister of Marine, Miscellaneous	925	0	0
Railways Department.....	3,055,421	0	0
Minister of Railways, Miscellaneous	64,740	0	0
Highways and Local Government.....	25,034	0	0
Minister of Local Government, Miscellaneous	36,721	0	0
Total Estimates, 1940-41	£8,323,508	0	0

Treasurer to pay the orders of Governor, and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively in that behalf hereinbefore specified, to such persons and in such portions as the Governor has heretofore directed by any order or orders in writing signed by him and countersigned by the Chief Secretary, or may hereafter direct by any order or orders so signed and countersigned, is hereby authorized; and the said Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of

such orders accordingly; and the receipts of the persons to whom such sums have been or are so paid shall be to him a full discharge for the sum or sums for which the same receipts shall be or are respectively given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than revenue or money received from the Commonwealth.

5. If the moneys paid by the Commonwealth of Australia and the produce of the General Public Revenues of the State are insufficient to make the payments authorized by section 2 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Recoup to Governor's Appropriation Fund.

6. (1) All money appropriated from the Governor's Appropriation Fund to meet expenditure incurred between the thirtieth day of June, nineteen hundred and forty, and the commencement of this Act, shall be recouped to the Governor's Appropriation Fund out of the money voted by this Act, to the intent that the Governor shall thereafter have power to appropriate revenue under the authority of subsection (1) of section 72 of the Constitution Act, 1934-1939, to the full extent and for the purposes permitted by that subsection.

(2) In this section "Governor's Appropriation Fund" means the Governor's Appropriation Fund as defined by subsection (2) of section 72 of the Constitution Act, 1934-1939.

Power to make payments.

7. The Treasurer may out of the money appropriated by this Act make any payment for which money has been included in the estimates of expenditure of the Government of South Australia, passed by the House of Assembly for the financial year ending on the thirtieth day of June, nineteen hundred and forty-one, notwithstanding that the payment is—

(*a*) in respect of a period prior to the first day of July, nineteen hundred and forty; or

(*b*) at a rate in excess of the rate which, during the period in respect of which the payment is made, was in force under any return made by the Classification and Efficiency Board, pursuant to the Public Service Acts, 1916 to 1938, or under any regulation of the South Australian Railways Commissioner.

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

G. J. R. MURRAY, Deputy Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 18 of 1940.

An Act to amend the Early Closing Act, 1926-1935.

[*Assented to 25th October,* 1940.]

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 " Early Closing Act Amendment Act, 1940 ".

(2) The Early Closing Act, 1926-1935, as amended by this Act, may be cited as the " Early Closing Act, 1926-1940 ".

(3) The Early Closing Act, 1926-1935, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act.

Amendment of s. 35 of the principal Act— Alteration of closing times.

3. Section 35 of the principal Act is amended by striking out the word " six " wherever appearing in subsection (1) and inserting in lieu thereof the words " five-thirty ", and by striking out the words " one o'clock " wherever appearing in the said subsection and inserting in lieu thereof the words " twelve-thirty o'clock ".

Amendment of s. 36 of the principal Act— Consequential amendments.

4. Section 36 of the principal Act is amended by striking out the word " six " wherever occurring in subsections (1) and (2) thereof and inserting in lieu thereof the words " five-thirty ".

Amendment of s. 39 of the principal Act— Consequential amendment.

5. Section 39 of the principal Act is amended by striking out the words " one o'clock " in the second line thereof and inserting in lieu thereof the words " twelve-thirty o'clock ".

6. Section 50 of the principal Act is amended by striking out the words " one o'clock " wherever occurring therein and inserting in lieu thereof in each case the words " twelve-thirty o'clock ". Amendment of s. 50 of the principal Act—Consequential Amendment.

7. Section 53 of the principal Act is amended by striking out the words " one o'clock " in the sixth and seventh lines thereof and inserting in lieu thereof the words " twelve-thirty o'clock ". Amendment of s. 53 of the principal Act—Consequential amendment.

8. Section 56 of the principal Act is amended by striking out the words " one o'clock " in paragraph (*b*) and inserting in lieu thereof the words " twelve-thirty o'clock ". Amendment of s. 56 of the principal Act—Consequential amendment.

9. Section 75 of the principal Act is amended by striking out the words " one o'clock " in the fourth line thereof and by inserting in lieu thereof the words " twelve-thirty o'clock ". Amendment of s. 75 of principal Act—Consequential amendment.

10. Section 76 of the principal Act is amended by striking out the words " one o'clock " wherever occurring therein and inserting in lieu thereof in each case the words " twelve-thirty o'clock ". Amendment of s. 76 of principal Act—Consequential amendment.

11. Section 78 of the principal Act is repealed. Repeal of s. 78 of principal Act.

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

G. J. R. MURRAY, Deputy Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 19 of 1940.

An Act to prescribe the rates of tax payable upon income derived during the financial year ended on the thirtieth day of June, nineteen hundred and forty, and during certain other periods, and for purposes incidental thereto.

[*Assented to 25th October,* 1940.]

BE IT 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 " Income Tax (Rates) Act, 1940 ".

Incorporation.

2. This Act is incorporated with the Income Tax Assessment Act, 1936, and that Act and this Act shall be read as one Act.

Application of rates prescribed by this Act.

3. The rates of income tax prescribed by this Act shall apply—

(*a*) in respect of all assessments of income derived during the financial year ended on the thirtieth day of June, nineteen hundred and forty, or any accounting period lawfully adopted in lieu thereof ; and

(*b*) in respect of all assessments of income derived during any subsequent year of income or accounting period or any part of any subsequent year of income or accounting period, where those assessments are made before the passing of the Act fixing the rates of income tax for the financial year commencing on the first day of July, nineteen hundred and forty-one.

Rates on income derived from personal exertion.

4. Where the whole taxable income of a taxpayer is income derived from personal exertion, and the taxpayer is not taxable at the rates prescribed by section 6, the rate of income tax payable on every pound of the taxable income shall be as follows :—

(*a*) If the taxable income does not exceed one thousand pounds, the rate shall be seventeen pence plus two one-thousandths of a penny where the taxable income is one pound, and shall increase uniformly by two one-thousandths of a penny for each increase of one pound in the taxable income :

(*b*) If the taxable income exceeds one thousand pounds, but does not exceed seven thousand pounds, the rate shall be nineteen pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :

(*c*) If the taxable income exceeds seven thousand pounds, the rate shall be fifty-five pence.

Rates on income derived from property.

5. Where the whole taxable income of a taxpayer is income derived from property, and the taxpayer is not taxable at the rates prescribed by section 7, the rate of income tax for every pound of the taxable income shall be as follows :—

(*a*) If the taxable income does not exceed one thousand pounds, the rate shall be twenty-six pence plus two one-thousandths of a penny where the taxable income is one pound, and shall increase uniformly by two one-thousandths of a penny for each increase of one pound in the taxable income :

(*b*) If the taxable income exceeds one thousand pounds, but does not exceed seven thousand pounds, the rate shall be twenty-eight pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :

(*c*) If the taxable income exceeds seven thousand pounds the rate shall be sixty-four pence.

Rates payable on personal exertion incomes under £375 of taxpayers with dependent families.

6. Where the taxpayer—

(*a*) has a spouse and at least one child under the age of sixteen years at the commencement of the year of income or of the period in which the income was derived, wholly dependent on him or her throughout the whole of that year of income or period; or

(*b*) is a widower and has at least one such child so dependent,

and the whole taxable income of the taxpayer is income derived from personal exertion and does not exceed three hundred and seventy-five pounds, the rate of income tax payable on every pound of the taxable income shall, instead of the rate which would otherwise be payable, be fourteen pence plus one one-hundredth of a penny where the taxable income is one pound, and shall increase uniformly by one one-hundredth of a penny for each increase of one pound in the taxable income.

Rates payable on property incomes under £375 of taxpayers with dependent families.

7. Where the taxpayer—

(*a*) has a spouse and at least one child under the age of sixteen years at the commencement of the year of income or of the period in which the income was derived, wholly dependent on him or her throughout the whole of that year of income or period; or

(*b*) is a widower and has at least one such child so dependent,

and the whole taxable income of the taxpayer is income derived from property and does not exceed three hundred and seventy-five pounds, the rate of income tax payable on every pound of the taxable income shall, instead of the rate that would otherwise be payable, be twenty-three pence plus one one-hundredth of a penny where the taxable income is one pound, and shall increase uniformly by one one-hundredth of a penny for each increase of one pound in the taxable income.

Rates payable by unmarried persons and others.

8. (1) Where the taxpayer is not a returned soldier or returned nurse, and is a resident of the State, and was on the last day of the year of income or of the period in which the income was derived an unmarried person of the age of twenty-one years or upwards, a male divorced person who had not remarried and had no children, or a widower without children, the rates of tax for every pound of the taxable income shall be as follows :—

(*a*) Where the whole taxable income is income derived from personal exertion and does not exceed one thousand pounds, the rate shall be twenty-five pence plus two one-thousandths of a penny where the taxable income is one pound, and shall increase uniformly by two one-thousandths of a penny for each increase of one pound in the taxable income :

(*b*) Where the whole taxable income is income derived from personal exertion and exceeds one thousand pounds, but does not exceed seven thousand pounds,

the rate shall be twenty-seven pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income:

(*c*) Where the whole taxable income is income derived from personal exertion and exceeds seven thousand pounds, the rate shall be sixty-three pence:

(*d*) Where the whole taxable income is income derived from property and does not exceed one thousand pounds, the rate shall be thirty pence plus two one-thousandths of a penny where the taxable income is one pound, and shall increase uniformly by two one-thousandths of a penny for each increase of one pound in the taxable income:

(*e*) Where the whole taxable income is income derived from property and exceeds one thousand pounds but does not exceed seven thousand pounds, the rate shall be thirty-two pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income:

(*f*) Where the whole taxable income is income derived from property and exceeds seven thousand pounds, the rate shall be sixty-eight pence.

(2) Where the taxpayer is a person who would otherwise be taxable at the rates mentioned in subsection (1) of this section, but had a parent, or a brother or sister under sixteen years of age at the commencement of the year of income resident in Australia and wholly or mainly dependent upon his earnings during the whole of that year of income, the rates of tax on income derived by him shall be those specified in sections 4, 5, and 9.

(3) In this section—

"returned soldier" means a male person who enlisted for service outside Australia in the war which commenced on the fourth day of August, nineteen hundred and fourteen, as a member of the Australian Imperial Forces, or the Royal Australian Navy, or His Majesty's Army or Navy, or any naval or military force raised in any country forming part of His Majesty's dominions, for service in the said war outside the country:

"returned nurse" means a nurse who served outside Australia during the said war in connection with any military or naval force of Great Britain or any of the dominions.

Rates on mixed incomes.

9. Where the taxable income of any taxpayer is derived partly from personal exertion and partly from property, the income tax shall be at the following rates :—

(*a*) On that part of the taxable income which is derived from personal exertion, income tax shall be payable at the rate at which it would have been payable on the whole of the taxable income of the taxpayer, if the whole of that income had been derived from personal exertion :

(*b*) On that part of the taxable income which is derived from property, income tax shall be payable at the rate at which it would have been payable on the whole of the taxable income of the taxpayer if the whole of that income had been derived from property.

Rates payable by trustees.

10. (1) Where the taxpayer is a trustee—

(*a*) if the beneficiary is presently entitled to the income, but is under a legal disability, the rate of tax shall be that which would be applicable if the income were directly received by the beneficiary ; and

(*b*) if there is no beneficiary presently entitled to the income, the rate shall be that which would be applicable if the income were that of an individual taxpayer taxable at the rates mentioned in sections 4, 5, and 9 in his sole individual right.

(2) Where the taxpayer is the executor or administrator of a deceased taxpayer, the rate on income derived by him as executor or administrator shall be that which would apply if the deceased taxpayer were living and had been assessed on that income.

Rates payable by companies.

11. (1) Subject to section 10 of this Act the rate of income tax on income derived by a company shall be twenty-four pence in the pound.

(2) Where interest is paid or credited by a company to any person who is a non-resident of Australia—

(*a*) on money secured by debentures of the company and used in the State, or used in acquiring assets for use or disposal in the State ; or

(*b*) on money lodged at interest in the State with the company,

the rate of tax for every pound of interest so paid or credited shall be twenty-four pence.

Exemption from tax of basic wage earner.

12. (1) Where the taxpayer has a spouse and at least one child under the age of sixteen years at the commencement of the year of income, wholly dependent on him or her throughout the whole of the year of income, and the net income of such taxpayer does not exceed two hundred and three pounds, the taxpayer shall be exempt from the tax imposed by this Act.

(2) In this section "net income" means the assessable income of the taxpayer less all allowable deductions other than the statutory exemption and the concessional deductions.

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

G. J. R. MURRAY, Deputy Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 20 of 1940.

An Act to provide for a moratorium for and relief to mortgagors of land on account of the existing state of war.

[*Assented to 25th October,* 1940.]

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 "Mortgagors Relief Act, 1940".

(2) In this Act the Mortgagors Relief Act, 1931-1936, is referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Mortgagors Relief Act, 1931-1940".

Amendment of section 3 of the principal Act.

2. (1) Subsection (1) of section 3 of the principal Act is amended by striking out the words "this Act" at the end of the said subsection and inserting in lieu thereof the words "the Mortgagors Relief Act, 1940".

(2) Subsection (1) of section 3 of the principal Act is further amended by adding at the end thereof the following paragraph:—

(*e*) The Savings Bank of South Australia.

(3) Subsection (3) of section 3 of the principal Act is amended by striking out the words "this Act" at the end thereof and inserting in lieu thereof the words "the Mortgagors Relief Act, 1940".

3. Section 5 of the principal Act is amended— Amendment of section 5 of the principal Act.

(*a*) by striking out the words " thirtieth day of June, nineteen hundred and thirty-seven " in the fourth and fifth lines of subsection (1) and inserting in lieu thereof the words " thirty-first day of August, nineteen hundred and forty-one ";

(*b*) by striking out the words " thirtieth day of June, nineteen hundred and thirty-eight " in the first and second lines of paragraph i of subsection (1) and inserting in lieu thereof the words " thirty-first day of August, nineteen hundred and forty-two " ;

(*c*) by striking out the words " thirtieth day of June, nineteen hundred and thirty-eight " in the fourth and fifth lines of paragraph ii. of subsection (1) and inserting in lieu thereof the words " thirty-first day of August, nineteen hundred and forty-two " ;

(*d*) by striking out subsection (3).

4. Subsection (1) of section 5a of the principal Act is amended by striking out the words " Mortgagors Relief (Extension) Act, 1933 " in the fourth line and inserting in lieu thereof the words " Mortgagors Relief Act, 1940 ". Amendment of section 5a of the principal Act.

5. Section 8 of the principal Act is amended by striking out the word " thirty-seven " in the seventh and eighth lines and inserting in lieu thereof the word " forty-two ". Amendment of section 8 of the principal Act.

6. Section 9 of the principal Act is amended by striking out the word " thirty-seven " in the third line and inserting in lieu thereof the word " forty-two ". Amendment of section 9 of the principal Act.

7. Section 12 of the principal Act is amended by striking out the words " thirty-eight " in the fifth line and inserting in lieu thereof the word " forty-two ". Amendment of section 12 of the principal Act.

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

G. J. R. MURRAY, Deputy-Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

***

PART VA.—REGISTRATION OF DEATHS OF PERSONS DYING OUTSIDE THE STATE WHILST ON WAR SERVICE.

Definition of "war service."

36a. (1) For the purposes of this Part a person shall be deemed to be engaged on war service—

(*a*) if he is engaged outside the State as a member of any naval, military, or air force of the Commonwealth or of any other part of His Majesty's Dominions during any war in which the Commonwealth is engaged; or

(*b*) if, during any such war, he is engaged on service in any work outside the State in connection with any red cross society or ambulance association, or any other body with similar objects; or

(*c*) if, in connection with any such war, he is a prisoner of war in an enemy country or is interned in the country of a neutral power.

(2) For the purposes of this Part, a war shall be deemed to continue from the commencement thereof until the day on which a proclamation is issued by the Commonwealth declaring that the war has ceased.

Registration of deaths of persons dying on war service.

36b. (1) If the principal registrar is satisfied—

(*a*) that any person has died (whether before or after the passing of the Births and Deaths Registration Act Amendment Act, 1940), at any place outside the State whilst engaged on war service; and

(*b*) that prior to engaging in such war service the said person's usual place of residence was within the State,

the principal registrar may, subject to compliance with this Part, register the death of that person.

(2) The principal registrar shall not register the death of any person as aforesaid unless the principal registrar is supplied with a certificate given by some officer who the principal registrar is satisfied is the officer in charge of the proper records of any naval, military or air force of the Commonwealth or any other part of His Majesty's Dominions, that the said person has died at a place outside the State whilst engaged on war service.

(3) Upon registering any death as aforesaid, the principal registrar shall make a memorandum in the certificate of registration to the effect that the death is registered pursuant to this Part.

Sufficiency of certificate.

36c. A statement in such a certificate as mentioned in section 36b to the effect that the person named therein has died may, in the absence of any evidence to the contrary, be accepted for the purpose of registration pursuant to this Part, as sufficient evidence of the death of that person.

Particulars and filing of certificate of registration.

36d. (1) The person applying for the registration of the death of any person pursuant to this Part shall state, to the best of his knowledge and belief, the several particulars required by the eighth schedule concerning the person whose death is sought to be registered.

(2) For the purpose of filling in the columns in the certificate of registration in the eighth schedule respectively headed " When Died ", " Cause of Death ", and " Place where Death Occurred " the particulars (if any) relating thereto respectively which are contained in the certificate referred to in section 36b shall be sufficient, and if any of the said columns cannot, owing to lack of such particulars, be filled in, that column may be left blank.

(3) The certificate of registration shall be made out in duplicate.

(4) One of the copies shall be filed in the office of the principal registrar and the other shall be filed in the office of the district registrar of the district in which was situated the usual place of residence prior to engaging on war service of the person to the death of whom the certificate of registration relates.

Application of other provisions of this Act.

36e. The provisions of section 29 shall not apply to the registration of a death pursuant to this Part, but except as aforesaid, the provisions of this Act shall *mutatis mutandis* apply to and with respect of every such registration.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 22 of 1940.

An Act to amend the Botanic Garden Act, 1935.

[*Assented to 7th November,* 1940.]

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 " Botanic Garden Act Amendment Act, 1940 ".

(2) The Botanic Garden Act, 1935, and this Act may be cited together as the " Botanic Garden Act, 1935-1940 ".

(3) The Botanic Garden Act, 1935, is in this Act referred to as " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 5 of the principal Act.
Board of Governors.

3. Subsections (2) and (3) of section 5 of the principal Act are repealed and the following subsection is inserted in lieu thereof :—

(2) The board shall consist of eight members appointed by the Governor.

Repeal of s. 7 of the principal Act.
Enactment of other provisions.
Term of office of members.

4. Section 7 of the principal Act is repealed and the following sections are enacted and substituted in lieu thereof :—

7. (1) Subject to this section, the term of office of every member of the board shall be four years calculated as from the first of July in the year in which he was last appointed to the board : Provided that—

(*a*) a retiring member shall be eligible for re-election ;

(*b*) a retiring member shall continue in office until his successor is appointed.

(2) Of the members of the board in office at the time of the passing of the Botanic Garden Act Amendment Act, 1940, four, being those who have been longest in office, shall retire on the thirtieth day of June, nineteen hundred and forty-two, and the remainder on the thirtieth day of June, nineteen hundred and forty-four. If any question arises as to which of any members who have been in office for an equal time, shall retire under this subsection, that question shall be decided by lot.

(3) The Governor may remove from office any member of the board who for any reason is incapable of performing his duties or who has been guilty of any conduct which, in the Governor's opinion, shows him to be unfit to be a member of the board.

(4) A member appointed to a casual vacancy shall hold office only for the balance of the term of the member in whose place he was appointed.

Chairman.

7a. The board shall in the month of July in each year elect one of its members to hold office as chairman until a chairman is elected in the month of July in the next year. A retiring chairman shall be eligible for re-election.

Delays and defects in appointments.

7b. No appointment under this Act shall be invalid by reason only of any delay in the making thereof, and no act of the board shall be invalid by reason only of any defect in the appointment of any member.

Enactment of s. 10a of the principal Act—

5. The following section is enacted and inserted in the principal Act after section 10 :—

Indemnity.

10a. (1) The Treasurer shall out of the general revenue of the State indemnify any member or employee of the board for any liability incurred by such member or employee by reason of any act or omission which the member or employee has done or made in good faith in the execution or intended execution of his powers, functions, or duties under this Act.

(2) This section shall be a sufficient authority for the Treasurer to pay out of the general revenue of the State any money required for the purposes of this section.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 23 of 1940.

An Act to amend the Crown Lands Act, 1929-1939.

[*Assented to 7th November,* 1940.]

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 " Crown Lands Act Amendment Act, 1940 ".

(2) The Crown Lands Act, 1929-1939, as amended by this Act, may be cited as the " Crown Lands Act, 1929-1940 ".

(3) The Crown Lands Act, 1929-1939, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 44 of principal Act—

3. Section 44 of the principal Act is amended by inserting at the end of subsection (1) thereof the following proviso :—

Form of agreement.

Provided that where an agreement is granted upon the surrender of a perpetual lease, any condition, covenant or provision of the agreement restricting the right of the purchaser to complete purchase, or binding the purchaser to erect any fence or carry out any other work, may differ from the condition, covenant or provision prescribed by the fifth schedule in relation to the same matter, in such manner as the Commissioner deems just, having regard to the length of time during which the purchaser held the the land under the surrendered lease or any previous

lease or agreement, and the obligations which that lease or agreement imposed upon him and the extent to which those obligations were fulfilled.

Amendment of heading to Part VI. of principal Act—Consequential amendment.

4. The heading to Part VI. of the principal Act is amended by striking out the word "PERPETUAL" therein.

Amendment of s. 53 of principal Act—Resumption of land for public purposes.

5. Section 53 of the principal Act is amended by adding at the end thereof the following subsection:—

(4) In this section "lease" means perpetual lease and "lessee" means lessee holding land under perpetual lease.

Amendment of principal Act, s. 170a.

6. Section 170a of the principal Act is amended by striking out the words "lease or" in the fourth and fifth lines of subsection (1) thereof.

Amendment of s. 178 of principal Act—Form of agreement.

7. Section 178 of the principal Act is amended by adding at the end thereof the following proviso:—

Provided that where an agreement is granted upon the surrender of a perpetual lease, any condition, covenant or provision of the agreement restricting the right of the purchaser to complete purchase, or binding the purchaser to erect any fence or carry out any other work, may differ from the condition, covenant or provision prescribed by the ninth schedule in relation to the same matter, in such manner as the Commissioner deems just, having regard to the length of time during which the purchaser held the land under the surrendered lease or any previous lease or agreement and the obligations which that lease or agreement imposed upon him, and the extent to which those obligations were fulfilled.

Amendment of s. 199 (5) of principal Act—Surrender of agreement for perpetual lease.

8. Subsection (5) of section 199 of the principal Act is amended by striking out the last sentence thereof and inserting in lieu thereof the following:—

In any such case there shall be inserted in the perpetual lease a provision giving the lessee a right to purchase the fee simple of the land comprised in the lease, at the price at which the lessee could have completed purchase at the time of the surrender, but so that such right may be exercised not earlier than six years after the surrendered agreement came into force, and not later than the expiration of the term of the surrendered agreement.

Amendment of s. 210 of principal Act—Surrender.

9. Section 210 of the principal Act is amended by striking out the words "except Agricultural College endowed lands" in the second and third lines thereof.

10. The following section is enacted and inserted in the principal Act after section 211 thereof:— Enactment of s. 211a of principal Act—

211a. (1) Where the lessee under a perpetual lease granted upon the surrender of a lease with a right of purchase, has by virtue of a term of the perpetual lease the right to purchase the land comprised therein, and the time within which that right must be exercised would, apart from this section, expire during the present war, that time shall be extended until the expiration of one year after the end of the present war. Extension of time for exercising right of purchase.

(2) In this section—

"the present war" means the war between Great Britain and Germany which began on the third day of September nineteen hundred and thirty-nine;

the "end of the present war" means the day on which the Governor-General of the Commonwealth issues a proclamation that war no longer exists.

11. Section 212 of the principal Act is amended by striking out the words "except a lease of Agricultural College endowed lands" in the second and third lines thereof. Amendment of s. 212 of principal Act— Purchase of leased land.

12. Section 214 of the principal Act is repealed. Repeal of s. 214 of principal Act.

13. Section 216 of the principal Act is repealed. Repeal of s. 216 of principal Act— Scrub leases.

14. Subsection (4) of section 221 of the principal Act is amended by striking out the last sentence thereof and inserting in lieu thereof the following:— Amendment of s. 221 of principal Act— Surrender of agreement for perpetual lease.

In any such case there shall be inserted in the perpetual lease a provision giving the lessee a right to purchase the fee simple of the land comprised in the lease, at the price at which the lessee could have completed purchase at the time of the surrender, but so that such right may be exercised not earlier than six years after the surrendered agreement came into force, and not later than the expiration of the term of the surrendered agreement.

15. Section 222 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection:— Amendment of s. 222 of principal Act—

(1a) An application may also be made under subsection (1) of this section where rent or instalments payable under the lease or agreement are in arrear, if all the other lawful Surrender of agreement or lease by executors, etc.

debts and funeral expenses of the deceased have been paid. When in any such case the application is granted—

(*a*) the full amount of the said arrears of rent or instalments, together with interest thereon at such rate of interest not exceeding five pounds per centum per annum as is fixed by the board, subject to the approval of the Commissioner, shall be paid in such instalments, and at such times, as are fixed by the board, subject to the approval of the Commissioner; and

(*b*) the lease or agreement issued in place of the surrendered lease or agreement shall contain covenants for the payment of the instalments so fixed; and

(*c*) those instalments shall be recoverable in the same manner as the rent or purchase money under lease or agreement so issued.

Amendment of s. 223 of principal Act.

16. Section 223 of the principal Act is amended by inserting at the end thereof the following subsection:—

(4) For the purposes of this section the terms of all perpetual leases shall be deemed to end on the same date.

Enactment of s. 227a of principal Act—

17. The following section is enacted and inserted in the principal Act after section 227 thereof:—

Consent to mortgages.

227a. (1) For the purposes of this Part a mortgage of a lease or agreement shall not be deemed to be an alienation or attempted alienation of the land comprised in the lease or agreement.

(2) In this section "mortgage" includes any legal or equitable mortgage whether under the Real Property Act, 1886-1939 or not.

Enactment of s. 228a of principal Act—

18. The following section is hereby enacted and inserted in the principal Act after section 228 thereof:—

Sale of town lands, etc., by auction on agreement for sale and purchase.

228a. (1) Any town lands may, if the Commissioner so determines, be offered at auction on terms that the buyer may at his option purchase the lands for cash or on agreement for sale and purchase.

(2) A statement setting out the options offered to the purchaser and short particulars of the terms, covenants, and conditions to be included in the agreement shall be included in the statement published in the *Government Gazette* pursuant to section 230 of this Act.

(3) The terms, covenants, and conditions to be included in any such agreement shall be such as the Commissioner determines, and such agreement shall not be subject to the other provisions of this Act relating to agreements.

19. Section 232 of the principal Act is amended by adding at the end thereof the following subsection :— Amendment of s. 232 of principal Act—

(3) Town lands offered at auction on agreement for sale and purchase and not sold may be sold by private contract on agreement for sale and purchase at any price not less than the upset price at which they were last offered. Every agreement for sale and purchase under this subsection shall contain such terms, covenants, and conditions as the Commissioner determines, and shall not be subject to the other provisions of this Act relating to agreements. Sale of town lands after offer at auction.

20. The following section is enacted and inserted in the principal Act after section 262a :— Enactment of s. 262b of principal Act—

262b. (1) Notwithstanding the Public Supply and Tender Act, 1914-1940, or any other Act, if the board recommends that any material, plant, or equipment which belongs to the Crown and has been used in connection with primary production on any Crown lands or reverted Crown lands, is no longer required and should be sold or otherwise disposed of, the Commissioner may sell or otherwise dispose of that material, plant, or equipment to the best advantage in such manner and at such times as he considers expedient, and in so doing shall not be subject to the Public Supply and Tender Act, 1914-1940. Power to dispose of material, plant, and equipment.

(2) In this section "reverted Crown lands" means lands which having been granted in fee simple or held under agreement, licence or lease have reverted to the Crown whether on a surrender, cancellation or other termination of the estate in fee simple, agreement, licence or lease.

21. The following section is enacted and inserted in the principal Act after section 263a :— Enactment of s. 263b of principal Act—

263b. (1) Every term covenant or condition contained in a lease or agreement granted before the passing of the Crown Lands Act Amendment Act, 1940, and providing for the insurance of any buildings erections or improvements on the land comprised in the lease or agreement shall be deemed to require that the lessee or purchaser shall insure such buildings erections or improvements Covenant for insurance.

against loss or damage by fire storm and tempest; and every such term covenant or condition shall be construed as if it extended and applied to such insurance.

(2) Every lease or agreement granted after the passing of the Crown Lands Act Amendment Act, 1940, shall contain a covenant—

(*a*) requiring the lessee to insure the buildings erections and other improvements on the land against loss by fire storm and tempest; and

(*b*) empowering the Commissioner to exercise, on default by the lessee or purchaser in compliance with such covenant, any rights and remedies therein specified.

Enactment of ss. 271a and 271b of principal Act—

22. The following sections are enacted and inserted in the principal Act after section 271 thereof:—

Powers of Commissioner as to reverted lands.

271a. (1) Where any land which has been granted in fee simple by the Crown or included in any lease or agreement granted by the Crown has revested in or reverted to the Crown, whether on a surrender, cancellation, or other termination of the grant, lease, or agreement, and whether before or after the passing of the Crown Lands Act Amendment Act, 1940, the Commissioner may, at his discretion do all or any of the following things namely:—

(*a*) enter into an agreement with any person for the working of the land or any part thereof on shares;

(*b*) purchase any stock, plant, or materials or make any other payment required in connection with the carrying out of any such agreement;

(*c*) maintain and keep in repair any improvements on the land;

(*d*) erect, construct or carry out on the land any further improvements which in the Commissioner's opinion are necessary or desirable.

(2) Any money received under any such agreement shall be paid into the General Revenue of the State.

(3) Any money required for the purposes of this section shall be paid out of moneys provided by Parliament for such purposes.

Description of land in documents.

271b. Notwithstanding anything in this Act or any Act incorporated with this Act, in any lease, agreement, or grant, any town lands therein comprised may be described as allotments, and any other lands as sections.

23. Section 275 of the principal Act is amended— Amendment of s. 275 of principal Act— Taking shrubs without authority.

(*a*) by inserting after the word "tree" in the second line thereof the word "shrub":

(*b*) by inserting after the word "leased" in the fourth line thereof the word "dedicated".

(*c*) by inserting after the word "land" in the ninth line thereof the words "or exercising or performing any of the rights conferred or duties imposed upon him by his lease":

(*d*) by inserting after the word "tree" in the sixteenth line thereof the word "shrub".

24. Section 293 of the principal Act is amended by inserting after the word "Crown" in the fifth line thereof the words "or lands leased under any Act." Amendment of s. 293 of principal Act— Burden of proof.

25. The following section is enacted and inserted in the principal Act after section 294 thereof:— Enactment of s. 294a of principal Act—

294a. (1) The Attorney-General, on behalf of the Crown, may bring an action in a local court for trespass or injury to any Crown Lands, dedicated lands, or reserved lands, or any property of the Crown on any such lands, in any case where the amount of damages claimed does not exceed seven hundred and fifty pounds. Actions for trespass in local court.

(2) Subject to any rules of court, every such action shall be maintained and prosecuted in accordance with the ordinary practice and procedure of the court in an action between subjects.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 24 of 1940.

An Act to amend the Discharged Soldiers Settlement Act, 1934-1935.

[*Assented to 7th November*, 1940.]

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 "Discharged Soldiers Settlement Act Amendment Act, 1940".

(2) The Discharged Soldiers Settlement Act, 1934-1935, as amended by this Act, may be cited as the "Discharged Soldiers Settlement Act, 1934-1940".

(3) The Discharged Soldiers Settlement Act, 1934-1935, is hereinafter referred to as the "principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 24 of principal Act—Surrender of agreement for lease.

3. (1) Subsection (9) of section 24 of the principal Act is amended by striking out the last sentence thereof and inserting in lieu thereof the following:—

> In any such case there shall be inserted in the perpetual lease a provision giving the lessee a right to purchase the fee simple of the land comprised in the lease, at the price at which the lessee could have completed purchase at the time of the surrender, but so that such right of purchase may be exercised not earlier than six years after the surrendered agreement came into force, and not later than the time when the surrendered agreement would have expired in due course.

(2) The following subsection is enacted and inserted at the end of section 24 of the principal Act :—

(10) Section 20 of this Act shall not apply in respect of the granting of any lease under this section.

Enactment of s. 24a, s. 24b and 24c of principal Act—

Surrender of lease for agreement.

4. The following sections are enacted and inserted in the principal Act after section 24 thereof :—

24a. (1) Any person who is the holder of land on a lease of any kind granted under this Act or any Act repealed by this Act, may apply in writing to surrender his lease for an agreement under this Act.

(2) Upon such an application being made the board, subject to the approval of the Minister, shall fix the purchase-money at which the agreement may be obtained.

(3) An application under this section may be granted notwithstanding that any rent payable under the lease is in arrear. Where in any such case the application is granted—

(*a*) the full amount of the arrears of rent together with interest thereon at such rate not exceeding five pounds per centum per annum as is fixed by the board subject to the approval of the Minister, shall be paid in such instalments and at such times as are fixed by the board, subject to the approval of the Minister, when fixing the purchase-money, and shall be payable and recoverable in the same manner as the purchase-money ; and

(*b*) the agreement shall contain a covenant for payment of the said instalments of arrears of rent.

(4) Upon the purchase-money being so fixed, notice in writing of the amount thereof shall be given to the applicant, and the applicant, upon surrendering the lease, may, subject to the approval of the Minister and subject to subsection (5) of this section obtain an agreement entitling him to purchase the land for the said purchase-money.

(5) The applicant shall within three months after the giving of notice under subsection (4) of this section, notify the Minister whether he accepts or refuses the terms offered ; and if he accepts them he shall forward with the notification of his acceptance an amount equal to the first half-yearly instalment payable under the agreement, and all proper fees together with a form of surrender of his lease, duly executed, and his copy of the surrendered lease.

(6) The Minister shall forthwith cancel the lease surrendered by the applicant and the applicant shall execute the agreement issued in lieu thereof.

Surrender of lease for land grant.

24b. (1) Any person who is the holder of land on a lease of any kind granted under this Act or any Act repealed by this Act, may apply in writing to surrender his lease and purchase the fee simple of the land comprised therein.

(2) Upon an application being made under this section the board shall, subject to the approval of the Minister, fix the sum at which the fee simple of the land may be purchased and shall give notice in writing thereof to the applicant.

(3) The applicant shall within three months after the giving of the notice under subsection (2) of this section, notify the Minister whether he accepts or refuses the terms offered. If he accepts them and within one month after the Minister receives notice of his acceptance he forwards to the Minister a form of surrender of his lease duly executed, and his copy of the surrendered lease and pays the purchase money and all proper fees he shall be entitled to receive a land grant for the land: Provided that the Minister may extend the time for surrender and payment.

(4) No lessee shall be entitled to purchase land under this section until after the expiration of six years from the time when the land was originally leased to him or his predecessor in title, nor unless the Minister is satisfied either that all the conditions of the lease have been fulfilled, or that the lessee has made such permanent improvements on the land that strict compliance with the conditions of the lease should be dispensed with.

Payment of mortgage money when land surrendered.

24c. (1) When a person applies to surrender to the Crown the fee simple of any land, or any lease, or agreement, and such land lease or agreement is mortgaged to the Minister to secure the repayment of any money the Minister may refuse to permit the surrender unless arrangements satisfactory to the Minister have been made for payment of such money, or such part thereof, if any, as the Minister on the recommendation of the Board requires such person to pay.

(2) Such arrangements may provide for all or any of the following things:—

(*a*) for payment of the money in a lump sum or in instalments:

(*b*) for including in any lease or agreement to be issued in lieu of the surrendered estate in fee simple, or lease or agreement, provisions for payment of the money in the same manner as rent or instalments under the lease or agreement so issued:

(*c*) for giving the Minister security for payment of the money by means of a mortgage over the lease or agreement so issued or over any other property.

5. The following sections are enacted and inserted in the principal Act after section 29 thereof:— Enactment of ss. 29a, 29b of principal Act—

29a. (1) Where— Advances to soldiers who have lost their holdings.

(*a*) a discharged soldier who has held land in fee simple, or on lease or agreement under this Act, or any Act repealed by this Act, has by reason of any proceedings under the law relating to bankruptcy, or any action taken by a mortgagee of his land, or cancellation of the lease or agreement or other cause, been deprived of the fee simple of the land, or as the case may be, his interest in the land under the lease or agreement; and

(*b*) the discharged soldier has made arrangements for working any land as tenant, sharefarmer, or otherwise; and

(*c*) the Minister is satisfied that the discharged soldier is worthy of further help,

the Minister on the recommendation of the Board may make a loan to the discharged soldier for the purpose of enabling him to purchase livestock, plant, seed, fodder, equipment or other goods required for working the land and maintaining himself and his family.

(2) Every such loan shall be made upon such security and such terms and conditions as the Minister thinks proper.

(3) Section 28 of this Act shall apply in relation to any goods and chattels purchased out of money lent under this section.

29b. Where any land which has been held in fee simple or on lease or agreement under this Act or any Act repealed by this Act, has reverted to the Crown, whether Powers of minister as to reverted lands.

on a surrender, cancellation, or other termination of the estate in fee simple or the lease, or agreement, and whether before or after the passing of the Discharged Soldiers Settlement Act Amendment Act, 1940, the Minister may, at his discretion do all or any of the following things:—

(*a*) enter into an agreement with any person for the working of the land or any part thereof on shares;

(*b*) purchase any stock, plant, or materials or make any other payment required in connection with the carrying out of any such agreement:

(*c*) maintain and keep in repair any improvements on the land;

(*d*) erect, construct or carry out on the land any further improvements which in the Minister's opinion are necessary or desirable.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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(*b*) there shall be excluded from Flinders Chase the land indicated by pink colouring on the said plan.

(2) The land excluded from Flinders Chase by this section shall revert to the Crown and may be dealt with as Crown lands.

(3) The Governor may issue to the board a grant of the land added to Flinders Chase by this section.

(4) Upon the application of the board the Registrar-General shall make in the register book and on any duplicate land grant relating to the land excluded from Flinders Chase by this section an indorsement stating that that land has been excluded from Flinders Chase and has reverted to the Crown.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 26 of 1940.

An Act to provide for the disposal of certain money collected in South Australia for the French Red Cross.

[*Assented to 7th November,* 1940.]

WHEREAS a Committee of residents of South Australia acting under the authority of the Comité Central de la Croix Rouge Française of 21 Rue François 1er. Paris has raised by public subscription a fund amounting to two thousand two hundred and twenty pounds eleven shillings and fourpence for the purpose of assisting the French Red Cross: AND WHEREAS the said Committee has delegated the administration of the said fund to an Executive Committee, which has lodged the said fund at interest in the Savings Bank of South Australia, and has appointed James Gladstone Cornell Edith Agnes Puddy and Arnold Meredith Moulden to be trustees of the said fund: AND WHEREAS owing to the capitulation of France to Germany the said money cannot now be transmitted to the French Red Cross, and the said Executive Committee has resolved that the said trustees should endeavour to obtain power to pay or apply the said moneys for the relief of persons within the British Dominions who are or were of French nationality: AND WHEREAS it is expedient that such power should be conferred upon the said trustees: NOW THEREFORE BE IT 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 "French Red Cross Fund Act, 1940".

Interpretation.

2. In this Act—

"the trustees" means James Gladstone Cornell, Edith Agnes Puddy, Arnold Meredith Moulden, or any two of them:

"the fund" means the said sum of two thousand two hundred and twenty pounds eleven shillings and fourpence, together with all interest accrued thereon.

Powers of trustees to dispose of the fund.

3. (1) Notwithstanding the purpose for which the fund was raised the trustees may—

(*a*) pay or apply the fund for the relief of distress, caused by any war in which Great Britain is at any time engaged, amongst persons in any part of His Majesty's Dominions, who were on the third day of September nineteen hundred and thirty-nine or who are at any time thereafter of French nationality:

(*b*) pay the fund or any part thereof or supply goods purchased out of the fund to any person or association, corporate or unincorporate, who or which will in the opinion of the trustees faithfully apply the fund for the relief of such distress.

(2) If the trustees pay the fund or any part thereof or supply any goods to any such person or association as mentioned in paragraph (*b*) of subsection (1) of this section they shall not be personally liable to see to the proper application of the fund or part thereof or of the said goods.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 27 of 1940.

An Act to amend the Weights and Measures Act, 1934-1939.

[*Assented to 7th November,* 1940.]

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 "Weights and Measures Act Amendment Act, 1940".

(2) The Weights and Measures Act, 1934-1939, as amended by this Act, may be cited as the "Weights and Measures Act, 1934-1940".

(3) The Weights and Measures Act, 1934-1939, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 40—Issue of local standards.

2. Section 40 of the principal Act is amended by striking out the words "such authority" in the penultimate line thereof and by inserting in lieu thereof the words "the council".

Amendment of principal Act, s. 41—Verification of local standards.

3. Section 41 of the principal Act is amended by adding at the end thereof the following subsection:—

(4) The council shall cause every local standard of weight or measure to be re-verified within the five years next after the time the same was last verified or re-verified by the Minister.

Amendment of principal Act—Part III.

4. (1) Part III. of the principal Act is amended by inserting at the end thereof the following Division :—

Division IV.

Provisions as to Certain Measures and Measuring Instruments.

Verification of certain measures and measuring instruments.

57b. (1) If the Governor is satisfied that the verification of any kind or description of measure or measuring instrument is a matter of difficulty or is such that councils generally are unable to administer this Act with respect to the verification thereof without undue expense, the Governor may by proclamation declare that the provisions of this Division shall apply to any kind or description of measure or measuring instrument specified in the proclamation. The Governor may either in any proclamation made as aforesaid or in any subsequent proclamation declare that any such measure or measuring instrument shall be a legal measure or measuring instrument for such period (which may be greater or less than the period provided in sections 26 and 48) from the verifying and stamping thereof as is fixed in the proclamation. The Governor may by proclamation revoke or vary any such proclamation.

(2) The administration of this Act so far as it relates to the verifying and stamping of any measure or measuring instrument to which this Division applies shall cease to be vested in the council or any inspector thereof.

(3) Subject to this section and to any regulations made under this section and to any requirement of any proclamation relating to the period within which any measure or measuring instrument shall be a legal measure or measuring instrument, the provisions of this Act relating to the verifying and stamping thereof shall apply to any measure and measuring instrument to which this Division applies but every such measure and measuring instrument shall be verified and stamped by a Government inspector. For such purpose, the Government inspector shall have all the powers of an inspector.

(4) The Governor may make regulations prescribing—

(*a*) the manner of construction of any measure or measuring instrument to which this Division applies :

(*b*) the mode of verifying or stamping any such measure or measuring instrument:

(*c*) fees payable for the verifying or stamping of any such measure or measuring instrument.

(2) Section 3 of the principal Act is amended by inserting therein after the eighth line thereof the following :—

Division IV.—Provisions as to certain Measures and Measuring Instruments.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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pounds thirteen shillings and seven pence, being nine-twentieths thereof, shall be payable by the District Council of West Torrens, and of which amount fourteen thousand and sixty-one pounds thirteen shillings and seven pence, being nine-twentieths thereof, shall be payable by the Corporation of the Town of Glenelg, and of which amount three thousand one hundred and twenty-four pounds sixteen shillings and five pence, being one-tenth thereof, shall be payable by the Corporation of the City of Unley.

(2) The said agreement shall be construed as if the said certificate given by the Commissioner of Highways pursuant to clause 5 of the said agreement had set out as the proportion of the total cost of reconstructing the said roadway payable by the councils being parties to the said agreement and as the apportioned amount payable by each of such councils, the amounts mentioned in subsection (1) of this section.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 29 of 1940.

An Act to amend the Swine Compensation Act, 1936.

[*Assented to 14th November,* 1940.]

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 " Swine Compensation Act Amendment Act, 1940 ".

(2) The Swine Compensation Act, 1936, as amended by this Act, may be cited as the " Swine Compensation Act, 1936-1940 ".

(3) The Swine Compensation Act, 1936, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 4— Definition of "market value".

2. The definition of " market value " in section 4 of the principal Act is amended by adding at the end thereof the words " and as if the pig were free from disease ".

Amendment of principal Act, s. 6— Amount of compensation.

3. Section 6 of the principal Act is amended by inserting after the word " destroyed " in the third line thereof the words " or destroyed with the consent of the chief inspector".

Amendment of principal Act, s. 8— Application for compensation.

4. Section 8 of the principal Act is amended—

(*a*) by striking out the words " twenty-one days " in the third line of subsection (3) thereof and by inserting in lieu thereof the words " one month " ;

(*b*) by striking out paragraph (*a*) of subsection (4) thereof ; and

(*c*) by striking out the words " has been paid " in the fifth line of paragraph (*c*) of subsection (4) thereof and by inserting in lieu thereof the words " and in respect of all carcasses of pigs of the said owner has been duly paid in accordance with the provisions of section 13 ".

Amendment of principal Act, s. 9—
Compensation for pigs destroyed in another State.

5. Section 9 of the principal Act is amended by inserting after the word " State " in paragraph (*d*) thereof the words " or of some competent officer of the Government of the Commonwealth ".

Amendment of principal Act, s. 12—
Advances to fund.

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

(4) If the Treasurer is of the opinion that the moneys in the fund are for the time being insufficient for the purpose of this Act, the Treasurer may, from time to time and without any further appropriation than this section, advance moneys out of the general revenue to be paid into the fund. Every such advance, together with interest thereon at the rate of five pounds per centum per annum, shall be subsequently repaid from the fund to the Treasurer and shall when repaid be paid into the general revenue.

Amendment of principal Act, s. 13—
Statements on sale.

7. Section 13 of the principal Act is amended—

(*a*) by inserting after the word " pigs " in the first line thereof the words " or the carcasses of pigs " :

(*b*) by inserting after the word " pigs " in the sixth line thereof the words " or the carcasses of pigs " :

(*c*) by inserting after the word " pig" in the eighth line thereof the words " or carcass, as the case may be," :

(*d*) by striking out the word " only " in the first line of subsection (3) thereof and by inserting after the word " pig " in the first line of subsection (3) thereof the words " only where the pig is sold " :

(*e*) by adding at the end thereof the following subsection :—

(4) If—

(*a*) any pig is sold by auction or for the purpose of being slaughtered and swine duty stamps are affixed as provided by this section to a statement given upon the sale of the pig ; and

(*b*) within fourteen days of the sale the pig is slaughtered ; and

(*c*) the statement given pursuant to this section in respect of any sale of the carcass includes particulars of the prior sale of the pig,

it shall not be necessary to affix any swine duty stamps to the statement given upon any such sale of the carcass and any such sale of the carcass shall be free from the payment of stamp duty.

Amendment of principal Act, s. 14— Duty.

8. Section 14 of the principal Act is amended—

(*a*) by inserting after the word "pig" in the second line thereof the words "or carcass";

(*b*) by striking out the figure "12" in the third line thereof and by inserting in lieu thereof the figure "13";

(*c*) by inserting after the word "pig" in the sixth line thereof the words "or one carcass";

(*d*) by inserting after the word "pigs" in the eighth line thereof the words "or carcasses, as the case may be"; and

(*e*) by inserting after the word "pig" in the eleventh line thereof the words "or any one carcass, as the case may be".

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 30 of 1940.

An Act for the further appropriation of the revenue of the State for the year ending on the thirtieth day of June, nineteen hundred and forty-one.

[*Assented to 21st November,* 1940.]

Preamble.

WHEREAS, by certain Acts of the State of South Australia, certain moneys are or may be collected, to be paid to the Treasurer on behalf of His Majesty His heirs and successors, for the public uses of the said State and support of the Government thereof: And whereas certain other moneys are or may become payable to the said State for the like uses, under the provisions of the Commonwealth of Australia Constitution Act, 63 and 64 Vict. ch. 12—

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 "Appropriation Act (No. 2), 1940".

Further issue.

2. Out of the said moneys paid by the Commonwealth of Australia, and the produce of all or any other General Public Revenues of the said State, not otherwise by law specially appropriated, there may be issued, in addition to all sums by any other Act authorised to be issued and applied for defraying the charge of the Government for the year ending on the thirtieth day of June, nineteen hundred and forty-one, any further sum or sums not exceeding in the whole seventy-four thousand one hundred and thirty-nine pounds.

Appropriation of moneys issued under this Act.

3. All moneys issued under this Act, not exceeding the sum hereinbefore mentioned, shall be applied and appropriated for the purpose of meeting the expenditure of the departments specified in this section for the year ending the thirtieth day of June, nineteen hundred and forty-one.

	£
Legislative Council	45
House of Assembly	74
Parliamentary Library	27
Parliament House	57
Electoral	66
Government Reporting	132
Parliamentary Standing Committee on Public Works	9
Chief Secretary	67
Statistical (including Principal Registrar of Births, etc., and Public Actuary)	222
Audit	247
Printing and Stationery	700
Sheriff and Gaols and Prisons	697
Hospitals	8,754
Children's Welfare and Public Relief	914
Central Board of Health	79
Chief Secretary—Miscellaneous	59
Attorney-General (including Registrar of Companies' Office)	89
Crown Solicitor	129
Parliamentary Draftsman	23
Public Trustee	181
Supreme Court	192
Adelaide Local Court	133
Adelaide Police Court	130
Country Local Courts	135
Registrar-General of Deeds	440
The Treasury and Superannuation Fund Branch	277
Motor Vehicles	528
Taxation	2,218
Stamp and Succession Duties	153
Immigration, Publicity, and Tourist Bureau	324
Treasurer—Miscellaneous	243
Lands	1,560
Botanic Garden	368
Government Motor Garage	107
Soldier Settlement Administration, Lands and Irrigation Branches	363
Commissioner of Crown Lands—Miscellaneous	282
Public Works (Office of the Commissioner)	46
Labour Exchange	59
Engineering and Water Supply	8,749
Architect-in-Chief	377
Government Offices	365
Cemetery (West Terrace)	84
Public Stores	617
Aborigines	114
Education	15,455
The Libraries	236
The Museum	147
The Art Gallery	75

	£
Observatory	18
Industry (including Public Service Commissioner's Office)	104
Factories and Steam Boilers	269
Unemployment Relief Council	1,237
Minister of Agriculture	43
Agriculture	1,058
Agricultural College	361
Stock and Brands	197
Produce	692
Fisheries and Game	64
Chemistry	229
Department of Lands (Irrigation and Drainage)	2,476
Mines	380
Harbors Board	4,960
Railways	15,144
Minister of Railways—Miscellaneous	79
Highways and Local Government	480

Treasurer to pay the orders of Governor, and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively in that behalf hereinbefore specified, to such persons and in such portions as the Governor has heretofore directed by any order or orders in writing signed by him and countersigned by the Chief Secretary, or may hereafter direct by any order or orders so signed and countersigned, is hereby authorised; and the said Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums have been or are so paid shall be to him a full discharge for the sum or sums for which the same receipts shall be or are respectively given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than revenue or money received from the Commonwealth.

5. If the moneys paid by the Commonwealth of Australia and the produce of the General Public Revenues of the State are insufficient to make the payments authorised by section 2 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Power to make payments.

6. The Treasurer may out of the money appropriated by this Act make any payment for which money has been included in the supplementary estimates of expenditure of the Government of South Australia, passed by the House of Assembly for the financial year ending on the thirtieth day of June, nineteen hundred and forty-one, notwithstanding that the

payment is at a rate in excess of the rate which, during the period in respect of which the payment is made, was in force under—

(*a*) any return made by the Classification and Efficiency Board, pursuant to the Public Service Act, 1936-1938;

(*b*) any award of the Railway Officers Classification Board under Part IIIA. of the South Australian Railways Commissioner's Act, 1936-1938;

(*c*) any regulation of the South Australian Railways Commissioner; or

(*d*) any regulation under the Education Act, 1915-1935.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 31 of 1940.

An Act to amend the Constitution Act, 1934-1939, to extend the suffrage for the Legislative Council and the House of Assembly.

[*Assented to 21st November,* 1940.]

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 "Constitution Act Amendment Act, 1940".

(2) The Constitution Act, 1934-1939, as amended by this Act may be cited as the "Constitution Act, 1934-1940".

(3) The Constitution Act, 1934-1939, is in this Act called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 20 of the principal Act—

Qualifications of electors for the Legislative Council.

3. (1) Section 20 of the principal Act is amended by inserting therein after paragraph v. the following paragraph :—

va. Every person who—

(i.) is or has been a member of the Second Australian Imperial Force or of the Royal Australian Navy or of the Royal Australian Air Force or of any other naval or military force raised in the Commonwealth by the Minister of Defence for service in the war which commenced on the third of September, nineteen hundred and thirty-nine; and

(ii.) has served outside the Commonwealth in such war; and

(iii.) was not discharged or did not cease to be on service because of his own default or misconduct; and

(iv.) has lived continuously in a Council district for at least one month immediately preceding his claim for enrolment.

(2) Section 20 of the principal Act is further amended by inserting after the figure "v." in the sixth line from the end of subsection (1) thereof, the expression "and va."; and by inserting after the figure "v" in the fourth line from the end of subsection (1) thereof the expression "or va.".

Amendment of s. 33 of the principal Act—Qualification of electors for House of Assembly.

4. Subsection (1) of section 33 of the principal Act is amended to read as follows:

(1) Subject to the disqualifications set out in subsection (2) of this section, each of the following persons shall be entitled to vote at an election for a member or members of the House of Assembly if at the time of the election he is enrolled on the electoral roll for a subdivision of the Assembly district in which the election is held:

I. Every person who—

(*a*) is at least twenty-one years of age; and

(*b*) is a British subject; and

(*c*) has lived continuously in the Commonwealth for at least six months and in the State for at least three months and in an Assembly subdivision for at least one month immediately preceding the date of his claim for enrolment; and

II. Every person who—

(i.) is or has been a member of the Second Australian Imperial Force or of the Royal Australian Navy or of the Royal Australian Air Force or of any other naval or military force raised in the Commonwealth by the Minister of Defence for service in the war which commenced on the third of September, nineteen hundred and thirty-nine; and

(ii.) has served outside the Commonwealth in such war; and

(iii.) was not discharged or did not cease to be on service because of his own default or misconduct; and

(iv.) has lived continuously in an Assembly subdivision for at least one month immediately preceding the date of his claim for enrolment.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 32 of 1940.

An Act to amend the Friendly Societies Act, 1919-1938.

[*Assented to 21st November,* 1940.]

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 "Friendly Societies Act Amendment Act, 1940".

(2) The Friendly Societies Act, 1919-1938, as amended by this Act, may be cited as the "Friendly Societies Act, 1919-1940".

(3) The Friendly Societies Act, 1919-1938, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 7—Objects for which societies may raise funds.

2. Section 7 of the principal Act is amended by inserting therein after paragraph III. of subsection (1) thereof the following paragraph:—

IIIa. For providing dental attendance for, and the selling or supplying of artificial dentures or other dental devices or requisites to, the members, their husbands, wives, widows, children, fathers, mothers, brothers, sisters, nephews, nieces, widowed mothers of deceased members, and wards of members (being orphans):

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 33 of 1940.

An Act to amend the Health Act, 1935-1936.

[*Assented to 21st November,* 1940.]

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 " Health Act Amendment Act, 1940 ".

(2) The Health Act, 1935-1936, as amended by this Act, may be cited as the " Health Act, 1935-1940 ".

(3) The Health Act, 1935-1936, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 30—Proclamation of county board.

2. Section 30 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 Governor may from time to time by proclamation—

(*a*) vary the constitution of any county board of health but so that the county board shall consist of not less than three members :

(*b*) fix the quorum of any county board and provide that the chairman of the board is to have a deliberative and a casting vote.

Any proclamation made before the passing of the Health Act Amendment Act, 1940, relating to the constitution or quorum of a county board or the voting rights of the chairman thereof shall be as valid as if the provisions of this subsection had been enacted before the making of the proclamation.

Amendment of principal Act, s. 43—
Functions of Metropolitan County Board.

3. Section 43 of the principal Act is amended by striking out subdivision (*c*) of paragraph 1 of subsection (1) thereof.

Amendment of principal Act, s. 101—
Feeding of dogs at slaughter-houses.

4. Section 101 of the principal Act is amended by adding at the end thereof the following subsection :—

(4) If any dog is fed on any blood, offal, manure or filth from any slaughterhouse, the person in charge of the slaughterhouse shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds : Provided that this subsection shall not apply to any such offal which has been first thoroughly cleansed and boiled.

Amendment of principal Act, s. 137—

5. Section 137 of the principal Act is amended so as to read as follows :—

Children attending school.

137. (1) If any child is or has been suffering, or has been resident where any person is or has been suffering, from any infectious disease, then any person who suffers or permits that child to attend school, unless and until the said person has procured a certificate from a legally qualified medical practitioner that there is, in his opinion, no risk of infection, shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

(2) This section shall not apply in the case of measles, whooping cough, or influenza or any other infectious disease to which the Governor by proclamation declares that this section shall not apply.

(3) The Governor may by proclamation declare that this section shall not apply to any infectious disease and may by proclamation revoke or vary any such proclamation.

Amendment of principal Act, ss. 146 and 147—

6. (1) Section 147 of the principal Act is amended by inserting after paragraph (*f*) of subsection (1) thereof the following paragraph :—

Regulations as to hospitals.

(*f*1) prescribing the conditions upon which licences under section 146 for private hospitals and maternity homes may be granted and the revocation of such licences ; prescribing the qualifications of persons acting as managers or persons in charge of such private hospitals and maternity homes ; and providing for an appeal to the Central Board from any decision of a local board with respect to the grant or revocation of any such licence :

(2) Subsection (6) of section 146 of the principal Act is amended so as to read as follows :—

(6) The licence shall be granted upon such conditions as are prescribed by regulation made by the Governor.

Amendment of principal Act, s. 147—Regulations.

7. Section 147 of the principal Act is amended by inserting therein after paragraph (*m*) of subsection (1) thereof, the following paragraph :—

(*m*1) regulating the fumigation of premises for the destruction of animal or insect pests or disease germs by means of gases, vapours, fumes, mists or smokes which are or may be dangerous to human life or health:

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 34 of 1940.

An Act to grant concessions in respect of income tax to certain members of the naval, military and air forces of the Commonwealth and other parts of His Majesty's Dominions or of any Ally of Great Britain.

[*Assented to* 21*st November,* 1940.]

BE IT 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 " Income Tax (War-time Concessions) Act, 1940 ".

Interpretation.

2. The words and expressions used in this Act shall unless the context otherwise requires have the same meaning as they have in the Act relating to the assessment and collection of tax upon incomes.

Exemption of pay and allowances.
Cf. Com. 17, 1940, s. 3.

3. The following income shall be exempt from income tax under any Act relating to the assessment and collection of tax upon incomes :—

In the case of any person enlisted in or appointed to the naval, military, or air forces of the Commonwealth or any part of the King's dominions or of any Ally of Great Britain for service outside Australia during the present war between His Majesty the King and Germany—the pay and allowances earned by him as a member of those forces during the period commencing on the third day of September, one thousand nine hundred and thirty-nine or on the date of his enlistment or appointment (whichever

is the later date) and terminating on the date of his discharge or the termination of his appointment:

Provided that this section shall not apply to any pay or allowances so earned during the year of income by a member of the forces who does not at any time during the period commencing on the third day of September, one thousand nine hundred and thirty-nine and terminating one year after the close of that year of income—

(i.) in the case of a member of the naval forces of the Commonwealth—serve in a sea-going ship; or

(ii.) in the case of a member of the military or air forces of the Commonwealth—embark for service outside Australia.

Concessions in respect of other income.

4. (1) Notwithstanding any other enactment, where the Taxpayers Relief Board constituted under the Act relating to the assessment and collection of tax upon incomes is of opinion—

(*a*) that the assessment for the purposes of income tax of any income of any such person as mentioned in section 3 of this Act; or

(*b*) that the payment of any income tax by any such person—

would cause hardship to that person or to any person wholly or mainly dependent upon his earnings, the said Board may order that such income shall not be assessed, or as the case may be, that such income tax or any part thereof shall not be payable.

(2) Where the Commissioner is of opinion that the amount of tax which would be payable by any such person as aforesaid, if his income were assessed, is less than twenty pounds, or where the amount of tax payable by any such person is less than twenty pounds, the Commissioner may, if he thinks fit, exercise the power given by subsection (1) of this section or may refer the case to the said Board.

Duration of Act.

5. This Act shall apply only to income derived before the expiration of twelve months after the date of issue of a proclamation that the war between His Majesty the King and Germany has ceased.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 35 of 1940.

An Act to amend the Margarine Act, 1939.

[*Assented to 21st November,* 1940.]

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

Short title.

1. (1) This Act may be cited as the "Margarine Act Amendment Act, 1940".

(2) The Margarine Act, 1939, as amended by this Act, may be cited as the "Margarine Act, 1939-1940".

(3) The Margarine Act, 1939, is in this Act called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 3 of principal Act— Definition of "table margarine".

3. Section 3 of the principal Act is amended by striking out the definition of "table margarine" therein and inserting in lieu thereof the following definition :—

"table margarine" means—

(*a*) margarine containing any fat or oil produced elsewhere than in Australia or any fat or oil obtained from any product produced elsewhere than in Australia :

(*b*) any other margarine which the Governor by regulation declares to be table margarine,

but does not include any margarine which the Governor by regulation declares not to be table margarine.

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

3a. The Governor may by regulation— Regulations as to table margarine.

(*a*) declare that any margarine defined, described, or otherwise specified in the regulation shall be table margarine;

(*b*) declare that any margarine defined, described, or otherwise specified in the regulation, which margarine is, for the time being, table margarine within the meaning of the definition of table margarine in this Act, or of any regulation under this Act, shall not be table margarine:

(*c*) revoke or vary any regulation for the time being in force under this section.

5. The following section is hereby enacted and inserted in the principal Act after section 20 thereof:— Enactment of s. 20a of principal Act—

20a. Any declaration made under section 20 of this Act before the passing of the Margarine Act Amendment Act, 1940, shall have effect as if it related and always had related to table margarine as defined in the amended definition enacted by the said Margarine Act Amendment Act, 1940. Effect of certain declaration.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 36 of 1940.

An Act to make provision for the protection of the property of aged and infirm persons, to make provision for the perpetuation of testimony relating to testamentary documents, and for other purposes.

[*Assented to 28th November,* 1940.]

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

PART I.

PART I.

PRELIMINARY AND GENERAL.

Short title.

1. This Act may be cited as the " Aged and Infirm Persons' Property Act, 1940 ".

Arrangement.

2. The provisions of this Act are arranged as follows :—

PART I.—Preliminary and general.

PART II.—Aged and infirm persons property.

PART III.—Perpetuation of testimony relating to testamentary documents.

Interpretation.

3. In this Act, unless the context or subject matter otherwise requires—

" court " means the Supreme Court :

" manager " means a person appointed to be manager of a protected estate under this Act ; and where more than one person is so appointed, means either all the persons so appointed or each of those persons, as the context requires :

" Master " means the Master or Deputy Master of the Supreme Court :

"protected estate" means the real and personal estate of a protected person, or such part thereof as is the subject matter of a protection order:

"protected person" means a person who or whose estate or part thereof becomes the subject of a protection order.

Exercise of jurisdiction by court. Cf. N.Z. 26, 1912, s. 3.

4. (1) The whole jurisdiction of the court under this Act may be exercised by any Judge, and the whole jurisdiction of the court under Part II. may be exercised by the Master.

(2) Any proceedings under Part II. may be heard in chambers, and any proceedings under Part III. shall be heard in chambers.

Rules of court. Cf. N.Z. 26, 1912, s. 30.

5. (1) The powers conferred by the Supreme Court Act, 1935-1936, to make rules shall be read as including power to make rules—

(*a*) for carrying into effect the several objects of Part II. and Part III. of this Act:

(*b*) relating to practice and procedure generally for the purposes of Part II. and Part III. of this Act, including rules as to costs and fees:

(*c*) prescribing the times for filing and manner of preparing statements to be filed by managers pursuant to Part II. of this Act.

(2) The general practice of the court and the general rules of the court, with any necessary modifications and so far as the same are applicable and are not inconsistent with this Act or the rules under this Act, shall apply to all proceedings under this Act.

Procedure where case not provided for.

6. (1) If any circumstances arise for which no procedure is provided by this Act, or if there is any doubt as to what is the correct procedure, the Master, having regard to the general practice of the court, may direct (and *ex parte* if he thinks fit) what shall be done in any particular case, or that the procedure which has been adopted shall be deemed proper, or may make such order to meet the circumstances of the case as he deems fit: Provided that no such direction or order (even though not appealed against) shall operate so as to bar or prejudice the court from giving further or other directions at the hearing of any proceedings under this Act if, in the interest of justice, the court thinks fit so to do.

(2) The powers given to the Master by this section may be exercised by any Judge.

PART II.

PART II.

AGED AND INFIRM PERSONS PROPERTY.

Circumstances under which protection order may be made.
Cf. N.Z. 26, 1912, ss. 4, 5.

7. (1) Where it is made to appear to the satisfaction of the court that any person is, by reason of age, disease, illness, or physical or mental infirmity—

(*a*) unable, wholly or partially, to manage his affairs; or

(*b*) subject to, or liable to be subjected to, undue influence in respect of his estate, or the disposition thereof, or of any part thereof; or

(*c*) otherwise in a position which in the opinion of the court renders it necessary in the interest of that person or of those dependent upon him that his property should be protected as provided by this Act,

the court may make a protection order in respect of the estate or part of the estate of that person.

(2) Where it is made to appear to the satisfaction of the court that any person is, by reason of his taking or using in excess alcoholic liquors, or any intoxicating, stimulating, narcotic, or sedative drug, unable, wholly or partially, to manage his affairs, whether such inability is continuous or occasional, the court may make a protection order in respect of the estate or part of the estate of that person, anything in the Inebriates Act, 1908-1934, or in any other Act to the contrary notwithstanding.

Application for protection order.
Cf. N.Z. 26, 1912, s. 6.

8. (1) Every application for a protection order shall be made by originating summons, and may be made—

(*a*) by the person whose property is sought to be protected;

(*b*) by the husband or wife of such person;

(*c*) by any near relation by blood or marriage of such person;

(*d*) by the Public Trustee; or

(*e*) by any other person who adduces proof of circumstances which in the opinion of the court make it proper that such other person should make the application.

(2) Where the application is made by any person other than the person whose property is sought to be protected, the originating summons shall be served upon such last-mentioned person, unless the court in any special case otherwise directs.

Examination of protected person.

9. Before making any protection order in respect of any person, the court may in any manner which it thinks fit examine personally such person with or without the attendance of any other persons interested.

Appointment of manager. Cf. N.Z. 26, 1912, ss. 7, 8, 9.

10. (1) If the court thinks fit to grant the application, the court shall, in and by the protection order, appoint the husband or wife or near relation by blood or marriage of the protected person, or some other person, or any body corporate incorporated in this State by or pursuant to any law of this State, either alone or with any other person or persons, or the Public Trustee alone, to be the manager to take possession of and to control and manage all or such part or parts of the estate of the protected person as the court may direct.

(2) The court may in any case appoint the Public Trustee alone to be manager, but shall not appoint any person to be manager together with the Public Trustee.

(3) The court may, if it thinks fit, require any manager other than the Public Trustee to give such security to the Public Trustee as to the court seems fit for the due performance of the duties of manager.

(4) If by the protection order any person other than the Public Trustee is appointed to be manager, the Master shall cause a copy of the protection order to be supplied to the Public Trustee.

Variation or rescission of protection order. Cf. N.Z. 26, 1912, s. 7 (2).

11. (1) The court may rescind any protection order.

(2) The court may from time to time vary any protection order so as to provide that the protection order shall apply to any part of the estate of the protected person to which, at the time of the variation, the protection order does not apply or so as to provide that the protection order shall cease to apply to any part of the said estate.

(3) Subject as hereinafter provided in this subsection, a protection order shall be determined by the death of the protected person. If for any special reason the court thinks it desirable so to do, the court may direct that the protection order shall remain in force for any period not exceeding two months after the death of the protected person but in any such case and notwithstanding the direction of the court, the protection order shall be determined if grant of probate of the will or administration of the estate of the protected person is granted by the court pursuant to the Administration and Probate Act, 1919-1937.

Exemption of part of estate.
Cf. N.Z. 26, 1912, s. 15.

12. (1) The court may by the protection order or from time to time, except from the estate of the protected person to be taken possession of and controlled by the manager any part of the said estate.

(2) The court may permit any such part to remain in the possession of the protected person, or of the wife or husband or child of the protected person. The court may from time to time direct that such possession shall be uncontrolled or that it be subject to such terms and conditions as are, from time to time, imposed by the court.

Powers of manager.
Cf. N.Z. 26, 1912, ss. 10, 11.

13. (1) The manager shall have the following powers, unless the court in any particular case otherwise orders :—

I. To take possession of the protected estate, and to recover possession thereof from any person holding the same :

II. To repair and insure against any contingency any part of the estate :

III. To demand, recover, and receive moneys and personal effects payable to or belonging to the protected person :

IV. To apply any moneys (whether arising from real or personal property, and whether income or capital) for the maintenance of the protected person, and the wife or husband and children of the protected person, and for the education of the children of the protected person, and in payment of the debts and liabilities of the protected person :

V. To carry on any trade or business theretofore carried on by the protected person, and to carry on the business of any partnership in which the protected person may be a partner.

(2) The manager shall have such other powers and duties in respect of the protected estate as the court in and by the protection order, or from time to time, defines or directs, and the court shall have jurisdiction to confer any such powers upon the manager to be exercised generally in respect of the estate or any part thereof, or upon any special occasion, or in respect of any particular subject matter.

Continuance of provision for dependent persons.
Cf. N.Z. 26, 1912, s. 12.

14. Where the protected person has, before the making of the protection order, made provision of any nature, whether regular or casual, for any person wholly or partially dependent on him, whether a relation or not, the court may in its discretion authorize the manager to continue the same or any less provision out of the protected estate.

Application of unapplied portion of estate.
Cf. N.Z. 26, 1912, s. 13.

15. (1) The manager shall apply such part of the corpus and income of the protected estate as is not required for the purposes specifically defined in this Act in such manner as is authorized by subsection (2) or as the court from time to time directs.

(2) The manager may invest the unapplied corpus or income of the protected estate in such securities, other than the mortgage of land, as are authorized by law for investment of trust moneys.

(3) The court may direct the investment of the unapplied corpus or income of the protected estate in such investments as the court from time to time deems proper in the interest of the protected person or of those dependent upon him, and the court shall not be limited in respect of any such direction to such securities as are authorized by law for investment of trust moneys or by any provision of subsection (2).

Power to order sale, etc.
Cf. N.Z. 26, 1912, s. 14.

16. The court may direct the sale, mortgage, lease, or other disposition of the whole or any part of the protected estate by the manager; and may confer upon the manager any powers in respect of or in relation to the protected estate which it may deem necessary or expedient for the realization, investment, or better management thereof, or for the benefit or advancement in life of the children of the protected person; and, in particular, may confer any powers which the court may under any law or practice relating to trustees or to wards of court confer upon trustees or itself exercise.

Provision where two or more managers
Cf. N.Z. 26, 1912, s. 16.

17. Where more than one manager is appointed all the managers must concur in every act, matter, and thing done in relation to the protected estate.

Manager deemed to be trustee.
Cf. N.Z. 26, 1912, s. 17.

18. A manager shall be deemed to be a trustee for all the purposes of the Trustee Act, 1936.

Filing of statement.
Cf. N.Z. 26, 1912, s. 18.

19. (1) The manager of every protected estate shall, at such times and in such manner as is directed by order of the court or prescribed by rule of court, prepare and file in the court a statement, verified by the affidavit of the manager, showing the property comprised in the protected estate, and the condition thereof, and the manner in which the property has been dealt with, administered, or applied, and such other particulars as may be prescribed, or as may be in any special case directed by the court to be included in the statement.

(2) In any case in which the manager is not the Public Trustee the manager shall forthwith after filing every such statement deliver to the Public Trustee a duplicate thereof, and shall thereafter exhibit to the Public Trustee such accounts and vouchers in relation thereto as the Public Trustee may require.

(3) If any manager fails or refuses to file any such statement as provided aforesaid, or to deliver to the Public Trustee a duplicate thereof as aforesaid, or to exhibit to the Public Trustee any such accounts or vouchers as aforesaid, he shall be guilty of an offence punishable summarily and liable to a penalty not exceeding fifty pounds.

(4) The Public Trustee shall cause every such statement delivered to him to be examined and reported upon either by himself or by any person he may appoint in that behalf, and shall cause the report to be filed in the court and a copy thereof to be transmitted to the manager by whom the statement has been delivered. No fee shall be payable on the filing of the report in the court.

(5) For the purpose of examining any such statement, the Public Trustee may require the accounts of the manager to be audited by an auditor appointed by the Public Trustee.

Percentage of moneys collected payable to Public Trustee. Cf. N.Z. 26, 1912, s. 19.

20. (1) Where any person other than the Public Trustee is appointed manager in pursuance of this Act there shall be payable out of the protected estate by the manager to the Public Trustee, for the services rendered by the Public Trustee in respect of the estate, such remuneration as the court may from time to time direct.

(2) If pursuant to subsection (5) of section 19, an auditor is appointed by the Public Trustee to audit the accounts of the manager, the manager shall pay to the Public Trustee out of the estate of the protected person the fees payable by the Public Trustee to the auditor appointed as aforesaid.

Exemption of manager from personal liability. Cf. N.Z. 26, 1912, s. 20.

21. A manager acting in pursuance and exercise of any powers or duties conferred or imposed upon him by this Part or by the court shall not be personally liable in respect of any contract or engagement entered into with or any liability incurred to any person unless the manager has concealed from that person the fact that he was acting therein on behalf of the protected estate, but the protected estate shall be liable in respect of all such contracts, engagements, or liabilities, and the same may be enforced by proceedings against the manager in his representative capacity.

Proceedings. Cf. N.Z. 26, 1912, s. 21.

22. (1) The originating summons shall be the commencement of the proceedings which shall remain open for application to be made therein from time to time to the court by the manager, or the protected person, or the Public Trustee, or by any relation of the protected person or by any person interested in the protected estate. After such notice or service as the court thinks fit to direct, any person may be made party to the proceedings generally or in any particular matter, and the court may

grant and enforce against such party in matters relating to the protected person or the protected estate all judgments, orders, costs, and remedies, including injunction and mandamus, as the court might grant and enforce in any action against such party at the suit of the protected person or of the manager: Provided that if such party requires that an issue or issues of fact be stated and tried by the court, the court may direct that an issue or issues of fact be stated and tried, as between the manager in the names of the protected person and such party, by the court as upon the trial of an ordinary action or that the issue or issues of fact be stated and tried, as between the manager in the names of the protected person and such party, by the court in such other manner in accordance with the general practice of the court as is deemed appropriate by the court.

(2) Upon any application to the court by the manager or the Public Trustee after the making of the protection order, it shall be necessary to serve with notice of the application only such persons or parties (if any) as the court on the application requires to have notice thereof.

(3) The court may at any time discharge any party made party to the proceedings.

Inquiry by special magistrate.

23. (1) The court may at any stage in any proceedings under this Part refer any matter arising out of those proceedings for inquiry by a special magistrate.

(2) The special magistrate shall, for the purposes of the inquiry, have power to administer oaths, to take affirmations, and to examine parties and witnesses. Any person who by subpœna issued out of the court is summoned to attend before the special magistrate shall be bound to attend in pursuance of the subpœna and shall be liable to process of contempt in case of default in attendance, and all persons swearing or affirming before the special magistrate shall be liable to such penalties for any wilful and corrupt false swearing or affirming as if the matters sworn or affirmed had been sworn or affirmed before the court.

(3) The special magistrate shall report the result of his inquiry to the court and the court may, upon the report, make such order as it deems fit.

Application to court by Public Trustee.

24. (1) In any case in which the Public Trustee is the manager, the Public Trustee may, in respect of the exercise of any power of the manager, apply *ex parte* to the court for approval, advice, or direction upon a written statement setting out the facts.

(2) Upon any such application, it shall not be necessary to serve notice of the application on any person or party, unless the court so directs.

(3) If the court sees fit to approve, advise, or direct on any such *ex parte* statement, the approval, advice, or direction shall be sufficiently evidenced by the fiat thereon, and it shall not be necessary to draw up any formal order. The statement together with the fiat shall be filed in the Master's office.

Exercise by manager of powers of protected person.
Cf. N.Z. 26, 1912, s. 22.

25. When a power is vested in any protected person in the character of trustee or guardian, or the consent of any protected person to the exercise of a power is necessary in the like character or as a check upon the undue exercise of the power, and it appears to the court to be expedient that the power should be exercised or the consent given, the manager may, in the name and on behalf of the protected person, and with the sanction of an order of the court made on the application of any person interested, exercise the power or give the consent in such manner as the order directs.

Execution of assurances, etc., by manager.
Cf. N.Z. 26, 1912, s. 23.

26. The manager may, in the name and on behalf of the protected person, execute and do all such conveyances, transfers, leases, deeds, assurances, and things as may be necessary for effectuating any of the powers conferred upon him by this Act or by any order of the court.

Restriction of powers of protected person.
Cf. N.Z. 26, 1912, s. 24.

27. (1) A protected person shall be incapable, without the leave of the court, of making any transfer, lease, mortgage, or other disposition of such part of his estate as is the subject-matter of a protection order or of any subsequent order, or of entering into any contract, except for necessaries; and every such transfer, lease, mortgage, or other disposition and every contract other than for necessaries shall be void.

(2) Nothing in this section shall invalidate any transfer, lease, mortgage, disposition, or contract made or entered into by a protected person for valuable consideration if the other party thereto acted in good faith and without notice that a protection order had been made.

Registration of protection order.
Cf. N.Z. 26, 1912, s. 25.

28. (1) A protection order may be registered under the provisions of the Registration of Deeds Act, 1935, as an instrument affecting the title to any land wherein the protected person has any estate or interest, legal or equitable.

(2) A protection order shall be deemed to be an instrument purporting to affect land under the provisions of The Real Property Act, 1886-1939, and a memorandum thereof may accordingly be entered upon the register book with respect to any land whereof the protected person is the registered proprietor of any estate or interest under the provisions of that Act.

(3) The manager, in the name and on behalf of the protected person, may lodge a caveat in respect of any land under the provisions of The Real Property Act, 1886-1939, to or in which the manager claims that the protected person is entitled or beneficially interested.

(4) The provisions of this section shall apply notwithstanding the provisions of The Real Property Act, 1886-1939.

Restriction of testamentary capacity of protected person. Cf. N.Z. 26, 1912, s. 26.

29. (1) The court may direct in any case that any testamentary disposition by a protected person after the making of a protection order shall be made only after such precautions as the court thinks fit to direct, and any testamentary disposition made otherwise than as the court shall so direct shall be ineffectual for all purposes.

(2) The court may, by such means as it thinks fit, cause inquiries to be made as to the existence of any will or codicil made and executed by the protected person prior to the making of the protection order (whether the will or codicil was made before or after the passing of this Act), and may direct that any such will or codicil shall be deposited with the Registrar of Probates. If it appears to the court that the will or codicil was made when the person making the same was subject to any of the incapacities defined in section 7 of this Act, the court may inspect the will or codicil, and may cause inquiries to be made, in such manner as to the court seems fit, whether the will or codicil expresses the present desire and intention of the protected person, and, if satisfied to the contrary, may in any case where such course is possible, cause the present desire and intention of the protected person to be ascertained to its satisfaction, and may authorize the execution by the protected person of a new will disposing of his estate in accordance with such present desire and intention.

(3) Except as provided in this section, nothing in this Part shall affect the law relating to testamentary dispositions.

Application to mental defectives. Cf. N.Z. 26, 1912, s. 27.

30. (1) An order for the appointment of a manager may be made under this Part, although it may appear to the court that the person protected is a mental defective or that the estate is one which might be administered under the Mental Defectives Act, 1935-1939, or that the protected person is a person who could be made the subject of an order under section 10 of the Inebriates Act, 1908-1934, but no such order for the appointment of a manager shall be made in respect of the estate of any person or if made shall be of any force or effect if—

(*a*) such person is a patient within the meaning of the Mental Defectives Act, 1935-1939; or

(*b*) a committee has been appointed pursuant to the said Act to manage the affairs of that person ; or

(*c*) such person is the subject of an order under section 10 of the Inebriates Act, 1908-1934.

(2) If any protection order is made under this Part in respect of the estate of any person and subsequent to the making of the protection order—

(*a*) the protected person becomes a patient within the meaning of the Mental Defectives Act, 1935-1939 ; or

(*b*) a committee is appointed pursuant to the said Act to manage the affairs of the protected person ; or

(*c*) the protected person becomes the subject of an order under section 10 of the Inebriates Act, 1908-1934,

the protection order shall be deemed to be determined from the time the protected person became a patient, or a committee was appointed as aforesaid, or an order was made as aforesaid under section 10 of the Inebriates Act, 1908-1934, as the case may be.

Expenses and remuneration of manager. Cf. N.Z. 26, 1912, s. 28.

31. (1) All expenses properly incurred by the manager in respect of the maintenance of the protected person, or the administration of the protected estate, shall be charged against and payable out of that estate ; and in addition, there shall be payable in respect of all moneys forming part of the protected estate, and coming under the control of the manager, such remuneration by commission or otherwise to the manager, and such other charges, as are allowed by the court in any manner thought fit by the court.

(2) If the Public Trustee is the manager, there shall be payable in respect of all moneys forming part of the protected estate and coming under the control of the Public Trustee, a commission in accordance with rules made pursuant to section 122 of the Administration and Probate Act, 1919-1937, or as is otherwise allowed by the court, and such other charges as may be allowed by the court.

Change of managers. Cf. N.Z. 26, 1912, s. 29.

32. (1) The court may at any time, on the application of the manager, or on the application of the protected person or of any other person, on proof that there is good cause for so doing. make an order appointing any other person or persons as the manager of the estate in addition to or in lieu of the manager or appointing the Public Trustee as the manager of the estate in lieu of the manager.

(2) The court may at any time, on the application of the protected person, or of the manager, or of any other person, rescind the order appointing the manager, on proof that the protected person is of sufficient ability to manage his own affairs.

PART III.

PERPETUATION OF TESTIMONY RELATING TO TESTAMENTARY DOCUMENTS.

Application for order to perpetuate testimony.

33. (1) Upon the application of any person (other than a protected person) who has made and executed any will or codicil, the court may order that any testimony which may be material in relation thereto be perpetuated and for that purpose may make any order requiring the applicant or any other person to attend for examination upon oath before the court at any time and place. The court may give any directions as to the manner in which the examination is to be conducted, the evidence to be adduced therein, the parties who may attend on the examination and as to any other matters thought fit by the court.

(2) Every such application shall be made by originating summons and may be made *ex parte*.

(3) The court may direct that notice of the application or of any order made on such application be given to any person who may be interested in the disposition of the applicant's estate.

(4) The testimony to be taken upon any such examination shall, subject to the direction of the court, be relevant to the following matters, namely :—

I. The due execution of any will or codicil made by the applicant :

II. The testamentary capacity of the applicant :

III. Whether the applicant was subject to or liable to be subjected to undue influence in respect of his estate or the disposition thereof or any part thereof :

IV. Any other matter which would be relevant on any application or in any action relating to the grant or recall of probate or administration of the will or codicil :

V. Any matter which would be relevant in an application under the Testator's Family Maintenance Act, 1918.

Attendance at examination.

34. (1) Any person claiming to be interested in the proceedings may by leave of the court and upon such terms (if any) as the court may direct and at his own expense—

(*a*) attend the whole or any part of the proceedings in person or by a solicitor :

(*b*) upon paying the costs occasioned thereby give or call such evidence as the court thinks fit.

(2) Any person claiming to be interested may by leave of the court, be admitted to the place where the examination is being held during the examination, but shall not be entitled to take notes of the examination except by leave of the court.

Conduct of examination.

35. (1) The court may put such questions to the applicant or any other person relating to any matters which the court considers relevant whether arising out of the cause of the examination or otherwise.

(2) The court shall have power to disallow such portions of the evidence tendered or any questions put in cross examination to any person during the examination which the court considers go beyond the legitimate requirements of the examination.

(3) Any questions which may be objected to and the purport of any evidence and any questions which may be disallowed by the court shall be noted in the depositions together with a short statement of the reasons for disallowing any such evidence or questions.

Discontinuance of proceedings.

36. The applicant may discontinue the proceedings at any stage upon paying the court fees then due. Upon any such discontinuance the court may order the applicant to pay to any person attending the proceedings by leave such costs as it thinks just.

Report.

37. After the termination of the examination, the court shall make a report touching the examination and the conduct and credibility of any witness or other person thereon.

Power of examiner to conduct examination.

38. (1) The court may order that the examination of persons ordered to attend for examination may be before the Master or a special magistrate (hereinafter referred to as "the examiner") and may give any directions as to the manner in which the examination is to be conducted and as to the testimony to be taken upon the examination.

(2) Subject to any directions of the court, the examiner—

(*a*) shall have the powers and duties of the court under sections 34 and 35 of this Act:

(*b*) shall have the powers of a judge and the court under sections 22, 23, and 24 of the Evidence Act, 1929-1933.

(3) After the termination of the examination, the examiner shall make a report to the court touching the examination and the conduct and credibility of any witness or other person thereon.

Deposit of depositions and will or codicil.

39. (1) The depositions when taken upon any examination shall be authenticated by the court or examiner and forthwith after the termination of the examination transmitted together with the report of the court or examiner and the will or codicil or a copy thereof certified by the court or examiner to be a true copy to the Registrar of Probates and deposited in the Probate Registry.

(2) Any person interested may by leave of the court inspect or bespeak a copy or extract of the depositions (so taken) or report but no person other than the person who made the will or codicil shall be entitled to inspect the will or codicil or bespeak a copy or extract thereof except by the special leave of the court.

(3) No original will or codicil so deposited shall be withdrawn except by leave of the court.

Use of depositions as testimony.

40. The court or a Judge may upon such terms (if any) as it or he deems just order that the depositions and report be received in evidence in any proceedings or on any application relating to or concerning the will or codicil in respect of which the depositions and report were taken or made notwithstanding any objection to the depositions on the ground that a party interested in the proceedings or application was not present when the depositions were taken.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 37 of 1940.

An Act to ratify an Agreement made between the Commissioner of Waterworks and the Commonwealth of Australia relating to the supply of water from the River Murray and elsewhere to the Commonwealth at Port Augusta and places adjacent thereto.

[*Assented to 28th November,* 1940.]

BE IT 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 "Commonwealth Water Agreement Ratification Act, 1940".

Ratification of Agreement.

2. The Agreement set out in the schedule to this Act is hereby ratified and approved.

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

C. M. BARCLAY-HARVEY, Governor.

THE SCHEDULE.

This Agreement made on the 20th day of November, nineteen hundred and forty between the Commissioner of Waterworks (being the body corporate continued in existence by section 8 of the Waterworks Act, 1932-1936 of South Australia) of the one part and the Commonwealth of Australia of the other part:

WHEREAS the said Commissioner intends to lay down a pipeline and construct other waterworks for the purpose of providing at Port Augusta, Whyalla, and elsewhere in the Northern

Areas of South Australia a supply of water drawn from the River Murray, and is desirous of selling certain quantities of such water to the Commonwealth :

AND WHEREAS the Commonwealth is willing to purchase certain quantities of such water on the terms and conditions set out in this Agreement :

NOW THIS AGREEMENT WITNESSETH as follows :—

Interpretation.

1. In this Agreement—

"the commencing day" means the day on which the Commissioner commences to deliver water under this Agreement :

"the Commissioner" means the body corporate continued in existence by section 8 of the Waterworks Act, 1932-1936, of the State under the name of "The Commissioner of Waterworks" :

"the Commonwealth" means the Commonwealth of Australia :

"the Morgan-Whyalla waterworks" means the pipeline and other waterworks laid down and constructed as mentioned in clause 4 of this Agreement :

"the State" means the State of South Australia :

"year" means period of twelve months, commencing on the first day of July in any year.

Ratification of Agreement.

2. The clauses of this Agreement other than this clause shall have no force or effect until this Agreement is ratified by the Parliaments of the Commonwealth and the State.

Term of Agreement.

3. This Agreement shall remain in operation until the expiration of twenty years after the thirtieth day of June next after the commencing day : Provided that if the commencing day is the first day of July, this Agreement shall remain in operation for twenty years as from that day.

Duty of Commissioner to construct works and give information to Commonwealth.

4. (1) The Commissioner shall lay down and construct a pipeline and other waterworks capable of supplying from the River Murray at or near Morgan to Port Augusta, Whyalla, and other northern areas of South Australia approximately two thousand one hundred million gallons of water per annum.

(2) The Commissioner shall cause plans of the said pipeline and waterworks to be drawn up and shall submit copies of such plans to the Commonwealth as soon as possible after such plans have been prepared and shall from time to time during the laying down and construction of the said pipeline and waterworks furnish the Commonwealth with progress reports showing the progress of such laying down and construction.

(3) The Commissioner shall during the term of this Agreement maintain the said pipeline and waterworks in good repair and working order.

Commencement of delivery of water.

5. The Commissioner shall give the Commonwealth one month's notice in writing of the day on which he will commence the delivery of water under this Agreement: and the obligation of the Commissioner to deliver water and of the Commonwealth to take and pay for water under this Agreement shall commence on that day or if some other day is mutually agreed on, then on that other day.

Delivery of water.

6. The Commissioner shall on and after the commencing day deliver to the Commonwealth from time to time such quantity of water drawn from the River Murray as the Commonwealth requires, but not exceeding three million gallons in any week or one hundred and fifty million gallons in any year.

Point of delivery.

7. The Commonwealth shall within six months after the ratification of this Agreement by the Parliaments of the Commonwealth and the State give the Commissioner written notice of the point at which the Commonwealth desires that water drawn from the River Murray shall be delivered to it under this Agreement. The point so notified shall be a point in the water mains of the Commonwealth at or near Port Augusta, and for the purpose of delivering the water, the Commissioner shall connect the mains of the Morgan-Whyalla waterworks with those of the Commonwealth at the notified point of delivery.

Price of water.

8. (1) Subject to the provisions hereinafter contained as to a minimum annual payment by the Commonwealth, the Commonwealth will pay the Commissioner for all water delivered by him to the Commonwealth at the rate of two shillings and fourpence per thousand gallons.

(2) Payments under this section shall be made within twenty-eight days after the thirtieth day of June and the thirty-first day of December in each year and each payment shall be for the water supplied during the preceding half year.

Minimum annual payment by Commonwealth.

9. (1) Within three months after the end of each year the minimum amount to be paid by the Commonwealth in respect of that year shall be ascertained in accordance with this clause, and that amount, less any sum paid or payable under the last preceding clause of this Agreement for water supplied during the said year, shall be paid by the Commonwealth to the Commissioner not later than six months after the end of the said year: Provided that if the commencing day is a day other than the first day of July no payment shall be made under this clause in respect of the period between the commencing day and the next following first day of July.

(2) The minimum amount to be paid by the Commonwealth in respect of any year shall be based upon the loss incurred by the Commissioner in connection with the operation of the Morgan-Whyalla waterworks during that year and shall be as follows :—

(*a*) If the said loss is £75,000 or more	£37,500.
(*b*) If the said loss is not less than £50,000 but is less than £75,000	One half of the amount of the said loss.
(*c*) If the said loss is less than £50,000	The sum by which the said loss exceeds £25,000.

(3) The loss incurred in connection with the operation of the Morgan-Whyalla waterworks during any year shall be the amount (if any) by which the expenditure on the said waterworks for that year exceeds the revenue therefrom for the same year.

(4) For the purpose of this Agreement the expenditure on the Morgan-Whyalla waterworks for any year shall be—

(*a*) the interest payable in respect of that year on the loan moneys expended on the construction of the said waterworks at the rate actually paid by the State on those moneys :

(*b*) the cost of maintenance and operation during that year of the said waterworks, including the cost of repairs, and the overhead expenses incurred by the Commissioner in connection with the said waterworks :

(*c*) an allowance for depreciation for that year at the rate of twenty-two shillings and sixpence per cent on the amount of loan moneys expended on the construction of the pumping machinery and plant comprised in the Morgan-Whyalla waterworks :

(*d*) an allowance for depreciation for that year at the rate of five shillings per cent on the amount of loan money expended on the construction of the mains, storages, buildings, and all other works except pumping machinery and plant in the Morgan-Whyalla waterworks.

(5) In ascertaining for the purpose of this Agreement the amount of loan moneys expended upon the construction of any work—

(*a*) the discounts charges and other expenses incurred in connection with the borrowing of the said loan moneys ; and

(*b*) any interest payable on the said loan moneys during the period of such construction (being interest which according to the usual practice of the State is paid from loan moneys and treated as part of the cost of construction) :

shall be treated as loan moneys expended on such construction.

(6) Any loan moneys borrowed for the purpose of repaying any loan moneys expended on the construction of the Morgan-Whyalla waterworks shall be deemed to be moneys expended on such construction in lieu of the moneys so repaid.

(7) For the purposes of this Agreement the total of the loan moneys expended on the said waterworks shall be deemed not to exceed the sum of three million one hundred and twenty-two thousand pounds.

(8) Capital expenditure incurred as a result of any defect in the design of the Morgan-Whyalla waterworks and expenditure upon maintenance, operation and repairs which is rendered necessary by any such defect, shall not be taken into account in computing the expenditure on the said waterworks.

(9) For the purposes of this Agreement the revenue from the Morgan-Whyalla waterworks for any year shall be—

(*a*) a sum equal to the price of all water supplied from the said waterworks during that year to the Broken Hill Proprietary Company Limited, or its successors or assigns, calculated on the scale set out in the Agreement in the schedule to the Northern Areas and Whyalla Water Supply Act, 1940, of the State, or on any lower scale charged to the Company or its successors or assigns with the prior approval in writing of the Treasurer of the Commonwealth ;

(*b*) a sum equal to the balance arrived at by deducting from the total costs incurred by the Commissioner in pumping water during that year from the River Murray to the points of take-off in the Morgan-Whyalla water main, that part of those costs which is fairly attributable to pumping the water delivered during the said year to the Broken Hill Proprietary

Company Limited or its successors or assigns and to the Commonwealth. The cost of pumping water for the purpose of this subclause shall include—

(i.) the cost of the maintenance, operation and repair of all machinery, plant and buildings used in connection with the pumping of the water :

(ii.) the interest payable as mentioned in paragraph (*a*) of subclause (4) of this clause in respect of loan moneys expended on the construction of the said machinery, plant and buildings ;

(iii.) the allowance for depreciation provided for in paragraph (*c*) of subclause (4) of this clause ; and

(iv.) such part of the allowance for depreciation provided for in paragraph (*d*) of subclause (4) of this clause as is attributable to loan money expended on the construction of buildings used in connection with the pumping of the water ;

(*c*) the sum of threepence for every ton of ironstone won in the State by the Broken Hill Proprietary Company Limited or its successors or asssigns, or won by any person or body corporate from any land over which at the date of execution of this agreement the said company has any right to mine ironstone which during the said year is shipped in the State, or used by the said Company or its successors or assigns or any such person or body corporate in smelting operations in the State or delivered by the said Company or its successors or assigns or any such person or body corporate on sale in the State.

Quality of water.

10. The water to be delivered under this Agreement shall be water in the condition in which it is drawn from the River Murray at or near Morgan, and without any filtering, treatment or change, except such change (if any) as necessarily occurs during the transmission of the water from Morgan to the place where the water is delivered to the Commonwealth.

Metering.

11. (1) The Commissioner shall measure all water delivered to the Commonwealth under this Agreement by a suitable meter installed at the expense of the Commissioner.

(2) The Commissioner shall during each month give the Commonwealth a written notice of the amount of water shown by the meter as having been delivered to the Commonwealth

during the previous month. The notice shall be conclusive evidence of the amount of water delivered in the month to which it relates unless it is disputed as provided in this clause.

(3) The Commonwealth may, within one month after receipt of any such notice give the Commissioner a written notice that it disputes the correctness of the amount of water shown in the first-mentioned notice, and that it requires any meter to be tested.

(4) The Commissioner shall thereupon conduct a test of the meter, either by means of a check meter or by any other recognized method of testing water meters.

(5) If on any such test it is proved that the meter is not measuring correctly the water actually delivered, the amount of water shown in the disputed notice and in any subsequent notice given by the Commissioner prior to the test shall be altered so as to show the true amount of water delivered and the liability of the Commonwealth shall be adjusted accordingly. Thereafter, if the meter is not corrected or replaced, due allowance for the error proved as aforesaid shall be made in each monthly notice showing the amount of water delivered to the Commonwealth.

(6) The Commonwealth may, at its own expense instal a meter at any convenient point in the pipe from which water from the River Murray is delivered to the Commonwealth. The readings of such meter shall be for the information of the Commonwealth, but shall not be binding on the Commissioner unless he agrees to accept them, with or without adjustments, as correct: Provided that this clause shall not prevent the Commonwealth from using such readings as evidence in any dispute relating to the amount of water supplied to the Commonwealth under this Agreement.

Loss on Morgan-Whyalla waterworks to be excluded in determining State grants.

12. The Commissioner undertakes on behalf of the State that the State will not base any claim for financial assistance from the Commonwealth upon any loss incurred by the State in connection with the Morgan-Whyalla waterworks, and will not claim that any such loss should be taken into account in determining the amount of any financial assistance to be granted by the Commonwealth to the State.

Restriction on supply to private consumers.

13. The Commonwealth will not sell or supply any water supplied to it under this Agreement, to consumers in any area which for the time being is served by a water supply system maintained by the Commissioner: Provided that—

(*a*) nothing in this Agreement shall prevent the Commonwealth from providing a water supply for residential premises owned by the Commonwealth:

(*b*) where any residences owned by the Commonwealth and situated within the Port Augusta, Mundalio, or Nectar Brook Water District as defined by proclamation under the Waterworks Act, 1932-1936, of the State are directly supplied with water by the Commissioner, the water so supplied shall be deemed to be water supplied to the Commonwealth under this Agreement, and the Commonwealth shall not be under any liability to pay for that water otherwise than as provided in this Agreement.

Audit.

14. For the purposes of obtaining information as to the correctness of any claim against the Commonwealth under this Agreement, the Auditor-General for the Commonwealth, or any person authorized by him shall be entitled to inspect any accounts, books, records, vouchers, or other documents relating to the capital cost, revenue and expenditure of the Morgan-Whyalla waterworks; and the Commissioner shall, upon request, furnish the said Auditor-General or any such person with any information relating to such capital cost, revenue and expenditure.

IN WITNESS whereof the parties hereto have executed this Agreement.

Signed by the Right Honourable Robert Gordon Menzies, the Prime Minister of the Commonwealth of Australia, for and on behalf of the Commonwealth in the presence of } ROBERT G. MENZIES.

N. C. TRITTON.

The Common Seal of The Commissioner of Waterworks was hereunto affixed by Malcolm McIntosh, the person for the time being holding the office of such Commissioner, in the presence of } L.S.

M. McINTOSH.
The Commissioner of Waterworks.

E. L. BEAN.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 38 of 1940.

An Act to amend the Education Act, 1915-1935.

[*Assented to 28th November,* 1940.]

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 " Education Act Amendment Act 1940 ".

(2) In this Act the Education Act 1915-1935, is referred to as the " principal Act ".

(3) The principal Act as amended by this Act may be cited as the " Education Act, 1915-1940 ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Commencement.

3. This Act shall come into operation on the first day of January, nineteen hundred and forty-one.

Amendment of section 62 of principal Act—

4. Section 62 of the principal Act is amended so as to read as follows :—

Instruction in schools.

62. (1) Subject to the other subsections of this section, only secular instruction shall be given in a public school.

(2) Teachers shall give only secular instruction in public school buildings on days when the buildings are used for school purposes.

(3) Subject to the other subsections of this section, four and a half hours, at least, shall be set apart during each school day for secular instruction in every primary public school.

(4) Clergymen may attend every public school for the purpose of giving religious instruction to the children of the school for one half hour in each week during the regular session of the school.

(5) The head teacher of each school shall agree with the clergymen who attend to give religious instruction upon the half hour or half hours which shall be set aside for such instruction, and failing agreement, the Minister shall direct what half hour or half hours shall be set aside.

(6) The head teacher of each school shall, so far as the accommodation of the school permits, make such arrangements as regards the pupils and rooms as may be necessary to enable the instruction to be given satisfactorily.

(7) Every child shall attend religious instruction given by the clergyman of the Church to which the child belongs as appears from the enrolment book or from any later notification by the parent in writing (on the prescribed form or otherwise) and no child shall be required or allowed to attend any other religious instruction: Provided that no child shall be required or allowed to attend any religious instruction—

(*a*) if the child's parent has stated that the child shall not receive any religious instruction; or

(*b*) if the head teacher does not know to which Church the child belongs.

(8) When religious instruction is being given to any children in a school, secular instruction need not be given to the other children.

(9) A clergyman shall be allowed to give religious instruction in a school only so long as he is authorized to do so by the person acting in the State as the head of the Church to which the clergyman belongs and so long as he gives the religious instruction authorized by such Church.

(10) The Governor may make regulations not inconsistent with this section for the purpose of—

(*a*) ascertaining upon enrolment or later the Church to which each child belongs:

(*b*) determining the Churches which shall be permitted to give religious instruction:

(*c*) regulating the operation of this section.

(11) In this section—

(*a*) "clergyman" means any clergyman or religious instructor authorized by the Head of a Christian Church to give religious instruction on behalf of the Church and also any person authorized by such clergyman:

(*b*) "parent" includes the person having the actual custody of the child.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 39 of 1940.

An Act to regulate the sale and hiring of electrical articles and materials, and for purposes incidental thereto.

[*Assented to 28th November,* 1940.]

BE IT 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 " Electrical Articles and Materials Act, 1940 ".

Interpretation.

2. (1) In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

" committee " means the committee established under this Act :

" electrical articles and materials " include any wire, cable, appliance, fitting, meter, insulator, apparatus or other material or article intended or designed for use in connection with the transmission of electricity, or operated by electricity :

" label " includes any strip, band, or piece of paper, cardboard, cloth, metal, or other prescribed material :

" proclaimed class " means a class, description, or type of electrical article or material proclaimed under this Act.

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act, so as not to exceed the legislative power of the State, to the intent that if any provision of this Act would, apart from this section, be 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.

Marks for use under this Act.

3. For the purposes of this Act a mark shall consist of any name, word, letter, figure, or sign or any combination of any of them, which the committee selects in each case for the purpose of signifying its approval of any electrical article or material.

Establishment of electrical articles approvals committee.

4. (1) There shall be established a committee to be called "The Electrical Goods Approvals Committee".

(2) The committee shall consist of not more than eight members appointed by the Governor.

(3) A member of the committee shall not by virtue only of his office as member be subject to the Public Service Act, 1936.

Term of office of members.

5. Subject to this Act every member of the committee shall hold office for three years:

Provided that—

(*a*) one-third of the first members of the committee shall retire at the end of one year after their appointment, and one-third of these members shall retire at the end of two years after their appointment. If the members of the committee are unable to agree as to which members are to retire under this paragraph the chairman of the committee shall determine the matter by drawing lots. If the number of members of the committee is not divisible by three, the number of members to retire under this paragraph shall be one-third of the next lower number which is divisible by three:

(*b*) any person appointed to a casual vacancy shall hold office for the balance only of the term of the member in whose place he was appointed:

(*c*) a retiring member shall be eligible for re-appointment.

Chairman.

6. The Governor shall appoint one of the members to be chairman of the committee. Subject to this Act a member appointed as chairman shall hold office as such for such term, not extending beyond the end of the term of office of such member, as the Governor determines.

Casual vacancies.

7. The office of a member of the committee shall become vacant if—

(*a*) he dies;

(*b*) he resigns by written notice given to the chairman; or

(*c*) he is removed from office by the Governor for misbehaviour, neglect of his duties as a member, or physical or mental incapacity to perform those duties.

Quorum.

8. A majority of the members of the committee shall form a quorum thereof for the transaction of business and no business shall be transacted at a meeting unless a quorum is present.

Every matter coming before the committee shall be decided by a majority of the votes of the members present and voting at a duly convened meeting of the committee.

Conduct of meetings.

9. (1) The chairman shall preside at every meeting of the committee at which he is present. In his absence another member chosen for the purpose by a majority of the members present and voting shall preside.

(2) At a meeting of the committee the chairman or acting chairman shall have a deliberative vote and in the event of equality of votes a casting vote also.

Proclaimed authorities of other States.

10. The Governor may, by proclamation—

(*a*) declare that any authority of another State or Territory of the Commonwealth, which authority has power to approve of electrical articles or material before the sale or hiring thereof shall be a " recognized authority of another State " for the purposes of this Act:

(*b*) from time to time revoke or vary any such proclamation.

Proclaimed classes.

11. The Governor may, by proclamation—

(*a*) declare that any class, description, or type of electrical articles or material shall, as from a day to be specified in the proclamation, be a proclaimed class for the purposes of this Act:

(*b*) vary or revoke any such proclamation.

Regulation of sales and hiring of electrical articles and material.

12. (1) No person shall sell, offer to sell, expose for sale, let on hire or offer to let on hire any electrical article or material of a proclaimed class unless such article or material bears thereon or on a label attached thereto either—

(*a*) a mark affixed under the authority of the committee; or

(*b*) a mark which has been—

(i.) affixed under the authority of a recognized authority of another State for the purpose of indicating that the said article or material is approved by that authority; and

(ii.) approved by the committee.

(2) If any person contravenes this section he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(3) No person shall be convicted of an offence against this section in respect of any article or material if he shows—

(*a*) that, at the time when the class description or type of electrical articles or material to which the said

article or material belongs, was declared to be a proclaimed class, the said article or material was in his possession for sale; or

(*b*) that the said article or material was after the said time delivered to him in pursuance of a contract entered into before the said time.

Exemptions from Act.

13. The Governor may, by regulations, declare that any electrical articles or material defined, described or otherwise specified or referred to in the regulations, shall be exempt from this Act, during any period, and subject to any restrictions or conditions mentioned in the regulations.

Summary procedure.

14. Proceedings for offences against this Act shall be disposed of summarily.

Regulations.

15. The Governor may make regulations—

(*a*) providing for the examination, testing, approval and the withholding and withdrawal of approval of any electrical articles or material or samples thereof:

(*b*) providing for the issue of certificates of approval of any electrical articles or materials and for cancelling, suspending, and transferring such certificates:

(*c*) providing for the stamping or labelling of any electrical apparatus or material with marks so as to show that the committee approves or does not approve thereof and for regulating and controlling the use of marks under this Act:

(*d*) prescribing the fees to be charged for the examination, testing, and approval of any class of electrical apparatus or material and for the issue and transfer of certificates of approval:

(*e*) prohibiting the fraudulent or improper use of marks similar to those used by the authority of the committee, or of marks so nearly resembling those used by the authority of the committee as to be likely to deceive:

(*f*) prescribing any matters incidental to any of those previously mentioned in this section or necessary or convenient to be prescribed for carrying this Act into effect:

(*g*) prescribing fines recoverable summarily and not exceeding twenty pounds for the breach of any regulation.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 40 of 1940.

An Act to amend the Evidence Act, 1929-1933.

[*Assented to 28th November,* 1940.]

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 " Evidence Act Amendment Act, 1940 ".

(2) The Evidence Act, 1929-1933, as amended by this Act, may be cited as the " Evidence Act, 1929-1940 ".

(3) The Evidence Act, 1929-1933, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 42 of principal Act—

Proof of conviction or acquittal.

3. Section 42 of the principal Act is amended—

(*a*) by striking out the words " a felony " in subsection (3) thereof and inserting in lieu thereof the words " any offence " ; and

(*b*) by inserting after the word " State " in the said subsection the words " or any Territory".

Amendment of s. 43 of principal Act—

Proof of conviction and orders of courts of summary jurisdiction.

4. Section 43 of the principal Act is amended by inserting at the end thereof the following subsection :

(4) In this section the expression " court of summary jurisdiction " shall mean any court, by whatever name

called, which in any State or Territory of the Commonwealth has jurisdiction to try offences summarily.

Enactment of s. 43a of principal Act—

5. The following section is enacted and inserted in the principal Act after section 43 thereof :—

Proof of identity of person convicted in another State.

43a. For the purpose of proving the identity of any person alleged to have been convicted in any other State, or any Territory of the Commonwealth, an affidavit substantially in the form of the Fourth Schedule shall be admissible in evidence in all courts and shall be *prima facie* evidence that the person whose finger-prints are exhibited thereto—

(*a*) is the person who in any document exhibited to the said affidavit and purporting to be a certificate of conviction or a certified copy of conviction, is referred to as having been convicted:

(*b*) has been convicted of the offences mentioned in the said affidavit.

Enactment of ss. 48a and 48b of principal Act—

6. The following sections are hereby enacted and inserted in the principal Act after section 48 thereof :—

Proof that a person has no banking account.

48a. An affidavit made by a partner or officer of a bank stating that any person named in the affidavit has no account at the bank or, as the case may be, at any branch thereof named in the affidavit, shall in all legal proceedings be *prima facie* evidence of the fact so stated.

Application of preceding sections.

48b. Sections 46, 47, 48 and 48a of this Act shall apply to bankers' books and banks and branches of banks in any State or Territory of the Commonwealth.

Enactment of Fourth Schedule of principal Act—

7. The principal Act is amended by inserting at the end thereof the following schedule :—

Affidavit of identity.

FOURTH SCHEDULE.

South Australia

[In the Court]

The King v. .....

[or In the matter of a Complaint by.....

against .....

or as the case may be.]

I,..... of.....
a fingerprint expert attached to the Police Department of the State [or Territory] of.....make oath and say as follows :—

1. I have examined the fingerprint card now produced and shown to me marked " A " The fingerprints on the said card are identical with those on a fingerprint card portion of the records of the said Department, being the fingerprints of one..... (*alias*) .....

2. According to the said records, which I believe to be accurate, the said.....has been convicted in the said State [or Territory] of the offences set out below, namely :—

[*Here insert description of offences, the Courts in which the convictions took place and the dates of the convictions.*]

3. From an examination of the said records I believe that the person referred to as having been convicted, in the document(s) now shown to me and marked respectively " B " [" C ", " D ", etc.], is identical with the person whose fingerprints are on the said card marked " A ".

SWORN at .....
this.....day of .....
19....

Before me

.....

A person having authority to take affidavits in the State [or Territory] in which the affidavit is sworn.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 41 of 1940.

An Act to authorize the State to enter into certain Agreements with the Commonwealth to facilitate the collection of income tax.

[*Assented to 28th November*, 1940.]

BE IT 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 " Income Tax Collection Act, 1940 ".

Incorporation.

2. This Act is incorporated with the Income Tax Assessment Act, 1936, and that Act and this Act shall be read as one Act.

Interpretation.

3. In this Act, unless the context otherwise requires—

" officer " means any person employed by the Commonwealth or by any authority under the Commonwealth ;

and other words and expressions used in this Act have the same meaning as they have in the Income Tax Assessment Act, 1936.

Agreements with the Commonwealth as to deductions from salaries of officers.

4. (1) The State or any person acting on behalf of the State may enter into agreements with the Commonwealth or any person acting on behalf of the Commonwealth for the deduction, subject to such conditions and exceptions as are specified in any such agreement, from periodical payments of wages, salaries, or allowances paid to any officer, of amounts calculated at such rates as are specified in any such agreement, for or on account of any income tax payable by that officer under the law of the State.

(2) If the amount deducted pursuant to any agreement made under this section from the wages, salaries, or allowances paid to any officer during any year of tax up to the fifteenth day of June of that year, is insufficient to pay the income tax payable by that officer, the balance of that income tax shall be due and payable on that date.

(3) If the amount deducted from the wages, salaries, or allowances paid to any officer during any year of tax exceeds the amount of income tax payable by that officer, the Commissioner shall without any further or other authority than this Act, refund to that officer the excess amount. If the Commissioner is satisfied that there is no income tax payable by the officer the Commissioner shall without further or other authority than this Act, refund to the officer the amount so deducted.

(4) Nothing in this section shall restrict the application to any officer of any provision of the Income Tax Assessment Act, 1936: Provided that if any provision of that Act is inconsistent with this section or any agreement made under this section, this section and the agreement shall prevail.

Agreements as to joint tax stamps.

5. (1) The State or any person acting on behalf of the State may enter into agreements with the Commonwealth or any person acting on behalf of the Commonwealth relating to—

(*a*) the preparation and sale of stamps to be used under the laws of the Commonwealth and the State for the payment of Commonwealth and State income tax:

(*b*) the sale of such stamps to the public:

(*c*) the apportionment of the proceeds of such sale between the Commonwealth and the State:

(*d*) the acceptance of such stamps by the Commonwealth and by the State in satisfaction or part satisfaction of Commonwealth and State income tax:

(*e*) the deduction, subject to such conditions and exceptions as are specified in any such agreement, from the wages, salaries, allowances or other income of any person of amounts on account of Commonwealth and State income tax:

(*f*) the apportionment between the Commonwealth and the State of amounts deducted as mentioned in paragraph (*e*) of this subsection:

(*g*) any other matters relating to the payment of Commonwealth and State income tax by means of stamps

prepared jointly on behalf of the Commonwealth and the State, or by means of deductions from income, made on behalf of the Commonwealth and the State.

(2) Any stamp sold pursuant to any such agreement shall be deemed to be a tax stamp within the meaning of Division 2 of Part VI. of the Income Tax Assessment Act, 1936.

Regulations

6. The Governor may make any regulations necessary or convenient for the carrying into effect of any agreement made under this Act and may by any such regulation prescribe fines recoverable summarily for breach of any such regulation.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 42 of 1940.

An Act to amend the Loans for Fencing and Water Piping Act, 1938.

[*Assented to 28th November,* 1940.]

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 "Loans for Fencing and Water Piping Act Amendment Act, 1940".

(2) The Loans for Fencing and Water Piping Act, 1938, as amended by this Act, may be cited as the "Loans for Fencing and Water Piping Act, 1938-1940".

(3) The Loans for Fencing and Water Piping Act, 1938, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 12—

2. Section 12 of the principal Act is amended—

Loan to be charge on land.

(*a*) by inserting after the word "loan" in the first line thereof the words "made before the passing of the Loans for Fencing and Water Piping Act Amendment Act, 1940":

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

> The amount for the time being remaining unpaid of every loan made after the passing of the Loans for Fencing and Water Piping Act Amendment Act, 1940, and the interest thereon, shall be, and until paid shall remain, a charge on the land in respect of which the loan is made.

Amendment of principal Act, s. 22—

3. Section 22 of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

Recoup to district councils and vermin boards.

22. (1) Without any further appropriation than this section, the Treasurer shall pay to each of the district councils and vermin boards mentioned in the second schedule the amount shown in the said schedule opposite the name of each such district council or vermin board.

(2) All claims of the Treasurer or the bank against any district council or vermin board (whether such district council or vermin board is mentioned in the second schedule or not) in respect of any advances made under any repealed Act to such district council or vermin board are hereby determined.

(3) All claims of any district council or vermin board (whether such district council or vermin board is mentioned in the second schedule or not) against the Treasurer or the bank in respect of any advances made under any repealed Act to such district council or vermin board are hereby determined.

Consequential amendments of principal Act.

4. (1) Section 3 of the principal Act is amended by inserting before the word "schedule" in the last line thereof the word "first".

(2) The heading to the schedule to the principal Act is amended by inserting therein before the word "Schedule" the word "First".

Amendment of principal Act.

5. The principal Act is amended by adding at the end thereof the following schedule:—

THE SECOND SCHEDULE.

Amounts due to district councils and vermin boards in respect of advances made under Part V. of the Vermin Act, 1931-1936, and under the Loans for Fencing and Water Piping Act, 1938, and the corresponding provisions of Acts repealed by those Acts.

Name of District Council or Vermin Board.	Amount Due.
	£ s. d.
District Councils—	
Balaklava	43 11 2
Barmera	12 12 8
Carried forward	£56 3 10

THE SECOND SCHEDULE—*continued.*

Name of District Council or Vermin Board.	Amount Due.		
	£	*s.*	*d.*
Brought Forward.....	56	3	10
Barossa	8	13	3
Beachport	800	4	7
Brown's Well	700	14	6
Burra Burra	420	10	7
Carrieton	451	9	10
Clare.....	12	5	7
Cleve	680	14	5
Crystal Brook	0	1	7
Dudley	25	2	7
Elliston	293	16	5
Franklin Harbour	330	9	3
Georgetown	157	17	4
Gumeracha	11	10	8
Hallett	92	3	8
Jamestown	25	19	8
Kanyaka	2	1	6
Keyneton and Swan Reach	568	12	10
Kimba	134	12	6
Lacepede	96	9	4
Lincoln	252	12	2
Lucindale	179	16	4
Mannum	33	18	1
Marne.....	59	19	11
Meadows	35	16	2
Millicent	599	12	10
Minlaton	80	14	2
Mobilong	103	9	7
Mount Gambier	745	1	7
Munno Para East.....	4	2	3
Murat Bay	346	10	9
Naracoorte	16	16	9
Noarlunga	30	1	4
Orroroo	44	19	7
Paringa	312	1	6
Penola	123	5	11
Peterborough	57	13	7
Pirie	0	4	2
Port Germein	225	4	1
Port MacDonnell	338	14	2
Riverton	0	1	3
Spalding	214	1	7
Carried forward	£8,674	11	8

THE SECOND SCHEDULE—*continued.*

Name of District Council or Vermin Board.	Amount Due.		
	£	*s.*	*d.*
Brought forward	8,674	11	8
Stirling.....	0	3	0
Strathalbyn.....	0	1	8
Streaky Bay	1,272	17	8
Tantanoola	677	2	2
Teatree Gully	45	5	6
Upper Wakefield	2	3	7
Waikerie	46	16	1
Warooka	2	5	5
Willunga	1	16	2
Wilmington	7	10	4
Yankalilla	19	11	8
Yorketown	149	2	2
Vermin Boards—			
Mount Young	0	6	7
Penong.....	0	1	9
Petina	195	0	5
Wilcherry	49	8	6
Total	£11,144	4	4

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 43 of 1940.

An Act to amend the Lower River Broughton Irrigation Trust Act, 1938.

[*Assented to 28th November,* 1940.]

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 " Lower River Broughton Irrigation Trust Act Amendment Act, 1940 ".

(2) The Lower River Broughton Irrigation Trust Act, 1938, as amended by this Act, may be cited as the " Lower River Broughton Irrigation Trust Act, 1938-1940 ".

(3) The Lower River Broughton Irrigation Trust Act, 1938, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of s. 99a of principal Act—

3. The following section is enacted and inserted in the principal Act after section 99 thereof :—

Power of Treasurer to make loans to trust.

99a. (1) Subject to this Act the Treasurer may out of money provided by Parliament for the purpose lend to the trust any sum or sums of money not exceeding seven thousand pounds in the aggregate.

(2) Any money so lent shall be lent for such period and on such terms and conditions and on such security as the Treasurer thinks fit : Provided that such terms conditions and security shall not be inconsistent with the other provisions of this Act.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 44 of 1940.

An Act to confer powers upon the Commissioner of Crown Lands in relation to the settlement of marginal lands.

[*Assented to 28th November,* 1940.]

BE IT 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 " Marginal Lands Act, 1940 ".

Interpretation.

2. In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

" Commissioner " means the Minister of the Crown for the time being holding the office of Commissioner of Crown Lands or any Minister for the time being acting in that office :

" Land Board " means the Land Board constituted under the Crown Lands Act, 1929-1940 :

" marginal land " means any land which has been used principally for wheatgrowing, but which, in the Commissioner's opinion, because of inadequate rainfall with or without other causes, is unsuitable for wheatgrowing as the principal operation carried on thereon.

Powers of Commissioner.

3. For the purpose of promoting the more profitable and successful working and development of marginal land, the Commissioner may do all or any of the following things, namely :—

(i.) purchase any real or personal property and sell, lease, hire or otherwise dispose of any property so purchased :

(ii.) enter into and carry out any contract or transaction of any kind.

Any money required in connection with any such purchase contract or transaction shall be paid out of money granted to the State by the Commonwealth for the purpose. This Act without any other appropriation shall be sufficient authority for making any payment required for purposes of this Act.

Provisions as to land purchased by Crown.

4. (1) If the Commissioner purchases any land for the purposes of this Act he may direct that the vendor shall transfer the land to His Majesty the King, and may accept such transfer on behalf of His Majesty.

(2) If any land is so transferred to His Majesty the Commissioner may direct the Registrar-General to cancel the title thereto and the Registrar-General shall obey any such direction.

(3) Any land purchased by the Commissioner under this Act may be allotted on lease to such persons as the Commissioner on the recommendation of the Land Board approves. Any such lease may be granted by the Commissioner on behalf of the Crown and shall be in such form and contain such terms covenants and conditions as are recommended by the Land Board and approved by the Commissioner. Such terms covenants and conditions need not be in accordance with the provisions of the Crown Lands Act, 1929-1940.

(4) The following sections of the Crown Lands Act, 1929-1940, namely, sections 37, 52, 53, 54, 55, 56, 58, 59, 60, 64, 65, 66, 204b, 205, 207a, 208a, 209, 222, 223, 224, 225, 226, 227, 227a, 241, 242, 243, 249, 252, 259, 262b, 265a, 266, 268, 269, 270, 271a, 271b, 275, 276, 277, 295a, shall apply to leases granted under this Act in the same way and to the same extent as they apply to leases under the said Act, unless the Commissioner directs that any such section shall not apply in any case.

(5) The Commissioner on the recommendation of the Land Board may—

(*a*) with the consent of the lessee named in any lease granted under this Act modify any term covenant or condition of that lease :

(*b*) exempt any such lessee from the obligation to comply with any term covenant or condition of his lease :

(*c*) waive any breach of any term covenant or condition of any lease :

(*d*) accept the surrender of any lease and allot any land comprised therein to the surrenderor or any other person on lease.

Effect of grant of specific powers.

5. The mention of any specific powers in this Act shall not restrict the general power of the Commissioner to enter into and carry out any transactions of any kind for the purposes mentioned in section 3 of this Act.

Regulations.

6. The Governor may make any regulations which he deems necessary or convenient—

(*a*) for carrying this Act into effect :

(*b*) for facilitating and improving the settlement, development and working of marginal lands :

(*c*) for diversifying and increasing production on marginal lands ; and

(*d*) for prescribing fines recoverable summarily and not exceeding fifty pounds for breach of any regulation.

Report.

7. The Commissioner shall make an annual report to Parliament on his proceedings under this Act.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 45 of 1940.

An Act to amend the Public Service Act, 1936-1938.

[*Assented to 28th November,* 1940.]

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 " Public Service Act Amendment Act, 1940 ".

(2) The Public Service Act, 1936-1938, as amended by this Act, may be cited as the " Public Service Act, 1936-1940 ".

(3) The Public Service Act, 1936-1938, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 29—

2. (1) Subsection (1) of section 29 of the principal Act is repealed and the following subsection is enacted in lieu thereof :—

Jurisdiction of board.

29. (1) For every office other than an office of the first division, the board shall have jurisdiction from time to time to make returns—

(*a*) classifying each office in the public service by assigning it to its appropriate section and division, namely, to the second, third, or fourth division, and to the professional, clerical, or general section :

(*b*) fixing the minimum and maximum salary payable to the holder of such office, the amount of the annual or other periodical increments of salary of such office, and the salary payable to the holder of such office at the time of the making of the return :

(*c*) fixing any special payment or allowance for any special circumstances connected with the work of any office :

(*d*) determining the conditions upon which officers shall be entitled to increments of salary :

(*e*) varying or adding to any return previously made by the board or rescinding any such return and making a new return in lieu thereof :

(*f*) determining any other matter connected with the employment of officers if such matter is referred to the board by the Minister or the Commissioner :

Provided that, subject as mentioned in this section, every officer whose office is dealt with by the board in any return shall be entitled to receive an annual increment of salary of the amount fixed by the board in such return until the officer is receiving the maximum salary fixed by the board in respect of the office held by such officer.

(2) Subsections (2) and (3) of section 29 of the principal Act are amended by striking out the word "increase" wherever it occurs and by inserting in lieu thereof in any case the word "increment".

(3) Section 29 of the principal Act is amended by adding at the end thereof the following subsections :—

(6) If any officer fails or omits to pass any examination prescribed by the board and by reason of such failure or omission the officer is not entitled to receive an increment of salary as provided by subsection (1), and if the Commissioner is of opinion that any special circumstances warrant him so doing, the Commissioner may direct that the officer shall from such time or times as is fixed by the Commissioner be entitled to receive the increment or increments of salary which he would have been entitled to receive if he had passed the examination.

(7) If any permanent officer is appointed to any vacant office or is appointed to act temporarily in any office, the Commissioner may direct that the first increment of salary to which the officer shall be entitled in respect of that office shall be from such time as is fixed by the Commissioner, notwithstanding that the officer has not held that office for any period fixed pursuant to subsection (1).

Amendment of principal Act—

3. The principal Act is amended by inserting therein after section 29 the following section :—

Acting appointments.

29a. The Commissioner may transfer temporarily any permanent officer from one office to any other office in the

public service and in the case of any permanent officer so temporarily transferred or any permanent officer who is otherwise appointed to act temporarily in any office, then notwithstanding that some other officer has been appointed permanently to the office to which the temporary appointment is made, the Commissioner may, from time to time, fix the salary to be paid to the officer whilst he acts temporarily in that office.

Amendment of principal Act, s. 30—

Continuance in force of existing return.

4. Section 30 of the principal Act is amended—

(*a*) by striking out paragraphs (*a*), (*b*), (*c*), and (*d*) of subsection (1) thereof:

(*b*) by inserting after the word "shall" in the fifth to last line of subsection (1) thereof the words "until it is rescinded and a new return is made pursuant to section 29":

(*c*) by striking out subsection (2) thereof:

(*d*) by striking out the words "the return" in the first line of subsection (3) thereof and by inserting in lieu thereof the words "any return and any new return".

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 46 of 1940.

An Act to amend the South Australian Housing Trust Act, 1936-1937.

[*Assented to 28th November,* 1940.]

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 "South Australian Housing Trust Act Amendment Act, 1940".

(2) The South Australian Housing Trust Act, 1936-1937, as amended by this Act, may be cited as the "South Australian Housing Trust Act, 1936-1940".

(3) The South Australian Housing Trust Act, 1936-1937, is in this Act referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of s. 28a of principal Act—

3. The following section is enacted and inserted in the principal Act after section 28 thereof—

Provisions as to houses outside the metropolitan area.

28a. (1) In this section—

"metropolitan area" means the area within a circle having its centre at the south-eastern corner of the General Post office at Adelaide and a radius of ten miles.

(2) Notwithstanding section 25 of this Act the cost of any house of Group A built outside the metropolitan area (including the cost of the site of the house, the fences, and the sewerage) may be any sum not exceeding six hundred pounds.

(3) Notwithstanding section 27 of this Act the Trust may let any house of Group A built outside the metropolitan area to any person whose weekly income, at the time when the lease is applied for, does not exceed ten times the daily living wage as defined in section 27 of this Act. In computing the income of any person for the purposes of this subsection, the income of the spouse of that person (if living with him or her) and any of the children of that person living with him or her shall be reckoned as part of that person's income.

(4) Paragraph (*c*) of subsection (1) of section 27 of this Act shall not apply to houses of Group A built outside the metropolitan area; but the rent of any such house of five rooms shall not exceed one pound a week and the rent of any such house of four rooms shall not exceed eighteen shillings a week and the rent of any such house of three rooms shall not exceed sixteen shillings a week, except in a case where the rent is not paid on the due date or within some specified period thereafter.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 47 of 1940.

An Act to amend the Technical Education of Apprentices Act, 1917-1934.

[*Assented to 28th November,* 1940.]

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 "Technical Education of Apprentices Act Amendment Act, 1940."

(2) The Technical Education of Apprentices Act, 1917-1934, as amended by this Act, may be cited as the "Technical Education of Apprentices Act, 1917-1940".

(3) The Technical Education of Apprentices Act, 1917-1934, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act.

Amendment of s. 2 of principal Act—
Definition of apprentice.

3. Section 2 of the principal Act is amended by adding at the end of the definition of "apprentice" therein the words "and any person who is a trainee apprentice, as defined in any award of the Commonwealth Court of Conciliation and Arbitration, in any such trade".

Amendment of s. 11 (3) of principal Act—
Term of office of Apprentices Advisory Board.

4. Subsection (3) of section 11 of the principal Act is repealed and the following subsection enacted in lieu thereof:—

(3) All the nominated members of the board in office at the time of the passing of the Technical Education of Apprentices Act Amendment Act, 1940, shall retire

together on the thirtieth day of June, nineteen hundred and forty-three, and thereafter the nominated members of the board shall retire at regular intervals of three years: Provided that—

(*a*) a retiring member shall be eligible for re-appointment:

(*b*) if the members to hold office in the place of any retiring members have not been appointed on or before the day of retirement, those retiring members shall be deemed to remain in office until their successors are appointed:

(*c*) a member appointed to a casual vacancy shall hold office for the balance of the term of the person in whose place he was appointed.

Amendment of s. 17 of the principal Act—

5. (1) Section 17 of the principal Act is amended by inserting therein after subsection (2) thereof the following subsections:—

Term of office of trade committees;

(2a) Subject to this section, every member of a trade committee (including members in office at the time of the enactment of this subsection) shall hold office until the next general retirement of members of the Apprentices Advisory Board, following the appointment of such member: Provided that—

(*a*) a retiring member shall be eligible for re-election:

(*b*) if the members to hold office in the place of any retiring members have not been appointed on or before the day of retirement, those retiring members shall be deemed to remain in office until their successors are appointed.

(2b) The Minister may remove any member of a trade committee from office if he is satisfied that such member is for any reason unable to perform the duties of his office, or has been guilty of neglect of duty, or of conduct which in the Minister's opinion shows him to be unfit to remain in office.

(2c) A person appointed to a casual vacancy shall hold office for the balance of the term of the person in whose place he was appointed.

(2) Section 17 of the principal Act is further amended by striking out subsection (4) thereof, and inserting in lieu thereof the following subsection:—

(4) Every such committee—

(*a*) may report to the board on any matters relating to the technical education of apprentices in the trade for which the committee is appointed;

(*b*) shall, upon written notice from the board, report to the board within a reasonable period to be specified in the notice, upon such matters relating to the technical education of apprentices in the said trade, as are specified in the notice.

Repeal of ss. 18 and 19 of principal Act and enactment of other provisions—

6. Sections 18 and 19 of the principal Act are repealed and the following section is enacted and inserted in lieu thereof :—

Right to terminate apprenticeship during first six months.

18. (1) Notwithstanding anything contained in the Industrial Code 1920, or in any other Act, any party to a contract of apprenticeship in any trade to which this Act applies may, at any time during the first six months of the period of such apprenticeship, terminate the contract by giving fourteen days written notice to the other party.

(2) Every indenture or written contract of apprenticeship entered into after the passing of this Act shall be in triplicate, and the employer shall, upon the signing of the indenture or contract, deliver one part thereof to the apprentice and one part to the Chief Inspector appointed under the Industrial Code, 1920-1937.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 48 of 1940.

An Act to amend the Wrongs Act, 1936-1939.

[*Assented to 28th November,* 1940.]

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 " Wrongs Act Amendment Act, 1940 ".

(2) The Wrongs Act, 1936-1939, as amended by this Act, may be cited as the " Wrongs Act, 1936-1940 ".

(3) The Wrongs Act, 1936-1939, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as o e Act.

Amendment of s. 18 of principal Act—Interpretation.

3. Section 18 of the principal Act is amended by inserting at the end of subsection (1) thereof the following definitions :—

" brother " includes half-brother and step-brother :

" sister " includes half-sister and step-sister.

Amendment of s. 20 of principal Act—Actions for the benefit of brothers and sisters.

4. Section 20 of the principal Act is amended by inserting after the word " parent " in the second line thereof the words " brother, sister ".

Enactment of ss. 23a-23c of principal Act—Liability to parents of person wrongfully killed.

5. The following sections are enacted and inserted in the principal Act after section 23 thereof :—

23a. (1) Whenever the death of an infant is caused by a wrongful act, neglect or default, and the act, neglect, or default is such as would, if death had not ensued, have entitled the infant to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued shall, notwithstanding the death of the infant and although it was caused under such circumstances as amount in law to felony, be liable to pay to the surviving parents or parent of the child such

sum, not exceeding three hundred pounds in the aggregate, as the court thinks just by way of solatium for the suffering caused to the parents or parent by the death of the child.

(2) Where both parents bring an action to recover any sum of money payable under this section, the amount recovered after deducting the costs not recovered from the defendant, shall be divided between the parents in such shares as the court directs.

(3) Where both parents survive the child and either of them does not join in bringing an action under this section, the other may bring an action for such amount as he claims to be due to him or her.

(4) In this section "parent" means the father or mother of a legitimate child and the mother of an illegitimate child.

Liability to surviving husband or wife of person wrongfully killed.

23b. Whenever the death of a person is caused by a wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled that person to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued, shall, notwithstanding the death of the person injured and although the death was caused in such circumstances as amount in law to felony, be liable to pay the surviving wife or husband of the deceased person such sum, not exceeding five hundred pounds, as the court thinks just by way of solatium for the suffering caused to the wife or husband by such death.

Further provisions as to ss. 22a, 22b.

23c. (1) The rights conferred by sections 23a and 23b shall be in addition to and not in derogation of any rights conferred on the parent, husband or wife by any other provision of this Act.

(2) In an action brought to enforce any right given under section 23a or 23b of this Act the court may in its discretion refuse to order the payment of any sum by way of solatium if, having regard to the conduct of the plaintiff in relation to the deceased person, or to the relations which existed between the plaintiff and the deceased person, or for any other sufficient reason, it considers that no such payment should be made.

(3) Any cause of action conferred on any person by section 23a or 23b of this Act shall not, on the death of that person, survive for the benefit of his estate.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 49 of 1940.

An Act to amend the Dairy Cattle Improvement Act, 1921-1934.

[*Assented to 28th November,* 1940.]

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 " Dairy Cattle Improvement Act Amendment Act, 1940 ".

(2) The Dairy Cattle Improvement Act, 1921-1934, as amended by this Act, may be cited as the " Dairy Cattle Improvement Act, 1921-1940 ".

(3) The Dairy Cattle Improvement Act, 1921-1934, is hereinafter referred to as " the principal Act ".

Amendment of principal Act—

2. The principal Act is amended by inserting therein after section 7 thereof the following section :—

Exemption of payment of fees in certain cases.

7a. (1) A licence shall be issued without payment of any fee in respect of any bull which is registered in any herd book for beef cattle approved by the Minister at the time of the issue of the licence or in respect of any bull which is the direct issue of any bull registered in any such herd book approved by the Minister and of any cow registered in any such herd book : Provided that if any bull registered without payment of fee as aforesaid is used for the service of any dairy cow the full amount of the fee shall immediately become payable.

(2) The Minister may from time to time by notice in the *Gazette* approve of any herd book for beef cattle for the purposes of this section and may by notice published in the *Gazette* revoke or vary any such notice.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 50 of 1940.

An Act to amend the Public Charities Funds Act, 1935.

[*Assented to 28th November,* 1940.]

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 " Public Charities Funds Act Amendment Act, 1940 ".

(2) The Public Charities Funds Act, 1935, as amended by this Act, may be cited as the " Public Charities Funds Act, 1935-1940 ".

(3) The Public Charities Funds Act, 1935, is hereinafter referred to as " the principal Act ".

Amendment of principal Act—

2. The principal Act is amended by inserting therein after section 26 the following section :—

Power to expend moneys for benefit of Northfield Mental Hospital and Enfield Receiving House.

26a. Any moneys vested in the commissioners for the benefit of the Parkside Mental Hospital may at the discretion of the commissioners be expended by the commissioners for the benefit of the Northfield Mental Hospital or the Enfield Receiving House.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

No. 51 of 1940.

An Act to authorize the trustees of the fund known as The Strathalbyn Soldiers Memorial Gardens Endowment Fund to pay over moneys in the said fund to the Corporation of the Town of Strathalbyn, and for purposes incidental thereto.

[*Assented to 28th November,* 1940.]

Preamble.

WHEREAS by a declaration of trust by deed dated the seventeenth day of December, nineteen hundred and twenty-three, Sir John Lancelot Stirling, Joseph William Elliott, James Bell, Henry Harper Formby, William Frank Adams, Horace James Webb, and Norman David Richardson did declare that they held the sum of one thousand four hundred and ninety-two pounds and all other moneys which they should thereafter receive or be paid to them for the purpose upon trust to apply the income and, if necessary, any part of the capital sum in and for maintaining as a memorial to soldiers from Strathalbyn and the surrounding neighbourhood or district who took part or died in the Great War the gardens known as The Soldiers Memorial Gardens situated on park lands within the town of Strathalbyn: AND WHEREAS the income from the said trust funds is now insufficient to provide for the proper maintenance of the said gardens: AND WHEREAS the trustees for the time being of the said trust fund and the Corporation of the Town of Strathalbyn are desirous that the said trust funds be paid over to the said Corporation so that the income thereof may be applied for the maintenance of the said gardens: NOW THEREFORE BE IT 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 "Strathalbyn Soldiers' Memorial Gardens Act, 1940".

Interpretation.

2. In this Act—

"council" means the municipal council of the Corporation of the Town of Strathalbyn:

"the trust fund" means the balance remaining of the said sum of one thousand four hundred and ninety-two pounds and of all other moneys received or paid to the trustees for the purpose of The Soldiers' Memorial Gardens aforesaid and all interest accrued thereon:

"the trustees" means the persons for the time being acting as the trustees of the trust fund.

Power to pay over trust fund to council.

3. (1) The trustees or any two of them may transfer and pay over to the council the whole of the trust fund.

(2) Upon transfer and payment as aforesaid the trustees shall be discharged from all subsequent liability in respect of the trust fund.

Trusts upon which council to apply fund.

4. The council shall hold the trust fund upon trust to apply the whole of the income thereof in maintaining the Soldiers' Memorial Gardens aforesaid.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 52 of 1940.

An Act to amend the Bills of Sale Act, 1886-1935.

[*Assented to 5th December,* 1940.]

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 "Bills of Sale Act Amendment Act, 1940".

(2) The Bills of Sale Act, 1886-1935, as amended by this Act, may be cited as the "Bills of Sale Act, 1886-1940".

(3) The Bills of Sale Act, 1886-1935, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 11.

3. Section 11 of the principal Act is amended by striking out the word "bringing" in the penultimate line of paragraph (6) thereof and inserting in lieu thereof the word "buying".

Amendment of s. 17 of principal Act—Consequential amendment.

4. Section 17 of the principal Act is amended by inserting at the commencement thereof the words "Subject to sections 19a to 19c of this Act".

Enactment of ss. 19a to 19c of the principal Act—

Renewal of registration of bills of sale.

5. The following sections are hereby enacted and inserted in the principal Act after section 19 thereof:—

19a. (1) The registration of every bill of sale which was registered before the commencement of the Bills of Sale Act Amendment Act, 1940, shall become void upon the expiration of twelve months after the said commencement unless that registration is renewed within

that period of twelve months in the manner prescribed in this section.

(2) The registration of every bill of sale which is registered after the commencement of the Bills of Sale Act Amendment Act, 1940, or the registration of which is renewed after the said commencement, shall become void upon the expiration of five years after the last previous registration or (as the case may be) renewal of registration, unless that registration is renewed within that period of five years in the manner prescribed in this section.

(3) The renewal of a registration shall be effected by lodging with the Registrar a statutory declaration by the grantee or a person acting on his behalf, in the form and containing the particulars set out below and declaring that the bill of sale is still a subsisting security.

(4) The statutory declaration shall be in the following form :—

I.....of .....
do solemnly and sincerely declare that the bill of sale, registered No....., bearing date the.... .....day of.....19..... and made between.....and ....., and registered on the..... day of..... 19.... is still a subsisting security.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1936.

..... [Signature of declarant.]

Declared before me at..... the.....day of..... 19.... .....[Signature of J.P. or other person taking the declaration.]

(5) The registrar shall indorse a memorandum of every renewal of the registration of a bill of sale on the original of that bill of sale filed in the registry, and on the duplicate thereof, if produced to him.

(6) This section shall not apply to—

(*a*) any registered mortgage of stock as defined in the Stock Mortgages and Wool Liens Act, 1924-1935 ; or

(*b*) any registered agreement conferring a preferable lien on wool.

(7) An extension of a bill of sale duly registered as provided in section 21 of this Act shall be deemed to be a renewal of the registration of that bill of sale.

(8) A renewal of registration shall not become necessary by reason only of the transfer or assignment of a bill of sale.

(9) The fees payable in respect of the preparation, filing and indorsement of the renewal of the registration of a bill of sale shall be payable by the grantor, and if the grantee or any other person pays them, he may recover them from the grantor.

Power of registrar to extend time for registration and renewal.

19b. (1) If the registration of a bill of sale has not been renewed within the time prescribed by this Act, the Registrar, on the application of the grantee or the holder of the bill of sale or of any other person interested and on being satisfied that the omission to renew registration was accidental or was due to inadvertence may, in his discretion at any time not later than three months after the time when the registration of the bill of sale should have been renewed, renew the registration of the bill of sale.

(2) If the Registrar, on an application under this section, does not renew the registration of the bill of sale, the applicant may apply to the Supreme Court or a local court under section 19c of this Act.

(3) The Registrar-General shall exhibit and keep exhibited in a conspicuous place in the General Registry Office at Adelaide a list of all applications which have been made to him under this section and which he has refused. The list, in addition to any other particulars that may be prescribed, shall contain—

(*a*) the names of the grantor and grantee of each bill of sale in respect of which an application has been made ; and

(*b*) a short description of the chattels comprised in the bill of sale, and the situation thereof.

Power of Court to extend time for registration and renewal.

19c. (1) On an application made under subsection (2) of section 19b to the Supreme Court, or the local court of full jurisdiction nearest to the place where the grantor of the bill of sale resides, the court on being satisfied that the omission to renew registration was accidental or due to inadvertence, may in its discretion and on any terms and conditions which the court deems just, order that the time for renewing the registration of the bill of sale shall be extended.

(2) On the hearing of any application under this section any person claiming to be entitled to any interest in the chattels comprised in the bill of sale to which the application relates may attend and be heard.

(3) The jurisdiction conferred on the Supreme Court by this section shall be exercised by a single judge of

that court and the jurisdiction conferred on a local court shall be exercised by a special magistrate.

Destruction of old bills of sale.

19d. The Registrar may destroy any document kept in his office and being—

(*a*) the original or duplicate of a bill of sale which has been discharged or has become void by reason of the non-renewal of the registration thereof; or

(*b*) any memorial filed under the Act No. 8 of 1841-42 in respect of any bill of sale; or

(*c*) any index or other record of any bill of sale or memorial which the registrar is by this section authorized to destroy:

Provided that a bill of sale registered after the commencement of the Bills of Sale Act Amendment Act, 1940, shall not be destroyed earlier than five years after it is discharged or the registration of it becomes void.

Bills of Sale registered after expiry of registration of prior bill of sale.

19e. If a bill of sale over any chattels is registered between the time when the registration of a prior bill of sale over the same chattels became void under section 19a of this Act and the time when that registration was renewed under section 19b or pursuant to section 19c of this Act, the bill of sale first mentioned shall be entitled to priority over the said prior bill of sale.

Amendment of s. 28 of principal Act—Consequential Amendment.

6. Section 28 of the principal Act is amended by inserting after the word "provided" in the fourth line thereof the words "or within any extended time allowed under section 19b or 19c of this Act".

Amendment of sixth and seventh schedules to principal Act—Fees.

7. (1) The sixth schedule to the principal Act is amended—

(*a*) by striking out the word "transmission" in the fifth line thereof and inserting in lieu thereof the word "extension"; and

(*b*) by inserting after the line commencing "For every search" the following line—

For filing renewal of registration of a bill of sale and indorsing such renewal on original bill of sale ..... 2s. 6d.

(2) The seventh schedule to the principal Act is amended by striking out the word "transmission" in the ninth line thereof and inserting in lieu thereof the words "extension, renewal of registration".

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 53 of 1940.

An Act to amend the Building Act, 1923-1935.

[*Assented to 5th December,* 1940.]

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 " Building Act Amendment Act, 1940 ".

(2) The Building Act, 1923-1935, as amended by this Act, may be cited as the " Building Act, 1923-1940".

(3) The Building Act, 1923-1935, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 3—Application of Act.

2. Section 3 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) The Governor may by proclamation declare that this Act, or any specified portion of this Act, shall cease to apply within any municipality or district or portion of a municipality or district and thereupon this Act, or the specified portion thereof, shall cease to apply within that municipality or district or portion thereof, as the case may be.

Amendment of principal Act, s. 5—Interpretation.

3. Section 5 of the principal Act is amended as follows :—

(1) The following definitions are inserted therein after the definition of " basement storey " :—

" bearing wall " means a wall which provides support for any dead load or live load in addition to its own weight :

" boarding house " means any building, permanent or otherwise, and any part thereof (other than premises licensed under the Licensing Act, 1932-

1936) in which more than five persons, exclusive of the family of the proprietor thereof, are lodged and boarded for hire or reward :

(2) The following definitions are inserted therein after the definition of " builder " :—

" building " includes shed, outbuilding, stable, workshop, garage, privy, and any other building of any kind whether used for human habitation or not :

" building of the domestic class " means—

(*a*) a dwelling-house, office, hotel, boarding-house, hospital, or club ;

(*b*) a shop and dwelling-house or shop and office in which, in either case, the portion used as a shop does not exceed twenty thousand cubic feet in cubical extent ;

(*c*) a stable, workshop, or outbuilding used in connection with any building of any kind hereinbefore mentioned ;

(*d*) any other building not being a public building or a building of the warehouse class :

(3) The definition of " building of the warehouse class " is amended so as to read as follows :—

" building of the warehouse class " means a warehouse, factory, shop (other than a shop and dwelling-house or shop and office which is a building of the domestic class), workshop, manufactory, brewery, distillery, livery stable, garage (other than a garage appurtenant to a dwelling-house), or any other building which is used or constructed or adapted to be used for any like purpose :

(4) The definition of " cross wall " is amended by striking out the words " not being less than two-thirds of the thickness of the external or party walls ".

(5) The following definition is inserted therein after the definition of " cubical extent " :—

" dead load " of a building means the actual weight of all permanent construction comprised in the building :

(6) The definition of " domestic dwelling " is repealed.

(7) The definition of " footing " is amended so as to read as follows :—

" footing " means the construction whereby the weight of the building or structure is transferred to the foundations :

(8) The definition of " frame construction " is amended so as to read as follows :—

" frame construction " means a form of construction in which the design provides that the vertical forces due to the weight of the building or structure and the live load are carried down to the foundation by means of columns in such a manner that the walls are not required to assist in supporting those forces and loads :

(9) The definition of " gallery " is repealed.

(10) The following definitions are inserted therein after the definition of " ground storey " :—

" habitable room " includes a living room and a room in a building of a domestic class which is used or in respect of which there is a probable presumption (until the contrary is proved) that it is used for the purpose of sleeping or eating or the cooking of food ; and " inhabited " and " habitation " have corresponding interpretations :

" hardwood " means jarrah, red gum, or any other timber approved by the surveyor as a hardwood :

(11) The definition of " height " is amended by striking out the words " top of the parapet or eaves " and by inserting in lieu thereof the words " underside of the ceiling of the topmost storey ".

(12) The following definition is inserted therein after the definition of " height " :—

" height," in relation to a storey means—

(*a*) in the case of the topmost storey the measurement between the floor and the ceiling thereof, or between the floor and the under surface of the collar tie of the roof, or, if there is no collar tie, then up to the level of half the vertical height of the rafters, or other support of the roof ;

(*b*) in the case of every storey other than the topmost, the measurement between the floor and the floor above :

(13) The definition of " inhabited " is repealed.

(14) The following definitions are inserted therein after the definition of " level of the ground " :—

" live load " means all load other than dead load :

"mezzanine" and "mezzanine floor" mean an intermediate floor placed in any storey or room the area of which does not exceed one-half of the area of the floor of that storey or room:

(15) The definition of "occupier" is repealed and the following definitions are inserted in lieu thereof:—

"occupier" means any person who, either jointly or alone, has the actual physical possession of any land or tenement to the substantial exclusion of all other persons from participating in the enjoyment thereof:

"ordinary construction" means a form of construction in which the design provides that the vertical forces due to the weight of the structure itself and the live load are carried down to the foundations wholly by the walls or partly by the walls and partly by internal columns:

(16) The following definition is inserted therein after the definition of "owner":—

"partition wall" means an internal vertical structure employed solely for the purpose of subdividing any storey of a building into sections, and which supports no load other than its own weight:

(17) The definition of "party structure" is amended so as to read as follows:—

"party structure" means any floor of fire-resisting construction or any arch of fire-resisting construction or any wall of fire-resisting construction which separates from the remaining portion of a building a separate occupation or tenement:

(18) The definition of "shop-front" is amended by striking out the words "on the ground storey".

(19) The following definition is inserted therein after the definition of "sky-sign":—

"softwood" means oregon, pine, spruce, and any other timber approved by the surveyor as a softwood:

(20) The definition of "storey" is amended by striking out the word "gallery" therein and by inserting in lieu thereof the word "mezzanine".

(21) The following definition is inserted therein after the definition of "surveyor":—

"timber frame building" means any building in which the framework of the external walls is of timber, whether the frame work is covered with timber, iron, or other materials:

(22) The definition of "this Act" is amended by inserting after the word "regulations" in the first line thereof the words "in the schedules to this Act and regulations made".

(23) The definition of "topmost storey" is amended by adding at the end thereof the words "and in the case of a building of one storey only means that storey".

(24) The definition of the expression "total floor area" is repealed and the following definition is inserted in lieu thereof:—

"total floor area" applied to a building, means the sum of the superficies of horizontal sections thereof made at the level of each floor exclusive of the external walls and of such portions of the party walls as belong to the building:

Amendment of principal Act, s. 6— Repeal.

4. Subsection (1) of section 6 is amended so as to read as follows:—

(1) The Acts mentioned in the first schedule to this Act are repealed.

Amendment of principal Act, s. 8— Duty to furnish plans.

5. Section 8 of the principal Act is amended—

(*a*) by striking out the words "two complete sets" in the ninth line thereof and by inserting in lieu thereof the words "one complete set";

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

The said person may deliver or send to the surveyor as aforesaid an additional set of plans and working drawings to be returned to him by the surveyor indorsed by the surveyor after consideration thereof as provided by section 9.

(*c*) by striking out the words "two copies" in the second line of subsection (4) thereof and by inserting in lieu thereof the words "one copy";

(*d*) by adding at the end of subsection (4) thereof the following passage:—

The said person may deliver or send to the surveyor as aforesaid an additional copy of the said specifications to be returned to him by the surveyor indorsed by the surveyor after consideration thereof as provided by section 9.

(*e*) by adding at the end of subsection (7) thereof the following passage:—

If any such plans, working drawings, or specifications have been filed by the surveyor for more than five years (whether or not the

whole or any part of the said period was before the passing of the Building Act Amendment Act, 1940), he may, notwithstanding the provisions of Part III. of the Libraries and Institutes Act, 1939, cause the same to be destroyed.

(*f*) by striking out the word "the" in the third line of subsection (8) thereof and by inserting after the word "specifications" in the fourth line thereof the words "in respect of the erection, construction, addition, alteration, or underpinning";

(*g*) by adding at the end thereof the following subsection:—

(12) The council may from time to time by resolution declare that all persons proposing to erect, construct, add to or alter any building in any manner or for any purpose referred to in subsection (11) shall be exempt from the obligation to comply with this section. The council may revoke any such resolution.

6. Section 9 of the principal Act is amended— Amendment of principal Act, s. 9—

(*a*) by striking out the words "thereon to the council" in the third line thereof and by inserting in lieu thereof the words "to the council whether or not the plans, drawings, and specifications comply with the provisions of this Act"; Consideration of plans.

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

(2) The council shall consider the plans, drawings, and specifications, together with the surveyor's report thereon, and if the council is satisfied that the same comply with this Act the council shall, except in the circumstances mentioned in section 9a, approve the same. If the council is not so satisfied, the council may disapprove of the plans, drawings, and specifications or may, subject to the provisions of this Act and where so authorized by this Act, approve the same, with or without conditions. Notwithstanding the provisions of this subsection, if any plans, drawings and specifications relating to a timber frame building or wooden building are considered by the council before the first day of January, nineteen hundred and forty-two, the council may disapprove thereof, notwithstanding that the same comply with the provisions of this Act.

(*c*) by striking out the proviso to subsection (5) thereof and by inserting in lieu thereof the following proviso :—

Provided that it shall not be obligatory upon the council to state every particular in which the plan, drawing, or specification does not comply with this Act.

Amendment of principal Act—

7. The principal Act is amended by inserting therein after section 9 the following section :—

Power to disapprove plans.

9a. (1) If the council is satisfied that the plans, drawings and specifications delivered as aforesaid comply with this Act but the council is of opinion that it is undesirable that the building be erected or constructed on the land upon which it is proposed to be erected or constructed or, as the case may be, it is undesirable that the building be added to or altered, the council may give notice in writing to the owner of its intention to refer the plans, drawings and specifications to the surveyor and the referees.

(2) The council may thereupon in manner provided by Part VIII. and in accordance with the provisions of the said Part refer the matter to the surveyor and the referees. For the purpose of section 79 the council shall be deemed to be the party making, lodging, or demanding the reference.

(3) If any two or more of the surveyors and the referees are satisfied that the erection, construction, addition to, or alteration of the building is undesirable by reason of the effect it would have upon the development, health, or amenities of the neighbourhood, they may declare that the council may disapprove of the plans, drawings, and specifications and the council may disapprove the same accordingly.

Amendment of principal Act, s. 11—Bathroom.

8. Section 11 of the principal Act is amended by adding at the end thereof the following subsections (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) Every such bath shall be connected with a drainage system for the adequate disposal of waste water from the bath and, unless otherwise approved in writing by the council, such fittings shall be provided as are adequate to provide a supply of running water for the bath.

(3) With the consent in writing of the council, any such person, in lieu of providing a bath as aforesaid, may provide other bathing facilities approved by the council together with provision for the matters required pursuant to subsection (2).

Amendment of principal Act, s. 12—

9. Section 12 of the principal Act is amended—

Stables.

(*a*) by striking out the words "unless the same" in the fourth line thereof and by inserting in lieu thereof the words "and no such consent shall be given unless the stable";

(*b*) by striking out the words "concrete, or some similar material" in the last line thereof and by inserting in lieu thereof the words "or concrete or is constructed of some other material approved by the council".

Amendment of principal Act, s. 13—

10. Section 13 of the principal Act is amended so as to read as follows:—

Duty to comply with Act.

13. Except as otherwise authorized by this Act, every person who erects, constructs, adds to, alters, underpins, converts, or reconverts any building or any part thereof shall, in carrying out such erection, construction, addition, alteration, underpinning, conversion or reconversion, comply with the requirements of this Act.

Amendment of principal Act, s. 15—

11. Section 15 of the principal Act is amended by inserting after paragraph (1) thereof the following paragraph:—

Demolition of building.

(1a) He shall not use or cause to be used any cutting torch or machine for the purpose of flame cutting any portion of the building except with the approval of the surveyor and in accordance with the directions (if any) given by the surveyor:

Amendment of principal Act, s. 16—

12. Section 16 of the principal Act is amended so as to read as follows:—

Alteration of buildings.

16. A building shall not be altered in such a manner that, when so altered, it will, by reason of the alterations, not be in conformity with the provisions of this Act applicable to new buildings.

Amendment of principal Act.

13. The principal Act is amended by inserting therein after section 16 thereof the following section:—

Provision where building demolished.

16a. Except as otherwise specifically provided by this Act, if any building is demolished, destroyed, or taken down for more than one-half of its cubical extent, the building shall not be reconstructed, erected, or repaired except in accordance with the provisions of this Act.

Amendment of principal Act, s. 19—
Conversion buildings.

14. Subsection (2) of section 19 of the principal Act is amended so as to read as follows :—

(2) Unless otherwise sanctioned by the council, any person converting a building of one class into a building of another class, or converting a building of one kind into a building of another kind but of the same class, or using a building of one class as a building of another class, or using a building of one kind as a building of another kind but of the same class, shall comply with all the conditions prescribed for such other class or kind, as the case may be.

Amendment of principal Act, s. 20—
Balconies over streets.

15. Section 20 of the principal Act is amended—

(*a*) by inserting after the word "front" in the first line of paragraph (*c*) of subsection (1) thereof the words "or at the side"; and

(*b*) by inserting after the word "front" in the second line of paragraph (*e*) of subsection (1) thereof the words "or at the side".

Amendment of principal Act.

16. (1) The heading to Part IV. of the principal Act is amended by striking out the word "wooden".

(2) Section 2 of the principal Act is amended by striking out the word "Wooden" in the eighth line thereof.

Repeal of principal Act, s. 30.

17. Section 30 of the principal Act is repealed.

Amendment of Part VI. of principal Act.

18. (1) The words "*Dangerous Structures*", being the heading to section 47 of the principal Act, are struck out.

(2) The heading "*Dangerous Structures*" is inserted in the principal Act before section 48 thereof.

Amendment of principal Act, s. 47—
Definition of structure.

19. Section 47 of the principal Act is amended—

(*a*) by striking out the words "erected before the commencement of this Act" in the fourth and fifth lines thereof;

(*b*) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) The provisions of this Part shall apply to any structure whether erected before or after the commencement of this Act.

Amendment of principal Act, s. 48—
Survey of dangerous structures.

20. Section 48 of the principal Act is amended by striking out the words "all times in the daytime" in subsection (2) thereof and by inserting in lieu thereof the words "any time".

21. Section 49 of the principal Act is amended so as to read as follows :— Amendment of principal Act, s. 49—

49. (1) If after completing the survey, the surveyor is satisfied that the structure is in a dangerous state, he shall cause notice to be given to the owner or occupier of the structure requiring him to carry out any works specified in the notice, to the satisfaction of the surveyor, and within the time specified in the notice. The said notice may require the owner or occupier to carry out any one or more of the following, namely, to take down, to secure, to make safe, or to repair the structure. Notice by surveyor.

(2) If the surveyor is of opinion that the structure is in a dangerous state by reason of the overloading of the structure, he shall cause notice to be served on the owner or occupier of the structure requiring him forthwith to remove the load or such portion thereof as is necessary to make safe the structure.

(3) If in the opinion of the surveyor any structure is in a dangerous state, the surveyor may, whether notice as aforesaid has been given to the owner or occupier or not, cause the structure to be shored up or otherwise secured, and a proper hoarding or fence to be put up for the protection of the public.

22. Section 50 of the principal Act is amended by striking out the words "as speedily as the nature of the case permits with the notice" in the second and third lines thereof and by inserting in lieu thereof the words "with the notice as speedily as the nature of the case permits or, if any time is specified in the notice, within the time so specified". Amendment of principal Act, s. 50— Enforcement of notice.

23. Section 56 of the principal Act is amended by striking out subsections (1) and (2) thereof and by inserting in lieu thereof the following subsections :— Amendment of principal Act, s. 56— Neglected structures.

(1) The surveyor may, for the purpose of this section, at all times in the day-time, enter into or upon any structure or upon any land upon which any structure is situated.

(2) If, after inspection of any structure, the surveyor is satisfied that any structure is—

(*a*) ruinous ; or

(*b*) so far dilapidated as to have become unfit for use or occupation ; or

(*c*) by reason of neglect or otherwise, in a bad state of repair,

the surveyor may cause notice to be given to the owner or occupier of the structure requiring him to carry out the works specified in the notice, to the satisfaction of the surveyor and within the time specified in the notice. The said notice may require the owner or occupier to carry out any one or more of the following, namely, to take down, to rebuild, or to repair the structure.

(2*a*) If the owner or occupier on whom the notice is served fails to comply with the notice, the council may make complaint thereof before a justice, who shall thereupon issue a summons requiring the owner or occupier to appear before a special magistrate or two justices to answer the complaint. If the said complaint is proved to the satisfaction of the magistrate or justices, he or they may order the owner to take down, rebuild, or repair, to the satisfaction of the surveyor, the structure within a time to be fixed by the order; and if the same is not taken down, rebuilt, or repaired, within the time so limited, the council may, with all convenient speed, cause the structure to be taken down, rebuilt, or repaired, as the case may be: Provided that if the owner of the structure disputes the necessity of any of the requisitions comprised in the notice he may, by notice in writing, within seven days from the service of the notice upon himself, require that the subject shall be referred for determination to the referees provided for in Part VIII. of this Act.

Amendment of principal Act, s. 58—
Appointment of surveyor.

24. Section 58 of the principal Act is amended—

(*a*) by striking out the word "may" in the first line thereof;

(*b*) by inserting after the word "Act" in the second line thereof the word "shall";

(*c*) by inserting after the word "and" first occurring in the fourth line thereof the words "may appoint"; and

(*d*) by inserting after the word "salaries" in subsection (3) thereof the words "or fees".

Amendment of principal Act, s. 75—
Reference board

25. Section 75 of the principal Act is amended by striking out the words "If the surveyor and referees" in the first line of subsection (2) thereof and by inserting in lieu thereof the words "If after consideration of the objection by the surveyor and the referees, any two or more of those persons".

26. Section 82 of the principal Act is amended— Amendment of principal Act, s. 82—

(*a*) by inserting therein after paragraph (*h*) of subsection (1) thereof the following paragraph :— By-laws.

(*h*1) For prescribing the minimum area of allotments of land upon which dwelling-houses of any specified class or description may be erected and the open spaces which shall be provided in respect of such dwelling-houses: Provided that no such minimum area or open space shall be less than the area or the open space which under the provisions of the second schedule is required to be provided in respect of such dwelling-houses:

(*b*) by adding at the end of paragraph (*i*) of subsection (1) thereof the passage :—

Provided that the fees so prescribed in respect of any matter shall not exceed the fees prescribed for that matter by the eighth schedule :

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

(2*a*) If any by-law is made pursuant to paragraph (*f*) or (*g*) of subsection (1) and the Minister is of opinion that the effect or operation of the by-law will affect any municipality or district other than that of the council by which the by-law is made, the Minister may, before submitting the by-law to the Governor, refer the by-law to the council of such other municipality or district. The Minister shall consider any representations made as to the by-law by such council.

27. Section 83 of the principal Act is amended— Amendment of principal Act, s. 83—

(*a*) by adding at the end of subsection (1) thereof the following paragraph :— Regulations.

(*j*) Prescribing educational and professional qualifications for persons employed as building surveyors by councils; constituting and providing for the appointment of a committee or other body for the purpose of examining persons and granting certificates of competency to persons passing such examinations or who are otherwise qualified therefor; prescribing the mode of determining such

qualifications and obtaining recognition therefor in other States of Australia; providing for the cancellation of such certificates and the grounds upon and the manner in which such cancellation may be effected; and providing that after a day fixed in the regulations no person shall be employed as a building surveyor who does not hold such a certificate which is in force: Provided that if at the day fixed as aforesaid, any person holds the office of building surveyor under any council, the regulations shall not in anywise affect the office of that person under that council: Provided further that the regulations may provide that any committee constituted pursuant to regulations made under the Local Government Act, 1934-39, to examine and grant certificates of competency to engineers and surveyors employed by councils, shall be the body to conduct examinations and grant certificates pursuant to the regulations made under this Act.

(*b*) by striking out the words " or seventh " in the third line of subsection (2) thereof and by inserting in lieu thereof the words " seventh, or eighth " ;

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

(4) Any regulation may include a reference to any specification or code of the Standards Association of Australia or of any other association or body which is promulgated at the time of the making of the regulation, and may provide that anything to be done in connection with any building or structure shall be done in accordance with and shall comply with the provisions of any such specification or code.

Amendment of principal Act, s. 85a—
Obstructing fire doors.

28. Section 85a of the principal Act is amended by inserting therein after the word " party-wall " in the second line thereof the words " or other wall or of any door opening on to any fire escape ".

Amendment of principal Act, Part XI.—
Advisory committee.

29. Part XI. of the principal Act is amended by inserting therein before section 99 the following section :—

98a. (1) There shall be an advisory committee for the purposes of this Act.

(2) The committee shall consist of five members to be appointed by the Governor from time to time on the recommendation of the Minister.

(3) One of the members shall from time to time be appointed by the Governor, on the recommendation of the Minister, as the chairman of the committee.

(4) The committee shall—

(*a*) from time to time report to the Minister as to matters upon which the committee is of opinion this Act or the regulations require alteration or do not make sufficient provision :

(*b*) report to the Minister upon any proposals for the amendment of this Act or the regulations which are referred to the committee by the Minister :

(*c*) perform and undertake such powers and duties as may be entrusted to the committee by the Minister :

(*d*) generally advise the Minister upon the administration of this Act.

(5) The Minister may, from time to time, fix fees to be paid to any member of the committee. The Minister may from moneys provided by Parliament pay any such fees to any member of the committee.

(6) The Minister may from moneys provided by Parliament pay to any member of the committee any travelling or other expenses incurred by the member in the exercise of his office.

(7) The Minister may, from time to time, direct that any persons submitting any matters for consideration by the committee shall pay to the Minister such fees or charges, or both, as are fixed from time to time by the Minister.

Amendment of principal Act, s. 99—

30. Section 99 of the principal Act is amended so as to read as follows :—

Expenses of administration.

99. (1) The fees received by the council for acts done or to be done under the provisions of this Act shall, to the extent necessary for the purpose, be applied by the council towards the expenses incurred by the council in carrying this Act into execution.

(2) In the statement required to be prepared annually by the council pursuant to section 296 of the Local Government Act, 1934-1939, there shall be shown, in respect of the financial year to which the statement relates,

the amount of the fees received by the council as aforesaid and the amount of the expenses incurred by the council in carrying this Act into execution.

Amendment of principal Act, s. 101—
Power of council to exempt from rigid compliance with Act.

31. Section 101 of the principal Act is amended—

(*a*) by striking out the words " provision of this Act, but the council is of opinion " in the third line of subsection (3) thereof and by inserting in lieu thereof the words " of the requirements of this Act relating to building construction, but the council is satisfied " ;

(*b*) by striking out the word " substantially " first occurring in the fifth line of subsection (3) thereof and by inserting in lieu thereof the words ", except in minor or unimportant respects," ;

(*c*) by striking out the word " substantially " second occurring in the fifth line of subsection (3) thereof ;

(*d*) by striking out the words " and that it is in accordance with the true intent and spirit of this Act so to do " in the sixth and seventh lines of subsection (3) thereof.

Amendment of principal Act, s. 105—
Approval of council.

32. Section 105 of the principal Act is amended by striking out the word " and " in the last line thereof and by inserting in lieu thereof the word " or ".

Amendment of principal Act, s. 108—
Privies.

33. (1) Subsection (1) of section 108 of the principal Act is amended so as to read as follows :—

(1) Every privy (whether built before or after the commencement of this Act) shall have a door and an adequate opening for light and ventilation. The door of every privy in any yard or on any flat roof, other than a privy in the yard of a private dwelling-house, shall be properly screened from view.

(2) Subsection (2) of section 108 of the principal Act is amended by striking out the word " water-closet " in the first line thereof and by inserting in lieu thereof the word " privy ".

Repeal of Part XII. of the principal Act.

34. Part XII. of the principal Act is repealed and the following Parts are inserted therein in lieu thereof :—

Part XII.

Architectural Standards.

Application of Part.

116. (1) This Part shall apply within thirty feet of the alignment of the following streets within the municipality of the City of Adelaide, namely :—

(*a*) South Terrace :

(*b*) East Terrace, between Pirie Street and South Terrace :
(*c*) Barton Terrace :
(*d*) Strangways Terrace :
(*e*) Pennington Terrace :
(*f*) Mackinnon Parade :
(*g*) Mann Terrace :
(*h*) Kingston Terrace :
(*i*) Lefevre Terrace :
(*j*) Mills Terrace :
(*k*) Brougham Place :
(*l*) Palmer Place.

(2) This Part shall also apply within such portion of any municipality (including the municipality of the City of Adelaide) or district as is declared by proclamation.

(3) The Governor may by proclamation declare that this Part shall apply within any portion of any such municipality or district and may by proclamation revoke or vary any such proclamation.

Class of buildings which may be erected.

117. (1) No building which is not a public building or a building of the domestic class shall, unless with the specific consent of the council, be erected within any portion of any municipality or district to which this Part applies.

(2) For the purposes of this section, no shop or workshop, whether attached to any other building or not, shall be deemed to be a building of the domestic class.

(3) Nothing in this section shall be deemed to derogate from the powers of the council to make by-laws under paragraphs (*e*) to (*i*) inclusive of section 82.

Architectural standards.

118. Notwithstanding section 9, the council may refuse to approve of the plans of any building proposed to be erected, altered or added to within any portion of the municipality or district to which this Part applies which in the opinion of the council would, by reason of the architectural design or elevations, or the size, quality, or nature of the building, injuriously affect the value of the property in the vicinity of the proposed building.

Part XIII.

Balconies and Verandahs.

Application of Part.

119. (1) This Part shall apply within the municipality of the City of Adelaide.

(2) This Part shall also apply within any municipality, or district, or portion thereof, as is declared by proclamation.

(3) The Governor may by proclamation declare that this Part shall apply within any municipality or district, or portion thereof, and may by proclamation revoke or vary any such proclamation.

Licences for balconies and verandahs.

120. (1) No licence granted by the council to erect a balcony or verandah over a street or way in front or at the side of any building within any municipality or district, or portion thereof, to which this Part applies, shall have effect as a licence for a longer period than five years ; and no length of user of any balcony or verandah erected over any street or way shall deprive the council of the right to have the same removed.

(2) The owner of the building to which any such balcony or verandah is attached shall after the expiration, by reason of subsection (1) of this section or otherwise, of the licence respecting the balcony or verandah, remove the same within six months after service on him of notice in writing by the council requiring him so to do.

(3) Any person who fails to remove any balcony or verandah as required by subsection (2) of this section shall be guilty of an offence and liable to a penalty not exceeding ten pounds and to a further penalty not exceeding one pound for every day after the first that he so fails to remove the balcony or verandah.

Consequential amendment of s. 2 of principal Act.

35. Section 2 of the principal Act is amended by striking out all the words in the last two lines thereof and by inserting in lieu thereof the following :—

Part XII.—Architectural Standards.

Part XIII.—Balconies and Verandahs.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 54 of 1940.

An Act to amend the Criminal Law Consolidation Act, 1935.

[*Assented to 5th December,* 1940.]

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 " Criminal Law Consolidation Act Amendment Act, 1940 ".

(2) The Criminal Law Consolidation Act, 1935, as amended by this Act, may be cited as the " Criminal Law Consolidation Act, 1935-1940 ".

(3) The Criminal Law Consolidation Act, 1935, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Repeal and re-enactment of s. 38 of the principal Act—

3. Section 38 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

Injuring persons by negligent riding or driving.

38. (1) Any person who—

(*a*) drives or rides any vehicle or any animal in a culpably negligent manner, or recklessly, or at a speed, or in manner, which is dangerous to the public ; and

(*b*) by such negligence, recklessness, or other conduct causes bodily harm to any person,

shall be guilty of a misdemeanour and liable to be imprisoned for any term not exceeding two years, or to a fine not exceeding two hundred pounds, or to both such imprisonment and fine as aforesaid.

(2) Subsection (1) of this section shall be deemed to create a single offence and no objection shall be taken to an information for such offence alleging that the defendant did drive a vehicle "in a culpably negligent manner or recklessly, or at a speed, or in a manner, which was dangerous to the public" on the ground of duplicity or uncertainty.

(3) In this section—

"vehicle" includes any motor vehicle as hereinafter defined, any vehicle propelled by animal power, and any bicycle, tricycle, and other like vehicle propelled by human power:

"motor vehicle" includes any motor car, motor carriage, automobile, motor cycle or other vehicle or carriage driven or propelled or ordinarily capable of being driven or propelled either partly or wholly by any volatile spirit, steam or eletricity or by any means other than the animal power, but does not include any vehicle run upon a railway or tramway.

Amendment of ss. 50, 51, and 52 of principal Act—
Punishment for carnal knowledge.

4. Sections 50, 51 and 52 of the principal Act are amended by striking out at the end of each of those sections the words "and may be whipped".

Enactment of s. 52a of principal Act—
Punishment for carnal knowledge.

5. The following section is enacted and inserted in the principal Act after section 52 thereof:—

52a. Where any person is convicted of an offence against section 50, 51, or 52 of this Act, the Court shall order such person to be whipped unless the Court is of opinion that there is adequate reason for not making such an order.

Amendment of s. 63 of principal Act—
Procuring females to become prostitutes.

6. Section 63 of the principal Act is amended—

(*a*) by striking out the words "under twenty-one years of age" in paragraph (*a*) thereof:

(*b*) by striking out the words "under the age of twenty-one years" in paragraph (*b*) thereof.

Repeal of s. 77 and enactment of ss. 77 and 77a—
Indeterminate sentence where prisoner suffers from venereal disease.

7. Section 77 of the principal Act is repealed and the following sections are enacted and inserted in lieu thereof:—

77. (1) In every case where there is reason to suspect that an offender guilty of any offence of a sexual nature (not being an offence punishable on summary conviction) is suffering from a venereal disease, the court or judge sitting for the trial of that offence shall direct that two or more legally qualified medical practitioners, named by the court or judge, inquire whether the offender is so suffering.

(2) The medical practitioners shall conduct the enquiry by personal examination of the offender and shall give their report on oath to the court or judge.

(3) If the medical practitioners report that the offender is so suffering, the court or judge shall, as part of his sentence, declare that he is suffering from a venereal disease.

(4) Every offender so declared to be suffering from a venereal disease shall, at the expiration of the term of his imprisonment, unless the Governor is then satisfied upon the report of two legally qualified medical practitioners that the offender is no longer suffering from venereal disease, be detained during His Majesty's pleasure and subject to the regulations in some place of confinement set apart by the Governor by proclamation for that purpose.

(5) If the Governor, upon a report by two or more legally qualified medical practitioners is satisfied that any offender so detained is no longer suffering from any venereal disease, the Governor may, by his warrant, direct the release of the offender.

(6) In this section "venereal disease" means syphilis or gonorrhoea.

(7) This section shall apply to offenders under eighteen years of age as well as to other offenders; and an offender who is under eighteen years of age when he is sentenced may be detained pursuant to this section notwithstanding that the detention commences or continues after he attains the age of eighteen years.

The period during which an offender is detained in a reformatory school or kept in the custody and under the control of the Children's Welfare and Public Relief Board pursuant to the Maintenance Act, 1926-1937, shall be deemed to be the term of his imprisonment within the meaning of this section.

Detention of persons incapable of controlling sexual instincts.

77a. (1) In any case where a person has been found guilty of an offence of a sexual nature the court or judge sitting for the trial of that offence may at its or his discretion direct that two or more legally qualified medical practitioners named by the court or judge, inquire as to the mental condition of the offender, and in particular whether his mental condition is such that he is incapable of exercising proper control over his sexual instincts.

(2) The medical practitioners shall conduct the inquiry by means of personal examination of the offender and by reference to the depositions and such other records relating to him as they think necessary, and shall give their report on oath to the court or judge.

(3) If the medical practitioners report to the court or judge that the offender is incapable of exercising proper control over his sexual instincts the court or judge may, either in addition to, or in lieu of imposing any other sentence, declare that the offender is so incapable and direct that he be detained in an institution during His Majesty's pleasure: Provided that the offender shall be entitled to call evidence in rebuttal of such report, and no such order shall be made unless the court or judge shall consider the matters reported to be proved.

Every offender in respect of whom such a direction is given—

(*a*) shall be detained in such institution as the Governor directs, and until the Governor gives a direction as to such institution, in any gaol:

(*b*) shall not be released until the Governor is satisfied on the report of two legally qualified medical practitioners, that it is expedient to release him.

(4) If the medical practitioners report to the court or judge that the offender is not incapable of exercising proper control over his sexual instincts, but that his mental condition is subnormal to such a degree that he requires care, supervision, and control in an institution either in his own interests or for the protection of others, and the court or judge after considering the report and any evidence submitted in rebuttal thereof is of opinion that the offender requires such care, supervision, and control, the court or judge may—

(*a*) direct that the offender be detained in an institution either for such period as the court or judge directs or during His Majesty's pleasure; or

(*b*) pass sentence on the offender and in addition direct as mentioned in paragraph (*a*).

Every offender in respect of whom such a direction is given—

(*a*) shall be detained in such institution as the Governor directs, and until the Governor gives a direction as to such institution, in any gaol:

(*b*) where the detention ordered is during His Majesty's pleasure shall not be released until the Governor is satisfied on the report of two legally qualified medical practitioners, that he is fit to be at liberty.

(5) Where the court or judge orders detention during His Majesty's pleasure in addition to imprisonment, the detention shall commence forthwith upon the expiration of the term of the imprisonment.

(6) An offender detained under this section shall be examined at least once in every three months by the Superintendent or deputy superintendent of the Mental Hospital, Parkside, or by some other person appointed by the Governor to conduct examinations under this section. The person making an examination under this subsection shall forthwith furnish a report of the examination to the Director-General of Medical Services.

(7) An offender detained in an institution pursuant to this section may be removed at any time to another institution by order of the Chief Secretary.

(8) In this section "institution" means—

(*a*) an institution as defined by the Mental Defectives Act, 1935-1939:

(*b*) any gaol or labour prison:

(*c*) any other institution proclaimed by the Governor for the purpose of this section:

(*d*) in the case of an offender under the age of eighteen years, an institution as defined by the Maintenance Act, 1926-1937, or any such institution as mentioned in paragraph (*a*) or (*c*) of this definition.

Repeal and re-enactment of s. 170 of principal Act—

8. Section 170 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:—

Breaking and entering buildings and committing felony.

170. (1) Any person who breaks and enters and commits any felony in any building, or breaks out of any building, having committed any felony therein, shall be guilty of felony and liable to be imprisoned for any term not exceeding eight years.

(2) In this section "building" includes any dwelling-house, building within the curtilage of a dwelling-house, schoolhouse, shop, warehouse, counting-house, office, store, garage, pavilion, factory, workshop, dancing hall, place of public entertainment, billiard saloon, dressing-room, and any other building whether of the same class as those previously mentioned in this subsection or not.

Enactment of s. 197a of principal Act—

9. The following section is enacted and inserted in the principal Act after section 197 thereof:—

Receiving goods stolen outside the State.

197a. (1) Any person who receives any property knowing the same to have been taken obtained converted or disposed of outside the State under such circumstances

that, if the act of taking, obtaining, converting or disposing had been done in the State the person doing it would have been guilty of an offence triable on information in the Supreme Court, shall be guilty of a misdemeanour and liable to be imprisoned for any term not exceeding eight years.

(2) No person shall be liable to conviction under this section if the act of taking, obtaining, converting or disposing was not an offence in the place in which that act was done.

(3) In an information for receiving any property in contravention of this section any number of persons who have at different times so received such property or any part thereof may be charged and tried together, notwithstanding that the principal has not been charged or tried.

(4) If on the trial of any two or more persons prosecuted jointly for receiving any property in contravention of this section it is proved that one or more of such persons separately received any part of such property, it shall be lawful for the jury to convict such of the persons as are proved to have received any part of such property.

Amendment of s. 199 of principal Act—Receiving where principal punishable summarily.

10. Section 199 of the principal Act is amended by striking out in the second line thereof the words " by this Act ".

Amendment of s. 200 (2) of principal Act—Proof of previous convictions on charges for receiving.

11. Subsection (2) of section 200 is amended so as to read as follows :—

(2) The offences referred to in subsection (1) are the following—

(*a*) any indictable offence against the laws of the Commonwealth or any Territory of the Commonwealth or any State, whether such offence was tried on indictment or summarily ; and

(*b*) any offence against section 90 or section 93 of the Police Act, 1936-1938, or any offence against any enactment of another State or of any Territory of the Commonwealth, corresponding with either of those sections,

whether committed or tried before or after the passing of the Criminal Law Consolidation Act Amendment Act, 1940.

12. The following heading and section are enacted and inserted in the principal Act after section 328 :— Enactment of s. 328a of principal Act—

Abolition of presumption of marital coercion.

328a. Any presumption of law that an offence committed by a wife in the presence of her husband is committed under the coercion of the husband is hereby abolished; but on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of and under the coercion of the husband. Abolition of presumption of marital coercion.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 55 of 1940.

An Act to amend the law relating to the guardianship and custody of infants, and for other purposes.

[*Assented to 5th December,* 1940.]

BE IT 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 "Guardianship of Infants Act, 1940".

Repeal.

2. The Guardianship of Infants Act, 1887, is hereby repealed.

Interpretation. 400, 1887, s. 13. Cf. U.K. 54 and 55, Vict. c. 3, s. 5. Cf. U.K. 22 and 23, Geo. 5, c. 46, s. 79 (3).

3. In this Act, unless the context otherwise requires—

"infant" does not include an illegitimate infant:

"maintenance" includes education:

"parent" of an infant, in sections 8, 9, and 10, includes any person at law liable to maintain the infant or entitled to his custody:

"person", in sections 8, 9, and 10, includes any school or institution:

"the court" means the Supreme Court or any judge thereof or the local court of full jurisdiction nearest to the residence of the infant.

Right of mother to guardianship and custody of infant.

4. The mother of an infant shall have the guardianship and custody of the infant while an infant jointly with the father and each parent shall have equal authority, rights and responsibilities with regard to the infant.

Equal right of mother to apply to court. Cf. U.K. 15 and 16, Geo. 5, c. 45, s. 2.

5. The mother of an infant shall have the like powers to apply to the court in respect of any matter affecting the infant as are possessed by the father.

Power to make orders as to custody.
Cf. 400, 1887, s. 7.
Cf. U.K. 49 and 50, Vict. c. 27, s. 5.
Cf. N.S.W. 20, 1934, s. 2 (*a*).

6. (1) The court may, upon the application of the mother or the father of any infant, make such order as it may think fit regarding the custody of the infant, and the right of access thereto of either parent, having regard to the welfare of the infant and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge any such order on the application of either parent, or, after the death of either parent, of any guardian under this Act, and in every case may make such order respecting the costs of the parent who made application and the liability of the other parent for the same, or otherwise as to costs, as it may think just.

(2) The fact that a parent of an infant contemplates leaving the State shall not of itself be regarded as a reason for denying that parent the custody of the infant or depriving that parent thereof if the court is satisfied that the welfare of the infant will best be served by allowing that parent to have or retain such custody.

Provisions as to orders.
Cf. U.K. 15 and 16, Geo. 5, c. 45, s. 3.

7. (1) The power of the court under the provisions of section 6 to make an order as to the custody of an infant and the right of access thereto may be exercised notwithstanding that the mother and the father of the infant are then residing together.

(2) Where the court makes an order giving the custody of the infant to one parent, then, whether or not the mother and the father are residing together, the court may further order that the other parent shall pay to the parent having the custody of the infant such weekly or other periodical sums towards the maintenance of the infant as the court, having regard to the means of both parents, may think reasonable.

(3) No such order, whether for custody or maintenance, shall be enforceable and no liability thereunder shall accrue while the mother and the father are residing together, and any such order shall cease to have effect if, for a period of three months after it is made, the mother and the father continue to reside together.

(4) Any order so made may, on the application either of the father or the mother of the infant, be varied or discharged by a subsequent order.

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s. 6. JOBSON v. JOBSON (1921) S.A.S.R. 88; 11 Austn. Digest 37. In determining the right to custody of children the court should have regard to the welfare of the children, and the conduct and wishes of the parents. Held, that if a wife has left her husband without justification, she is not entitled to the custody of their children even though they be of tender years.

In *re* KILGARIFF (1925) S.A.S.R. 405; 8 Austn. Digest 17. If a local court has disposed of a summons for custody of children, the matter is *res judicata* and cannot be litigated in the Supreme Court.

In *re* H———, AN INFANT (1932) S.A.S.R. 252; 11 Austn. Digest 36. In determining the right to custody of children, the paramount matter to be considered is the welfare of the children.

Power of court as to production of infant.
Cf. U.K. 54 and 55, Vict. c. 3, s. 1.

8. Where the parent of an infant applies to any court of competent jurisdiction for a writ or order for the production of the infant and the court is of opinion that the parent has abandoned or deserted the infant or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the infant, the court may in its discretion decline to issue the writ or make the order.

Power of court to order repayment of costs of bringing up infant.
Cf. U.K. 54 and 55, Vict. c. 3, s. 2.

9. If at the time of the application for a writ or order for the production of the infant, the infant is being brought up by another person, the court to which the application is made may, in its discretion, if it orders the infant to be given up to the parent, further order that the parent shall pay to such person the whole of the costs, charges and expenses properly incurred in bringing up the infant or such portion thereof as seems to the court to be just and reasonable having regard to all the circumstances of the case.

Duty of court to have regard to conduct of parent.
Cf. U.K. 54 and 55, Vict. c. 3, s. 3.

10. Where a parent has abandoned or deserted his infant, or allowed his infant to be brought up by another person at that or some other person's expense for such length of time and in such circumstances as to satisfy a court of competent jurisdiction that the parent was unmindful of his parental duties, the court shall not make an order for the delivery of the infant to the parent unless the parent has satisfied the court that having regard to the welfare of the infant he is a fit person to have the custody of the infant, and that it is in the interests of the infant that he should be delivered to the parent.

Principles upon which questions relating to custody, upbringing, etc., of infants are to be decided.
Cf. U.K. 15 and 16, Geo. 5, c. 45, s. 1.
Cf. N.S.W. 20, 1924, s. 3 (*a*).

11. (1) Where in any proceeding before the court or any other court of competent jurisdiction the custody or upbringing of an infant, or the administration of any property belonging to or held in trust for an infant, or the application of the income thereof, is in question, the court in deciding that question shall regard the welfare of the infant as the first and paramount consideration, and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father.

(2) In this section "upbringing" includes religious instruction.

Right of surviving parent as to guardianship.
Cf. 15 and 16, Geo. 5, c. 45, s. 4.

12. (1) On the death of the father of an infant, the mother, if surviving, shall, subject to the provisions of this Act, be guardian of the infant, either alone or jointly with any guardian appointed by the father. When no guardian has been appointed by the father or if the guardian or guardians appointed by the father is or are dead or refuses or refuse to

act, the court may if it thinks fit appoint a guardian to act jointly with the mother.

(2) On the death of the mother of an infant, the father, if surviving, shall, subject to the provisions of this Act, be guardian of the infant, either alone or jointly with any guardian appointed by the mother. When no guardian has been appointed by the mother or if the guardian or guardians appointed by the mother is or are dead or refuses or refuse to act, the court may if it thinks fit appoint a guardian to act jointly with the father.

Power of father or mother to appoint testamentary guardians.

Cf. U.K. 15 and 16, Geo. 5, c. 45, s. 5. Cf. U.K. 22 and 23, Geo. 5, c. 46, s. 79 (2).

13. (1) The father of an infant may by deed or will appoint any person to be guardian of the infant after his death.

(2) The mother of an infant may by deed or will appoint any person to be guardian of the infant after her death.

(3) Any guardian so appointed shall act jointly with the mother or father, as the case may be, of the infant so long as the mother or father remains alive unless the mother or father objects to his so acting.

(4) If the mother or father so objects, or if the guardian so appointed as aforesaid considers that the mother or father is unfit to have the custody of the infant, the guardian may apply to the court, and the court may either refuse to make any order (in which case the mother or father shall remain sole guardian) or make an order that the guardian so appointed shall act jointly with the mother or father, or that he shall be sole guardian of the infant, and in the latter case may make such order regarding the custody of the infant and the right of access thereto of its mother or father as, having regard to the welfare of the infant, the court may think fit, and may further order that the mother or father shall pay to the guardian towards the maintenance of the infant such weekly or other periodical sum as, having regard to the means of the mother or father, the court may consider reasonable.

The powers conferred on the court by this subsection, in cases where the appointed guardian is to be the sole guardian of an infant to the exclusion of its mother or father, may be exercised at any time and shall include power to vary or discharge any order previously made in virtue of those powers.

(5) Where guardians are appointed by both parents, the guardians so appointed shall after the death of the surviving parent act jointly.

(6) If under the preceding section a guardian has been appointed by the court to act jointly with a surviving parent, he shall continue to act as guardian after the death of the surviving parent; but if the surviving parent has appointed a

guardian, the guardian appointed by the court shall act jointly with the guardian appointed by the surviving parent.

Disputes between joint guardians.
Cf. U.K. 15 and 16, Geo. 5, c. 45, s. 6.
Cf. U.K. 22 and 23, Geo. 5, c. 46, s. 79 (1).

14. (1) Where two or more persons are the joint guardians of an infant and they are unable to agree on any question affecting the welfare of the infant, any of them may apply to the court for its direction, and the court may make such order regarding the matters in difference as it may think proper.

(2) The power of the court under this section shall, where one of the joint guardians is the mother or father of the infant, include power—

(*a*) to make such order relating to the custody of the infant and the right of access thereto of its mother or father as, having regard to the welfare of the infant, the court may think fit; and

(*b*) to order the mother or father to pay towards the maintenance of the infant such weekly or other periodical sum as, having regard to the means of the mother or father, the court may consider reasonable; and

(*c*) to vary or discharge any order previously made under this section.

Powers of guardian.
400, 1887, s. 6.
Cf. U.K. 49 and 50, Vict. c. 27, s. 4.

15. Every guardian under this Act shall have all such powers over the estate and the person, or over the estate, as the case may be, of an infant as any guardian appointed by will or otherwise has.

Power to remove guardian.
400, 1887, s. 7.
Cf. U.K. 49 and 50, Vict. c. 27, s. 6

16. The court may, in its discretion, on being satisfied that it is for the welfare of the infant, remove from his office any testamentary guardian, or any guardian appointed or acting by virtue of this Act, and may also, if it deems it to be for the welfare of the infant, appoint another guardian in place of the guardian so removed.

Payment of maintenance.
Cf. 800, 1887, s. 9.

17. Where any guardian, trustee, executor, or person acting in a fiduciary capacity is, under any will, gift or settlement, or otherwise by law, possessed of any fund for the maintenance of any infant, or any fund a portion of which may by law be applied to such maintenance and the court orders the infant to be delivered to, or to remain in the custody of one parent, the court may also order any such guardian, trustee, executor, curator or person acting in a fiduciary capacity to pay to such parent from time to time during the continuance of such custody, for the purpose of the maintenance of the infant, such portion of such fund, not exceeding the portion lawfully applicable to such maintenance

as the court may deem proper: Provided always that on proof that any money so paid for the purpose of such maintenance has been misapplied, the court may rescind, alter, or vary any order made as aforesaid.

Provision as to separation agreement. Cf. 800, 1887, s. 10. Cf. U.K. 36 and 37, Vict. c. 12, s. 2.

18. No agreement contained in any separation deed made between the father and mother of an infant shall be held to be invalid by reason only of its providing that either parent of the infant shall give up the custody and control thereof to the other parent, but no such agreement shall be enforced if the court is of opinion that it will not be for the benefit of the infant to give effect thereto.

Guardianship in case of divorce or judicial separation. 800, 1887, s. 11. Cf. U.K. 49 and 50, Vict. c. 27, s. 7.

19. In any case where an order for judicial separation, or an order either *nisi* or absolute for divorce is made, the court making the order may thereby declare the parent by reason of whose misconduct the order is made, to be a person unfit to have the custody of the children, if any, of the marriage, and in such case the parent so declared to be unfit shall not upon the death of the other parent be entitled as of right to the custody or guardianship of such children.

Power of married woman to sue as next friend.

20. A married woman shall be capable of suing as next friend and of being appointed guardian *ad litem* on behalf of her own children or any other infants whatsoever.

Saving provision. 800, 1887, s. 12. Cf. U.K. 49 and 50, Vict. c. 27, s. 13.

21. Nothing in this Act contained shall restrict or affect the jurisdiction of the Supreme Court to appoint or remove guardians, or shall affect the exercise of any jurisdiction, power, or discretion vested in the Supreme Court, or any judge thereof, under the Matrimonial Causes Act, 1929-1938.

Rules of court. Cf. 800, 1887, s. 14.

22. (1) The power to make rules conferred by the Supreme Court Act, 1935-1936, shall include power to make rules regulating the practice, form, and procedure in proceedings in the Supreme Court under this Act.

(2) The powers conferred by section 28 of the Local Courts Act, 1926-1936, shall include power to frame rules regulating the practice, form and procedure in proceedings in local courts of full jurisdiction under this Act.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 56 of 1940.

An Act to provide for the improvement of sub-standard housing conditions, to provide for housing of persons of limited means, to regulate the rentals of sub-standard dwelling-houses in the metropolitan area and in certain other parts of the State, and for other purposes.

[*Assented to 5th December,* 1940.]

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

PART I.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the " Housing Improvement Act, 1940 ".

Commencement of Act.

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

Arrangement of Act.

3. The provisions of this Act are arranged as follows :—

PART I.—Preliminary.

PART II.—Administration and financial provisions.

PART III.—Improvement of sub-standard housing conditions.

PART IV.—Clearance of areas.

PART V.—Provision of housing for persons of limited means.

PART VI.—Assistance to housing corporations.

PART VII.—Control of rentals of sub-standard houses.

PART VIII.—Miscellaneous.

4. In this Act, unless the context or subject matter otherwise requires— Interpretation.

" council " means a municipal or district council :

" fund " means the Housing Improvement Fund :

" house " means any building (including any tent, edifice, structure or erection whether temporary or permanent) or any part thereof which is used or intended to be used as a dwelling, and includes any yard, garden, outbuilding and appurtenances belonging thereto or usually enjoyed therewith :

" land " includes any right over land :

" landlord " includes any person from time to time deriving title under the original landlord :

" local board " means a local board of health :

" metropolitan area " means the portion of the State comprised within the municipalities of Adelaide, Brighton, Burnside, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, and Woodville, and the district council districts of Campbelltown, Enfield, Marion, Mitcham, Payneham, Walkerville, and West Torrens, and the Garden Suburb :

" owner ", in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land or building, whether in possession or reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease registered pursuant to The Real Property Act, 1886-1939, or the Registration of Deeds Act, 1935 :

" registered mortgagee " means the mortgagee or encumbrancee under a mortgage or encumbrance registered pursuant to The Real Property Act, 1886-1939, or the Registration of Deeds Act, 1935 :

" street " includes any street, road, lane, footway, square, court or alley, whether a thoroughfare or not :

" tenant " includes any person from time to time deriving title under the original tenant.

PART II.

PART II.

ADMINISTRATION AND FINANCIAL PROVISIONS.

Administration of Act.

5. (1) The Governor may from time to time by proclamation declare that the powers and duties vested in or imposed by this Act upon the housing authority shall be vested in and imposed upon the South Australian Housing Trust or shall be vested in and imposed upon a body corporate constituted in manner provided by this Part.

(2) The Governor may from time to time by proclamation declare that the said powers and duties shall cease to be vested in or imposed upon the South Australian Housing Trust and shall be vested in and imposed upon a body corporate constituted as aforesaid, and may declare that all property, rights, and liabilities vested in or possessed or incurred by the South Australian Housing Trust for the purposes of the execution of this Act shall be vested in, and attach to, and be deemed to have been made or done by or on behalf of the body corporate aforesaid; and all such rights and liabilities and any rights and remedies in respect thereof may be had and enforced by or against the said body corporate. A proclamation shall not be made under this subsection unless and until a resolution of both Houses of Parliament is passed approving the making of the proclamation.

(3) The Governor may from time to time by proclamation declare that the said powers and duties shall cease to be vested in or imposed upon the body corporate constituted as aforesaid and shall be vested in and imposed upon the South Australian Housing Trust and may declare that all property, rights, and liabilities vested in or possessed or incurred by the body corporate shall be vested in, and attach to, and be deemed to have been made or done by or on behalf of the South Australian Housing Trust; and all such rights and liabilities and any rights and remedies in respect thereof may be had and enforced by or against the South Australian Housing Trust. If any proclamation is made pursuant to this subsection the body corporate shall be deemed to be abolished. A proclamation shall not be made under this subsection unless and until a resolution of both Houses of Parliament is passed approving the making of the proclamation.

(4) Every reference in this Act to the "housing authority" shall be deemed to be a reference to the South Australian Housing Trust or to the body corporate constituted pursuant to this Division, as the case may be.

Constitution of Housing Trust.

6. (1) For the purpose of the execution of this Act, the Governor may from time to time by regulation—

(*a*) vary the number of members of the South Australian Housing Trust and fix the quorum thereof, and notwithstanding the provisions of the South Australian Housing Trust Act, 1936-1937, the South Australian Housing Trust as so varied shall continue to exercise the powers given to the said trust by the said Act:

(*b*) provide for the appointment by the Governor of a deputy chairman or deputy chairmen of the South Australian Housing Trust:

(*c*) declare that the South Australian Housing Trust may appoint committees of its members in manner provided by regulation and may delegate, subject to anything prescribed by regulation, to any such committee any powers and duties of the South Australian Housing Trust under any Act:

(*d*) provide that the members of the South Australian Housing Trust shall be paid such fees and salaries as are from time to time fixed by the Governor and that any part of such fees as is fixed by the Governor may, notwithstanding any provision of the South Australian Housing Trust Act, 1936-1937, be paid out of any fund constituted under the South Australian Housing Trust Act, 1936-1937: Provided that the total amount to be fixed as fees and salaries as aforesaid and pursuant to the South Australian Housing Trust Act, 1936-1937, shall not exceed fifteen hundred pounds per annum:

(*e*) provide for any matters consequential upon or incidental to any of the matters mentioned in this subsection.

(2) Any regulation made pursuant to this section shall be as valid and effectual for all purposes as if the matters therein provided for had been provided for in this Act.

Constitution of body corporate to execute this Act.

7. (1) For the purpose of the execution of this Act, the Governor may from time to time by regulation—

(*a*) constitute a body corporate to carry this Act into execution:

(*b*) determine the membership of the body corporate and provide for the manner of the appointment and the term of office of the members thereof:

(*c*) fix the quorum thereof:

(*d*) provide for the appointment of, the term of office of, and the voting powers of the chairman thereof:

(*e*) provide that the body corporate is to have a common seal, may sue and be sued, and may acquire and dispose of real and personal property as provided by this Act:

(*f*) provide that the members of the body corporate shall be paid such fees and salaries as are from time to time fixed by the Governor: Provided that the fees and salaries fixed as aforesaid shall not exceed fifteen hundred pounds per annum:

(*g*) declare that the body corporate may appoint committees of its members in manner provided by regulation, and may delegate, subject to anything prescribed by regulation, to any such committee any powers and duties of the body corporate under this Act:

(*h*) provide for any matter consequential upon or incidental to any of the matters mentioned in this subsection.

(2) Any regulation made pursuant to this section shall be as valid and effectual for all purposes as if the matters therein provided for had been provided for in this Act.

Validity of acts of housing authority.

8. No act or proceeding of the housing authority shall be invalid on the ground only of any vacancy in the office of any member of the housing authority, or of any defect in the appointment of any such member.

Travelling expenses of members.

9. Every member of the housing authority shall be entitled to receive reasonable travelling and other out-of-pocket expenses.

Officers.

10. (1) The housing authority may employ such officers and servants as it requires at such remuneration as it fixes.

(2) With the approval of the Minister administering any department of the public service, the housing authority may employ or make use of the services of any person employed in that department upon any terms and conditions which are agreed upon between the Minister and the housing authority. Notwithstanding section 11, any such person shall continue for all purposes to be a member of the public service.

(3) With the approval of any local board or council, the housing authority may make use of the services of any person employed by the local board or council, upon any terms and conditions which are agreed upon between the local board or council and the housing authority.

Relation of the housing authority to the Crown.

11. The housing authority shall not be a department of the Government of the State or the agent or servant of the Crown, nor shall any member or employee of the housing authority be subject, as such, to the Public Service Act, 1936-1938.

Accounts.

12. The housing authority shall keep books of account in such manner and form as is in accordance with approved methods of accountancy and at the end of each financial year shall produce a financial statement showing accurately and in detail its receipts and expenditure and profit and loss account, and a balance-sheet.

Audit.

13. (1) The Auditor-General shall make an annual audit of the housing authority's accounts and for the purpose of any audit may exercise any of the powers which he could exercise for the purpose of auditing the accounts of a Government department.

(2) The housing authority shall pay to the Treasurer a reasonable fee of an amount approved by the Treasurer for every audit.

Triennial investigation.

14. Once in every three years, the Governor shall cause an investigation to be made into the operations and administration of the housing authority in the execution of this Act, and a report thereon to be supplied to the Governor.

Annual report.

15. (1) The housing authority shall within three months after the close of each financial year prepare and present to the Treasurer the financial statement and balance-sheet aforesaid and a report on its operations during that financial year, and the report shall as soon as practicable after the receipt thereof be laid before both Houses of Parliament.

(2) The housing authority shall, within fourteen days after presenting its report and financial statement and balance-sheet to the Treasurer, file a copy thereof in the office of the Registrar of Companies; and the Registrar of Companies shall, without fee, permit any person to inspect the same at any time during office hours.

General powers of the housing authority.

16. For the purposes of and subject to this Act the housing authority may—

(*a*) borrow money for the purpose of building houses in the execution of this Act;

(*b*) mortgage, charge or enter into any other transaction for making any of its property security for any loan;

(*c*) buy, sell, let, exchange, hire or otherwise dispose of real and personal property of any kind;

(*d*) build, alter, enlarge, repair and improve houses or enter into contracts under which houses will be built, altered, enlarged, repaired or improved on behalf of the housing authority;

(*e*) convert buildings into houses ;

(*f*) let houses and exercise in relation to any houses of the housing authority any power which a landlord has by statute or otherwise ;

(*g*) insure any property belonging to the housing authority ;

(*h*) pay bonuses or make allowances to tenants of houses of the housing authority, who show special diligence and care ; and

(*i*) exercise any other power necessary or convenient for carrying this Act into effect.

Exemption of gifts from succession duty.

17. No succession duty shall be payable upon any property given, devised or bequeathed to the housing authority.

Housing Improvement Fund.

18. (1) The moneys of the housing authority for the purposes of this Act shall be held by the Treasurer in a fund called the " Housing Improvement Fund ".

(2) The fund shall consist of—

(*a*) all moneys which are granted or lent to the housing authority by the Treasurer pursuant to this or any other Act :

(*b*) all moneys given or bequeathed to the housing authority for the purposes of this Act or realized from the sale or investment of any property given, devised or bequeathed for such purpose :

(*c*) all rents and other moneys paid by tenants of houses of the housing authority erected pursuant to this Act :

(*d*) all other moneys arising out of transactions of the housing authority in relation to houses erected pursuant to this Act or any other property of the housing authority under this Act :

(*e*) all moneys paid to the housing authority in repayment of any advances made under Part III. or in payment of any interest on any such advances :

(*f*) any moneys appropriated by Parliament for the purposes of this Act.

(3) The fund shall, without any further appropriation than this Act, be expended by the housing authority for the purposes of the execution and administration of this Act.

Power of Treasurer to make loans to housing authority.

19. The Treasurer may lend to the housing authority any money provided by Parliament for the purpose, for such period and on such terms and at such rate of interest as are mutually agreed upon between the Treasurer and the housing authority.

Power of bodies corporate to make grants or loans for housing purposes.

20. (1) Every body corporate is hereby authorized and empowered—

(*a*) to make grants of money to the Treasurer from time to time for the purpose of the provision of housing pursuant to this Act:

(*b*) to lend money to the Treasurer from time to time for the purpose of the provision of housing pursuant to this Act, at such low or nominal rate of interest and for such term and on such conditions as the body corporate deems fit,

notwithstanding that, apart from the provisions of this section, the body corporate has not power to make such grants or loans.

(2) Without any further appropriation than this section, the Treasurer may grant or lend to the housing authority, on such terms and conditions as are mutually agreed upon between the Treasurer and the housing authority, any money granted or lent to the Treasurer as aforesaid.

Power of Treasurer to borrow.

21. (1) Without limitation of any other provision of this Act, the Treasurer may arrange to borrow, for the purposes of this Act, fifty thousand pounds in accordance with the agreement approved by the Financial Agreement Act, 1927.

(2) Without any further appropriation than this section, the Treasurer may lend to the housing authority any money so borrowed, for such period and on such terms and at such rate of interest as are mutually agreed upon between the Treasurer and the housing authority.

Power of housing authority to carry out conditions of gift.

22. If the housing authority receives any gift, devise or bequest for the purpose of assisting it to provide houses for persons of limited means, and that gift, devise or bequest is subject to any trust, condition or stipulation which cannot by reason of any other provision of this Act be given effect to, the housing authority may, notwithstanding that provision, give effect to the trust, condition or stipulation, if it is otherwise in accordance with law.

PART III.

PART III.

IMPROVEMENT OF SUB-STANDARD HOUSING CONDITIONS.

Power to declare houses unfit for habitation.
Cf. U.K., 26 Geo. 5 and 1 Edw. 8, c. 51 s. 9.
Cf. Vic. 4568, 1938, s. 8.

23. (1) Where a local board, after making due inquiries and obtaining such reports as it deems necessary, is satisfied that any house is undesirable for human habitation or is unfit for human habitation, the local board may declare that the house—

(*a*) is undesirable for human habitation ; or

(*b*) is unfit for human habitation.

(2) Where the local board so declares any house undesirable for human habitation or unfit for human habitation, the local board—

(*a*) shall serve on the owner a copy of the declaration together with a statement in writing setting out particulars in respect to which the house is deficient, and in writing direct him within a specified time (being not less than one month after the service of the declaration)—

(i.) to carry out such work in respect of the house (including, if so directed, the partial demolition of the house) as is directed in the notice ; or

(ii.) if the local board is of opinion that it is impracticable to make the house desirable for human habitation or fit for human habitation, to demolish the house ; and

(*b*) shall serve a copy of the declaration, statement and direction on the occupier (if any) of the house and on every registered mortgagee of the land on which the house is situate ; and

(*c*) may, if the direction requires the house to be demolished, serve on the occupier (if any) of the house a notice in writing requiring the occupier to vacate the house within a specified period being not less than one month after the service thereof ; and

(*d*) may, if the direction requires any work to be carried out in respect of the house pursuant to subdivision (i.) of paragraph (*a*) hereof, serve on the occupier (if any) of the house, a notice in writing to vacate the house within a specified period, being not less than one month after the service thereof, unless

the house is, to the satisfaction of the local board, made to comply with the directions given by the local board before the expiration of the specified period.

(3) Every person who after the expiration of the period specified in any notice served pursuant to paragraph (*c*) or paragraph (*d*) of subsection (2), inhabits or occupies the house to which the notice relates or permits or suffers any person to inhabit or occupy such house, unless the local board has first certified in writing that the house has been made to comply with the directions given as aforesaid by the local board, shall be guilty of an offence against this Act.

(4) Every owner who fails to comply with any direction under this section within the time specified in the direction shall be guilty of an offence against this Act unless he satisfies the court that he did not have the means to comply with the direction.

(5) If any owner fails to comply with any direction under this section within the time specified in the direction the local board—

(*a*) may do anything that is necessary to make the house comply with the direction or (as the case requires), may demolish the house :

(*b*) may recover from the owner any expenses thereby incurred by the local board :

(*c*) may sell or dispose of any material taken from the house by the local board, but shall if necessary first cause all such material to be cleansed or disinfected :

(*d*) shall apply the proceeds of any such sale for or towards the expenses of the local board aforesaid and pay the surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land upon which the house was situate or if there is more than one such registered mortgagee in accordance with the respective priorities thereof and shall pay any balance thereof remaining to the owner.

(6) No declaration shall be made pursuant to this section that any house is undesirable for human habitation or unfit for human habitation unless at or within three months before the time the declaration was made, the house was let to some person at a rent.

(7) The provisions of this section shall be read and construed cumulatively with, and not in exclusion or derogation from, the provisions of the Health Act, 1935-1936, and the Building Act, 1923-1935, relating to the powers and duties of local boards or councils.

Appeal from declaration of local board.
Cf. U.K. 25, Geo. 5 and 1 Edw. 8, c. 51, s. 15.
Cf. Vic. 4568, 1938, s. 8 (6).

24. (1) Any owner of a house or registered mortgagee of the land on which a house is situate who feels aggrieved by any declaration of the local board that the house is undesirable for human habitation or unfit for human habitation may within one month after a copy of the declaration has been served on him appeal therefrom to the local court of full jurisdiction nearest to the house.

(2) The court shall hear and inquire into the appeal and may either allow or dismiss the appeal and for that purpose may do all such matters and things relating thereto and in the same manner and to the same extent as it is empowered to do in the exercise of its ordinary jurisdiction, and the decision of the court shall be final and conclusive. The powers of the court shall include power to award costs.

(3) While any such appeal is pending the provisions of subsections (3), (4), and (5) of section 23 shall be suspended with respect to the house.

(4) When any such appeal is allowed, the declaration of the local board that the house is undesirable or unfit for human habitation and any notice or direction served in connection with such declaration shall be deemed to be and to have been void and of no effect.

Power of housing authority.

25. (1) Where the housing authority, after making due inquiries and obtaining such reports as it deems necessary, is satisfied that any house is undesirable for human habitation or unfit for human habitation, the housing authority, after consulting with the local board of the district in which the house is situated, may by notice in writing require the local board within the time specified in the notice to make a declaration pursuant to section 23 with respect to the house in the form required by the housing authority and to give any direction or notice or otherwise exercise any power under the said section in the manner required by the housing authority.

(2) If the local board omits to comply with any notice given as aforesaid by the housing authority, the housing authority shall have and may exercise any of the powers given to local boards by section 23. The provisions of this Part shall apply with respect to any such exercise of the said powers.

(3) If the local board omits to enforce any direction or notice given by it pursuant to section 23, the housing authority may enforce the direction or notice and for that purpose shall have and may exercise any of the powers given to local boards by the said section. The provisions of this Part shall apply with respect to any such exercise of the said powers.

Powers of housing authority within township of Whyalla.

26. Within the part of the State for the time being comprised within the town of Whyalla, the housing authority

shall have and may exercise all the powers given by this Part to a local board and all the provisions of this Part shall apply with respect to any such exercise of the said powers.

Advances to owners.
Cf. Vic. 4568, 1938, s. 9.

27. (1) Where a local board or the housing authority has pursuant to this Part given any direction to the owner of any house to carry out any work in respect of the house (other than a direction for the demolition of the house), the housing authority may, at the request of the owner, make an advance to the owner for such purpose from the fund.

(2) Every such advance shall be by way of loan upon such conditions as the housing authority determines and shall bear interest at such rate as the housing authority with the consent of the Treasurer determines.

(3) No such advance shall be made to any owner unless the housing authority is satisfied that, unless the advance is made, the owner would not be able without suffering undue hardship to provide the money necessary to make the house comply with the direction.

(4) At least seven days before making any such advance to any owner, the housing authority shall give to every registered mortgagee of the land upon which the house is situate notice in writing of the request to make the advance, but the failure to give any such notice shall not affect the power of the housing authority to make the advance nor affect the operation of sections 28, 29, and 30.

Advance to be a charge on land.
Cf. Vic. 4568, 1938, s. 10.

28. (1) Every such advance with interest thereon at the rate determined as aforesaid by the housing authority shall be as from such date as the housing authority determines and until paid to the housing authority shall remain a charge on the land on which is situate the house in respect of which the advance was made. If every registered mortgagee of the land upon which the house is situate consents in writing to the making of the advance and to the charge being a first charge on such land, the charge shall be a first charge on such land. If every such registered mortgagee does not consent in writing as aforesaid, the charge on such land shall be subject to every mortgage or encumbrance of such land which is registered under the Real Property Act, 1886-1939, or, as the case may be, the Registration of Deeds Act, 1935, prior to a memorandum of the charge being indorsed or a memorial of the charge being registered as provided by this section.

(2) Forthwith upon any land being charged with an advance as aforesaid, the housing authority shall give notice thereof in writing under the seal of the housing authority to the

Registrar-General, who shall indorse or cause to be indorsed on the appropriate folio of the register book a memorandum of the charge.

(3) If any default is made in the payment of any advance, or any instalment thereof, or any interest thereon, or any part thereof, the housing authority shall have in respect of the land referred to in the memorandum of charge, the same powers of sale as are given by The Real Property Act, 1886-1939, to a mortgagee under a mortgage in respect of which default has been made in the payment of the principal money or interest or any part thereof, and for such purpose the balance of the advance then unpaid shall be deemed to be the principal money secured by the charge.

(4) Upon any advance and interest thereon being fully paid to the housing authority, the housing authority shall give notice thereof in writing under the seal of the housing authority to the Registrar-General who shall indorse or cause to be indorsed on the appropriate folio of the register book, a memorandum of the removal of the charge.

(5) If any land charged with any advance is not under The Real Property Act, 1886-1939, the housing authority shall register in the General Registry Office a memorial of the charge or discharge thereof, as the case may be.

(6) The housing authority shall in the cases aforesaid, pay to the Registrar-General such fees as are fixed from time to time by the Registrar-General. All such fees shall be paid to the housing authority by the applicant owner.

(7) The provisions of this section shall apply notwithstanding the provisions of The Real Property Act, 1886-1939.

Power to take further security.
Cf. Vic. 4568, 1938, s. 10 (3).

29. Notwithstanding anything in this Part the housing authority may—

(*a*) require any owner to whom an advance is made pursuant to this Part to give to the housing authority any security which the housing authority thinks proper for the repayment to the housing authority of any advance or instalment thereof or the payment of interest thereon; and

(*b*) recover any such advance, instalment or interest as a debt due to the housing authority.

Recovery of moneys owing by owner by attachment of rent payable by occupier.
Cf. Vic. 4568, 1938, s. 11.

30. (1) Where under any provision of this Part any moneys are payable to the housing authority by the owner of any house, and the housing authority is satisfied that the owner is not making satisfactory arrangements for the payment of such

moneys, the housing authority may by notice in writing served on the occupier of the house require the occupier to pay to the housing authority, until the amount of moneys payable to the housing authority by the owner as aforesaid is satisfied, any moneys which are payable by the occupier by way of rent to the owner or to some other person on behalf of the owner.

(2) The occupier shall pay to the housing authority all rent accrued due at or accruing due after the service of the notice.

(3) Until full satisfaction of the moneys payable to the housing authority by the owner by the receipt of rent as aforesaid, the housing authority may, with regard to any arrears of rent, exercise all remedies which may be enforced by a landlord against a tenant for recovery of rent in arrear.

(4) In any case where—

(*a*) the housing authority has given notice as aforesaid to any such occupier ; and

(*b*) the housing authority has also given to the owner aforesaid notice in writing of the giving of the said notice to the said occupier ; and

(*c*) the said occupier pays any such rent to the said owner and the said owner does not within twenty-four hours of the payment pay the rent to the housing authority,

the said owner shall, unless he pays to the housing authority all the said moneys payable by him to the housing authority, be guilty of an offence against this Act.

(5) This section shall be read and construed as in aid of and not in derogation from the provisions of the two last preceding sections.

Provision as to owners who are trustees. Cf. Vic. 4568, 1938, s. 14.

31. Where any owner of a house being a trustee within the meaning of the Trustee Act, 1936, is directed to comply with any direction given pursuant to this Part, the trustee may, notwithstanding anything to the contrary contained in the instrument (if any) creating the trust—

(*a*) make the house so comply with such direction :

(*b*) demolish the house and, if the trustee thinks fit, erect another house in substitution therefor or sell the land on which the house was situate :

(*c*) if the area of the land upon which any house demolished as aforesaid was situate is such that a dwelling-house could not, by reason of the provisions

of the Building Act, 1923-1935, or any other Act, be erected on the land, purchase any other land adjoining the same for the purpose of providing an allotment or allotments of land of the area required under the provisions of such Act :

(*d*) pay or apply any capital money subject to the trust for or towards any such purpose :

(*e*) raise any money required for or towards any such purpose by sale, conversion, calling in or mortgage of all or any part of the trust property for the time being in possession.

Power to acquire certain lands. Cf. Vic. 4568, 1938, s. 18.

32. (1) Where a local board or the housing authority has, pursuant to this Part, directed the demolition of any house as undesirable for human habitation or unfit for human habitation, the housing authority may purchase or compulsorily acquire the land on which the house is or was erected.

(2) Where the area of any land purchased or acquired under subsection (1) is such that a dwelling-house could not, by reason of the provisions of the Building Act, 1923-1935, or any other Act, be erected on the land, the housing authority may purchase or acquire compulsorily any other land adjoining the same for the purpose of providing an allotment or allotments of land of the area required under the provisions of such Act.

(3) Where any land has been purchased or acquired by the housing authority under this section the housing authority may—

(*a*) remove or demolish the buildings or erections (if any) on the land and sell the materials of any such buildings or erections so removed or demolished :

(*b*) deal with the land or any part thereof pursuant to Part V. or Part VI. :

(*c*) on such terms and conditions and subject to such exceptions and reservations as it thinks, fit, sell the whole or any part of any such land, and any buildings or erections thereon.

(4) The provisions of section 38 shall *mutatis mutandis* apply to any house on any land purchased or acquired by the housing authority under this section.

PART IV.

CLEARANCE OF AREAS.

Power to declare clearance area.
Cf. U.K. 26 Geo. 5 and 1 Edw. 8, c. 51, s. 25.
Cf. Vic. 4568, 1938, s. 19.

33. (1) Where in any area there are any houses which—

(*a*) in the opinion of the housing authority are unfit for human habitation ; or

(*b*) are in the opinion of the housing authority in any respect insanitary or unhealthy or likely to affect detrimentally the well-being of the inhabitants of the area by reason of the excessive number of buildings within the area or the bad arrangement or narrowness of streets or the insanitary condition of the area or the unsuitability of the area for human habitation or for any other reason,

and the housing authority considers that housing conditions within the area cannot be dealt with satisfactorily unless the area is dealt with under this Part as a clearance area, the housing authority may cause the area to be defined on a map and may recommend to the Governor that the area so defined should be constituted a clearance area.

(2) Before making any such recommendation the housing authority shall be satisfied that insofar as suitable accommodation for the persons of limited means who will be displaced by the clearance of the area does not already exist, the housing authority can provide, or can arrange for the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of houses in the area, or in different parts thereof, proceeds.

(3) The housing authority shall—

(*a*) at least twenty-eight days before submitting any such recommendation to the Governor—

(i.) consult with every council in the municipality or district of which any part of the proposed clearance area is situate ; and

(ii.) serve on every owner and every registered mortgagee of any house, building or land in the proposed clearance area a notice describing the boundaries of the proposed clearance area and naming a convenient place where a copy of the recommendation and a plan of the proposed clearance area may be inspected at all reasonable hours, and stating that the recommendation will be submitted to the Governor :

(*b*) before submitting such recommendation as aforesaid consider any objections made to the housing authority by any such council or by or on behalf of any such owner or registered mortgagee within twenty-one days after such consultation or service.

(4) When the housing authority has made such a recommendation with respect to any area, the Governor may by proclamation declare the area to be a clearance area and thereupon the area shall be constituted a clearance area.

(5) Upon any clearance area being proclaimed, the housing authority may proceed to secure the clearance of the area in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

(*a*) by ordering the demolition of any houses in the area ; or

(*b*) by acquiring any of the land comprised in the area and by undertaking or otherwise securing the demolition of the buildings thereon.

Acquisition of land in clearance area.

34. The housing authority may purchase or compulsorily acquire any land within or adjacent to a clearance area.

Powers of housing authority as to demolition.

35. The housing authority shall have and may exercise within a clearance area all the powers given by Part III. to a local board and the provisions of that Part shall apply with respect to any such exercise of the said powers.

Powers of housing authority as to clearance area.
Cf. Vic. 4568, 1938, s. 21.

36. (1) The housing authority may in respect of any clearance area—

(*a*) demolish, repair or reconstruct any houses, buildings or erections on the land in such area which has been purchased or taken compulsorily by the housing authority :

(*b*) maintain in good repair any houses, buildings or erections on such land :

(*c*) subject to this Part secure the closing of any street or part thereof or the extinguishment of any easement or restrictive covenant affecting any such land :

(*d*) open any new street on any such land :

(*e*) alter the levels of any such land and of streets on or adjoining such land :

(*f*) make provision with respect to pipes, wires, apparatus, sewers, drains, tunnels, conduits, poles, posts and fixtures on or under such land or streets :

(*g*) re-plan, re-subdivide and improve (subject to the provisions of the Town Planning Act, 1929), such area or any part thereof:

(*h*) on such terms and conditions and subject to such exceptions and reservations as the housing authority thinks fit, sell such land or any part thereof and any houses, buildings or erections thereon:

(*i*) deal with such land or any part thereof pursuant to the provisions of Part V. or Part VI.

(2) The housing authority, before it commences to deal with any clearance area under the powers conferred on it by this section, shall consult with every council in the municipality or district of which any part of such area is situate or the representatives of any such council concerning the proposed scheme for re-subdividing and improving such area.

Streets opened by housing authority.

37. If pursuant to the powers conferred by this Part the housing authority opens any new street, the street shall be deemed to be a public street within the meaning of the Local Government Act, 1934-1939, and notwithstanding anything in section 319 or section 328 or any other provision of that Act, the council shall not be entitled to recover from owners of property abutting on the street any of the cost of carrying out any of the works mentioned in those sections.

Notice to vacate buildings in reclamation area.
Cf. Vic. 4568, 1938, s. 22.

38. (1) The housing authority may serve a notice in writing on the occupier of any house or building situate on any land which has been purchased or taken compulsorily by the housing authority within a clearance area requiring him to vacate the house or building within a specified period not less than one month after the service thereof.

(2) Every person who after the expiration of the period specified in the notice as aforesaid inhabits or occupies such house or building or permits or suffers any person to inhabit or occupy such house or building shall be guilty of an offence against this Act.

Closing streets and extinguishing easements and covenants.
Cf. Vic. 4568, 1938, s. 23.

39. If the housing authority—

(*a*) is of opinion that for the effective re-planning or re-subdivision of any clearance area or any part thereof it is expedient that any street or any part of a street should be closed or that any easement or restrictive covenant should be extinguished; and

(*b*) has served on the owner of any land which the housing authority, after making inquiry into the matter, considers is likely to be substantially affected by

such closing of a street or part of a street or extinguishment of an easement or restrictive covenant, notice of such proposed closing or extinguishment and has given to all such owners an opportunity of setting forth their objections to such closing or extinguishment; and

(*c*) has made provision—

(i.) with respect to pipes, wires, apparatus, sewers, drains, tunnels, conduits, poles, posts, and fixtures lawfully upon, over, across, or under any such street or part thereof;

(ii.) for access to any land likely to be prejudicially affected by any such closing or extinguishment;

(iii.) for the payment of compensation to any person (other than a council) in whom the land comprised in any such street or part thereof is vested and to any owner of land which in the opinion of the housing authority is likely to be substantially affected by any such closing or extinguishment; and

(iv.) for the rectification or other alteration of documents of title to lands the descriptions of which are likely to be affected by any closing or extinguishment,

the housing authority may, after considering all objections made pursuant to paragraph (*b*) of this section and if of opinion that such closing or extinguishment will not substantially injure the public or any person so objecting, make a recommendation to the Governor and the Governor may, by proclamation, close such street or part thereof or extinguish such easement or restrictive covenant accordingly.

Effect of closing street.
Cf. Vic. 4568, 1938, s. 24.

40. (1) On the publication in the *Gazette* of any such proclamation closing a street or part thereof, the street or part thereof (whether it is the property of the Crown or not) shall cease to be a street and thereupon all rights, easements, or privileges existing or claimed as regards the land comprised therein either in or by the public or any person or body of persons whomsoever or whatsoever as incident to any past dedication or supposed dedication thereof or by express grant or by statute or by any past user thereof or by any fiction of law shall cease and determine and the land comprised therein shall be vested in fee simple in the housing authority freed and

discharged from all trusts, encumbrances, limitations or, restrictions whatsoever.

(2) On the publication of any such proclamation extinguishing an easement or restrictive covenant, such easement or restrictive covenant shall cease and determine.

(3) The housing authority shall, after the publication of any such proclamation, give to the Registrar-General notice thereof in writing under the seal of the housing authority.

Cancellation of existing grant, etc., when land is under Real Property Act. Cf. Vic. 4568, 1938, s. 25.

41. (1) Where the land comprised in any street so closed or any part thereof is land under The Real Property Act, 1886-1939, the Registrar-General is hereby directed and empowered to cancel the existing grant or certificate of title therefor and any instrument, entry, or memorial in the register book and any plan of subdivision altogether or to such extent as is necessary in consequence of the proclamation and the Registrar-General may issue to the housing authority a certificate of title in respect of any such land.

(2) In cancelling any grant, certificate of title, instrument, memorial, or entry in the register book or any plan of subdivision in pursuance of the power hereby conferred on him in that behalf the Registrar-General shall indorse thereon a memorandum stating the circumstances and authority under which the cancellation is made.

(3) If any such proclamation for closing a street or part thereof or extinguishing an easement or restrictive covenant affects the right, estate or interest of the registered proprietor of land under The Real Property Act, 1886-1939, included in any certificate of title in respect of any easement or restrictive covenant appearing thereon or implied by statute appurtenant to such land the Registrar-General shall cancel such easement or restrictive covenant to the extent to which it has been determined or extinguished upon the original of such certificate, and also upon the duplicate certificate of title when brought to him for that purpose or when the same is lodged in the Lands Titles Registration Office for the purpose of any dealing with the land comprised therein.

(4) The Registrar-General may call in such duplicate certificate of title for the purpose of such cancellation and may retain the duplicate until such cancellation is effected and refuse to register any dealing with the land comprised therein or any part thereof until the duplicate has been so brought in and lodged.

(5) Where the description of any land under The Real Property Act, 1886-1939, or any certificate of title is or may be affected by any proclamation closing a street or part thereof or extinguishing an easement or restrictive covenant the

Registrar-General is hereby empowered to make an amendment in such description or certificate which is in his opinion necessary or desirable.

(6) Where the land comprised in any street so closed or any part thereof is not land under The Real Property Act, 1886-1939, the Registrar-General may, upon a request in writing from the housing authority, and upon payment of such fees and charges as would have been payable if the request had been an application to bring the land under The Real Property Act, 1886-1939, issue to and in the name of the housing authority a certificate of title under The Real Property Act, 1886-1939, for the said land. Before issuing a certificate of title as aforesaid the Registrar-General may require the housing authority to deposit with him a plan or map of the land, as if the request had been an application to bring the land under The Real Property Act, 1886-1939.

(7) No provision of this Part shall be read and construed as disentitling the Registrar-General to demand any fees specified in or under The Real Property Act, 1886-1939.

(8) The provisions of this Part shall apply notwithstanding the provisions of The Real Property Act, 1886-1939.

Construction of this Part.

42. The provisions of this Part shall be read and construed cumulatively with and not in exclusion of or derogation from the provisions of any other Act.

PART V.

PART V.

PROVISION OF HOUSING FOR PERSONS OF LIMITED MEANS.

Construction of houses.
Cf. 26 Geo. 5 and 1 Edw. 8, c. 51, s. 72.
Cf. Vic. 4568, 1938, s. 27.

43. (1) For the purpose of providing housing accommodation for persons of limited means the housing authority may—

(*a*) purchase any land :

(*b*) construct houses on or set apart for gardens, parks, open spaces or places of recreation or lay out as streets any land purchased as aforesaid or purchased or acquired by the housing authority pursuant to Part III. or Part IV. :

(*c*) with the consent of the Governor, construct on any such land any buildings which in the opinion of the housing authority will serve a beneficial purpose in connection with the requirements of the persons to whom such houses are let or leased under this Part :

(*d*) purchase or take on lease any house :

(*e*) maintain, repair, and generally control and manage all such houses and buildings and the land on which they are situate :

(*f*) do all matters and things incidental to any of the matters aforesaid.

(2) The Governor may by regulations made on the recommendation of the housing authority determine the maximum cost of construction of any house or class or type of house or of any building to be constructed pursuant to this section.

Letting of houses.
Cf. Vic. 4568, 1938, s. 28.

44. (1) The housing authority may on such terms and for such periods and subject to such covenants and conditions as the housing authority thinks fit, let or lease any house maintained by it under this Act to any person of limited means, who, in the opinion of the housing authority, after taking into account—

(*a*) the existing housing accommodation of that person ;

(*b*) the availability of other suitable housing accommodation for such person at a rent within his means ;

(*c*) the number of children of the person living with him ; and

(*d*) such other matters as the housing authority thinks fit,

is unable to secure suitable housing accommodation otherwise than under this Act.

(2) The housing authority shall in letting or leasing any such houses give reasonable preference to persons who are displaced from houses in the execution of this Act or are occupying insanitary or overcrowded houses or have large families or are living under unsatisfactory housing conditions.

Power to sell houses.

45. (1) The housing authority may sell to any tenant of the housing authority any house belonging to the housing authority and erected pursuant to this Part.

(2) The sale may be either for cash or on credit, and subject to any terms and conditions which the housing authority thinks fit.

Rentals.
Cf. Vic. 4568, 1938, s. 29.

46. (1) The housing authority shall from time to time determine the amount of rent which shall be payable by tenants of houses erected pursuant to this Part.

(2) The rental of any house shall so far as is practicable be based on the economic rental of the house and the land on which it is situate with provision for rebates in such circumstances and subject to such conditions as are determined from time to time by the housing authority.

PART V.

Regulations as to houses.
Cf. Vic. 4568, 1938, s. 30.

47. The Governor on the recommendation of the housing authority may make regulations for or with respect to the management, use, control, regulation and inspection of houses and buildings maintained by the housing authority under this Act.

PART VI.

PART VI.

ASSISTANCE TO HOUSING CORPORATIONS.

Power to transfer or lease land to body corporate.
Cf. U.K. 26 Geo. 5 and 1 Edw. 8, c. 51, s. 93.

48. (1) For the purpose of the housing of persons of limited means, the housing authority may transfer, convey or lease to any body corporate any land of the housing authority.

(2) Any such transfer or conveyance may be voluntary or for any consideration less than the full value of the land, and any such lease may be at a nominal rental, if the housing authority is satisfied that binding arrangements have been made that the body corporate will erect houses on the land for the housing of persons of limited means and that the houses will be let at rentals suitable for the means of such persons, and that no person being a member of the body corporate will derive any profit or gain from the letting of such houses.

PART VII.

PART VII.

CONTROL OF RENTALS OF SUB-STANDARD HOUSES.

Application of Part.

49. (1) This Part shall apply only within the metropolitan area and within such other parts of the State to which the Governor may by proclamation declare that this Part shall apply.

(2) The Governor may by proclamation declare that this Part shall apply to any part of the State outside the metropolitan area and may by proclamation revoke or vary any such proclamation.

Interpretation.

50. In this Part—

"rates" means any charges levied by a council or by the Commissioner of Waterworks or the Commissioner of Sewers:

"rent" and "rental" in relation to any house, include any taxes or rates (other than excess water rates) payable by the tenant in respect of the house, and include any amount payable by the tenant to the

landlord for the purpose of the repair, renovation, or improvement of the house.

Classification of houses.

51. The housing authority may from time to time fix classifications into which, for the purposes of the control of rentals pursuant to this Part, sub-standard houses may be classified.

Application of rent control to houses.

52. (1) Where the housing authority, after making due inquiries and obtaining such reports as it deems necessary, is satisfied that any house is undesirable for human habitation or is unfit for human habitation, the housing authority may serve upon the owner and upon any registered mortgagee of the land on which the house is situate, a notice in writing stating that the housing authority intends to declare the house to be sub-standard for the purposes of this Part. Every such notice shall fix a time being not less than one month from the giving thereof, within which the owner or registered mortgagee may make any representations to the housing authority.

(2) After considering any such representations the housing authority may, by notice in the *Gazette*, declare the house to be sub-standard for the purposes of this Part.

Appeal from declaration of housing authority.

53. (1) Any owner of a house or registered mortgagee of the land on which a house is situate who feels aggrieved by any declaration of the housing authority that the house is sub-standard for the purposes of this Part may within one month after the publication of the declaration in the *Gazette* appeal therefrom to the local court of full jurisdiction nearest to the house.

(2) The court shall hear and inquire into the appeal, and may either allow or dismiss the appeal, and for that purpose may do all such matters and things relating thereto, and in the same manner and to the same extent as it is empowered to do in the exercise of its ordinary jurisdiction, and the decision of the court shall be final and conclusive. The powers of the court shall include power to award costs.

(3) Whilst any such appeal is pending, the provisions of section 54 shall be suspended with respect to the house.

(4) When any such appeal is allowed the declaration of the housing authority that the house is sub-standard for the purposes of this Part, shall be deemed to be and to have been void and of no effect.

Classification and fixing of maximum rentals of sub-standard houses.

54. (1) After the expiration of one month from the publication in the *Gazette* of any declaration relating to a house or, if any appeal is made in respect of any such house and is disallowed, after the determination of such appeal, the housing authority may by notice in the *Gazette*—

(*a*) fix the classification (if any) of the house:

(*b*) fix the maximum rental per week which shall be payable in respect of the house.

(2) Every such notice shall come into force from the date of the publication thereof in the *Gazette*.

(3) In fixing the maximum rental payable in respect of any house, the housing authority shall so far as practicable, fix rentals which shall be uniform for houses of similar condition and accommodation in the same locality; and in fixing the maximum rental payable in respect of any house, the housing authority shall take into account the accommodation provided in the house, and its state of repair and general condition, and may take into account with respect to the house any of the matters mentioned in section 85, whether or not regulations have been made under that section.

Alteration of rent or classification.

55. (1) The housing authority may, from time to time, after making due inquiries and obtaining such reports as it deems necessary, by notice in the *Gazette*, vary the classification of, or alter the maximum rental payable in respect of any house or part thereof, as the case may be, included in any notice under section 54, 57, or 58.

If any maximum rental is altered as aforesaid, the rental so altered shall from the publication of the said notice be the maximum weekly rental of the house or part thereof, as the case may be, for the purposes of this Part.

(2) If after making due inquiries and obtaining such reports as it deems necessary, the housing authority is of opinion that any house included in any declaration under section 52 has ceased to be undesirable for human habitation or unfit for human habitation, as the case may be, the housing authority may by notice in the *Gazette* revoke the declaration made pursuant to section 52. Upon publication as aforesaid any notice previously given fixing the maximum rental of the house, or of any part thereof, shall from the date of such publication cease to have any force.

(3) Any person interested may at any time make application in writing to the housing authority for the exercise of any of the powers given by this section.

Rentals payable for classified house.

56. (1) During the time any notice fixing the maximum rental of any house or any part thereof is in force under this Part, and notwithstanding any change in ownership or occupation of the house or part, the maximum rent per week which shall be payable in respect of the house or part thereof, as the case may be, shall be that fixed as aforesaid by the housing authority.

(2) Any amount by which the rent of the said house or part thereof, as the case may be, is in excess of the said maximum

rental shall, notwithstanding any agreement to the contrary, be irrecoverable.

(3) Where any sum has been paid on account of any rent, being a sum which by virtue of this Part would have been irrecoverable by the landlord, the sum so paid shall at any time within six months after the date of payment, be recoverable from the landlord who received the payment or his legal personal representative, by the tenant by whom it was paid, and may, without prejudice to any other method or recovery, be deducted by that tenant from any rent payable within such six months by him to such landlord.

(4) If any person in any rent book or similar document makes any entry showing or purporting to show any tenant as being in arrear in respect of any sum which by virtue of this Part is irrecoverable, he shall be guilty of an offence against this Act.

Subletting of classified house.

57. (1) If any notice fixing the maximum rental of any house is in force under this Part, the housing authority may by notice in the *Gazette* fix the maximum rental per week which shall be payable in respect of the subletting of any part of the house.

(2) If the rental for any part sublet is not fixed as aforesaid, the maximum rental per week which shall be payable in respect of the subletting of that part shall be a rental which bears to the maximum rental fixed for the house the same proportion as the number of rooms so sublet bears to the total number of rooms in the house.

Rentals of furnished houses.

58. (1) If any notice fixing the maximum rental of any house is in force under this Part, and the house or any part thereof is let at a rental which includes payments for the use of any furniture, the housing authority may by notice in the *Gazette* fix the maximum rental per week which shall be payable in respect of the house or part thereof including any payment for the use of the furniture.

(2) If the rental for the house or part thereof is not fixed as aforesaid, then the maximum rental per week thereof, including any payment for the use of the furniture, shall be the maximum rental per week fixed pursuant to section 54 or 57, as the case may be.

Penalty for making sale of furniture a condition of letting.

59. (1) A person shall not, in consideration of the grant, renewal or continuance of a tenancy of a house in respect of which a notice fixing the maximum rental thereof is in force under this Part, require the purchase of any furniture and any agreement for any such purchase shall be void.

(2) A person shall not, in consideration of the grant, renewal or continuance of a tenancy of a house in respect of which a notice fixing the maximum rental thereof is in force under this Part, require the payment of any fine, premium, or other like sum in addition to the rent.

(3) Any amount paid by way of any such purchase of furniture, or by way of any such fine, premium, or sum, shall be recoverable by the person by whom it was paid from the person to whom it was paid, and may, without prejudice to any other method of recovery, be deducted from any rent payable in respect of the house by the person first-mentioned in this subsection to the person second mentioned in this subsection.

Supply of particulars of houses of which rentals are controlled.

60. Upon application in writing stating the particulars of any house in respect of which information is required by any person, and upon receipt of a fee of one shilling, the housing authority shall give or send by post to the person so applying a statement in writing as to whether as at the date of the statement a notice fixing the maximum rental of the house in in force under this Part, and, if so, giving particulars of the maximum rental.

Orders for possession.

61. (1) After the commencement of this Act, no order or judgment for the recovery of possession of a house in respect of which a notice fixing the maximum rental is in force under this Part, or for the ejectment of a tenant therefrom, shall be made or given, so long as the tenant continues to pay rent at the rate agreed at the time of the publication of the said notice as modified by this Part, and performs the other conditions of the tenancy unless—

(*a*) the tenant has committed waste, or has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers, or has been convicted of using the premises or allowing, suffering, or permitting the premises to be used for an immoral or illegal purpose, and the court considers it reasonable to make such an order or give such judgment ; or

(*b*) the tenant, by sub-letting the house or any part thereof, or by taking in lodgers, is making a profit which, having regard to the rent paid by the tenant, is unreasonable, and the court considers it reasonable to make such an order or give such judgment ; or

(*c*) the premises are required by the landlord for the occupation of the landlord or the spouse, son, daughter, son-in-law, daughter-in-law, father or mother of the landlord ; or

(*d*) the premises are reasonably required by the landlord for the occupation of some person in his employ, or in the employ of some tenant from him, and the court, after considering all the circumstances of the case, including especially the alternative accommodation available for the tenant, considers it reasonable to make such an order or give such judgment; or

(*e*) the landlord has entered into a contract to sell the house, under which contract he is obliged to give vacant possession of the house to the buyer, and has received not less than twenty per centum of the purchase-money; or

(*f*) the tenant has given notice of his intention to quit, and in consequence of that notice the landlord has contracted to let the house or has taken other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession; or

(*g*) the house is reasonably required by the landlord for demolition, or for reconstruction to a substantial extent, and the court is satisfied that greater hardship would be caused by refusing to grant an order or judgment for possession than by granting it; or

(*h*) the house is reasonably required by the landlord for the purpose of enabling him to comply with the requirements of a council, a local board, the Central Board of Health or the housing authority; or

(*i*) the tenant was in the employment of the landlord and the house was let to him in consequence of that employment, and he has ceased to be in that employment.

(2) At the time of making any order or giving any judgment for the recovery of possession of any such house or for the ejectment of a tenant therefrom, or in the case of any such order or judgment which has been made or given, whether before or after the commencement of this Act or the coming into force of any notice under section 54 with respect to the house, and not executed, at any subsequent time, the court may stay or suspend execution of the order or judgment or postpone the date of possession, for such period or periods as it shall think fit, either unconditionally or subject to such conditions in regard to payment by the tenant of rent or mesne profits and otherwise, as the court shall think fit, and if such conditions are complied with, the court may, if it thinks fit, discharge or rescind such order or judgment.

(3) Where any order or judgment in respect of any house has been made or given before the commencement of this Act, or the coming into force of any notice under section 54 with respect to the house, but not executed, and in the opinion of the court the order or judgment would not have been made or given if this Part had been in force at the time when such order or judgment was made or given, the court may, on application by the tenant, rescind or vary such order or judgment in such manner as the court may think fit for the purpose of giving effect to this Part.

(4) Notwithstanding anything in the Local Courts Act, 1926, or any other Act, a warrant for delivery of possession of a house which pursuant to such Act and apart from this section would remain in force for any fixed period prescribed in that behalf, shall remain in force for such further period or periods, if any, as the court shall from time to time, whether before or after the expiration of such fixed period, direct.

(5) This section shall not apply to any proceedings by the housing authority or a local board pursuant to this Act.

Saving of Increase of Rent (War Restrictions) Act, 1939.

62. The provisions of this Part shall be read and construed cumulatively with, and not in exclusion or derogation from, the provisions of the Increase of Rent (War Restrictions) Act, 1939.

PART VIII.

PART VIII.

MISCELLANEOUS.

Incorporation of Compulsory Acquisition of Land Act, 1925.

63. (1) The Compulsory Acquisition of Land Act, 1925, except sections 49, 79, 80, 81, and 82 of that Act, is incorporated with this Act.

(2) The housing authority taking land for the purpose of this Act shall be regarded as the promoters of an undertaking and this Act as the special Act within the meaning of the said incorporated Act.

Basis of compensation.
Cf. U.K. 26 Geo. 5, and 1 Edw. 8, c. 26, s. 40.
Cf. Vic. 4568, 1938, s. 41.

64. In determining whether any, and what compensation is to be made for land acquired for the purposes of this Act, the following provisions (in addition to the provisions of the said incorporated Act and notwithstanding the provisions of subsection (2) of section 12 of that Act) shall apply :—

I. In the case of a house or building which the housing authority or a local board or a council has, whether pursuant to this or any other Act, directed to be demolished, the value of the house or building (except insofar as the materials thereof have any net sale value) shall be disregarded :

II. Where any allotment of land acquired is such that a dwelling-house or other building could not, by reason of the provisions of the Building Act, 1923-1935, or any other Act, be erected on the allotment, that fact shall be taken into account in assessing compensation :

III. Where in the opinion of the court assessing the compensation, the owner of the land has expended moneys on any building thereon, with the intention of increasing the amount of compensation to be claimed by the owner, an amount equal to the amount so expended or to the added value claimed by reason of the expenditure shall be disallowed in assessing compensation :

IV. Where the court is of opinion that the rent charged for any building (having regard to the actual value of the building and the condition of repair thereof) is for any reason excessive, such portion of the rent as the court may consider to be excessive shall be disregarded in assessing compensation.

Allowance to certain displaced occupiers.
Cf. Vic. 4568, 1938, s. 43.

65. (1) The housing authority may in its absolute discretion pay to any person displaced in the execution of this Act from any house or building such reasonable allowance as it thinks fit towards his expenses in removing to another house or building.

(2) Where any such person is carrying on any trade or business in such house or building the housing authority may in its absolute discretion pay to such person (whether or not in addition to any allowance under the last preceding subsection), such reasonable allowance as it thinks fit towards compensating the loss which in its opinion he will sustain by reason of the disturbance of his trade or business consequent upon his displacement from such house or building.

(3) Where any such person is the owner of such house or building, the housing authority may with the approval of the Governor pay to such person (whether or not in addition to any allowance under the preceding provisions of this section) such *ex gratia* payment as it thinks fit.

Housing authority to confer and co-operate with other departments, etc.
Cf. Vic. 4568, 1938, s. 46.

66. (1) Where the exercise of any powers or the discharge of any duties by the housing authority may affect the exercise of any powers or the discharge of any duties by any Government department or by any council or local board, the housing authority shall so far as practicable, confer and co-operate with that department, council or local board.

(2) Any question, difference or dispute, arising or about to arise between the housing authority and any such department, council, or local board, with respect to the exercise of any powers or the discharge of any duties by either or both of them, may be finally and conclusively determined by the Governor.

Powers of entry and inspection.
Cf. U.K. 26 Geo. 5 and 1 Edw. 8, c. 51, s. 157.
Cf. Vic. 4568, 1938, s. 50.

67. In the execution of this Act, any member of the housing authority or any officer of the housing authority or other person authorized by the housing authority and any member of a local board or any officer of a local board or other person authorized by the local board, may enter into and upon any premises at any reasonable hour for the purposes of—

(*a*) examining the condition, standard of sanitation and hygiene, and state of repair of the premises :

(*b*) ascertaining whether any of the provisions of this Act are being or have been contravened :

(*c*) executing any work authorized to be executed or made by or under this Act :

(*d*) generally, enforcing the provisions of this Act.

Obstruction, etc., of officers, etc.
Cf. Vic. 4568, 1938, s. 51.

68. Every person who—

(*a*) obstructs, hinders, impedes, resists or opposes ; or

(*b*) refuses admission to any premises to,

any member of the housing authority or a local board or any officer or person authorized by the housing authority or a local board, in the performance of anything which such member, officer or person is empowered or required by or under this Act to do, shall be guilty of an offence against this Act.

Offences by occupiers and others.
Cf. Vic. 4568, 1938, s. 52.

69. (1) If the occupier of any premises or any other person prevents, obstructs or hinders the owner from or in obeying or carrying into effect any of the provisions of this Act, such occupier or person shall be guilty of an offence against this Act.

(2) If the occupier of any premises when requested by or on behalf of the housing authority or a local board to state the name of the owner of the premises refuses or wilfully omits to disclose or wilfully misstates the same, he shall be guilty of an offence against this Act.

Power to occupier or registered mortgagee to do matters ordered to be done by owner.
Cf. Vic. 4568, 1938, s. 53.

70. (1) Where by or under this Act the owner of any house is required to do any act, matter or thing or execute any works, and such owner fails or refuses to do such act, matter or thing, or execute such works, the occupier of the house or any registered mortgagee of the land on which the house is situate may do such act, matter or thing, or execute such works.

(2) Any expenses thereby incurred by any such occupier—

(*a*) shall be recoverable by the occupier from the owner as money paid to the use of the owner ; or

(*b*) may be deducted by the occupier from or set off against any rent then due or thereafter at any time to become due to the owner,

notwithstanding any covenant or agreement whatsoever to the contrary.

(3) Any expenses thereby incurred by any such mortgagee—

(*a*) shall be recoverable by the mortgagee from the owner as money paid to the use of the owner ; or

(*b*) on notice in writing to the mortgagor by the mortgagee, shall be deemed to be added to the principal sum owing under the mortgage, and until repaid shall bear interest at the same rate and payable at the same times as is provided in the mortgage for the payment of interest on the principal sum owing under the mortgage,

notwithstanding any covenant or agreement whatsoever to the contrary. The provisions of this subsection shall apply notwithstanding the provisions of The Real Property Act, 1886-1939.

Dispossession of occupiers failing to vacate premises when required so to do.
Cf. Vic. 4568, 1938, s. 54.

71. Where any person, after he has been required under this Act by the housing authority or a local board to vacate any house or building, refuses or neglects to vacate the same, any person authorized by the housing authority or, as the case may be, the local board, may apply upon a complaint to be laid by him in the form set out in the first schedule to this Act or to the like effect to any justice, and the justice shall issue a summons in the form set out in the second schedule to this Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of summary jurisdiction consisting of a special magistrate sitting without any other justice or justices and such court may hear and determine the matter of the complaint in a summary way *ex parte* or otherwise.

Hearing.
Cf. Vic. 4568, 1938, s. 55.

72. (1) On the production of a copy of the notice requiring the occupier to vacate the house or building and upon proof to the satisfaction of the court at the time and place specified in the summons or at any adjourned hearing of the said complaint that the house or building referred to in the summons is the same as is referred to in the said notice, a warrant shall be issued by the special magistrate constituting the court or any other justice, which may be in the form set out in the third schedule to this Act or to the like effect.

(2) Any member of the police force or bailiff to whom the warrant is directed, may forthwith execute the same according to the tenor and exigency thereof in the same manner as any warrant of possession or writ of possession may be executed.

(3) The jurisdiction of the court shall not be taken away or deemed to be ousted by any claim of title, question of property or suggestion of right whether made *bona fide* or otherwise which may be raised at any such hearing as aforesaid.

General penalty.

73. Every person guilty of an offence against this Act shall—

(*a*) be liable to the penalty expressly provided therefor ; or

(*b*) if no penalty is expressly provided, be liable to a penalty of not more than twenty pounds and, in the case of any offence which is continued or repeated after a conviction or order of any court in relation to the offence, to a further penalty of not more than two pounds for every day on which the offence is so continued or repeated.

Service of notices and orders, etc.
Cf. Vic. 4568, 1938, s. 57.

74. (1) Any notice or other document by or under this Act, required or authorized to be given to, or served on any person may be so given or served—

(*a*) by delivering the same to such person ; or

(*b*) by leaving the same at his usual or last-known place of abode ; or

(*c*) by forwarding the same by post in a pre-paid letter addressed to such person at his usual or last-known place of abode.

(2) Any such notice or document if addressed to the occupier of premises may be given or served by delivering the same or a true copy thereof to some person on the premises apparently of or over the age of twenty-one years, or if there is no such person on the premises to or on whom the same can be so given or served by fixing the same on some conspicuous part of the premises.

(3) Where any such notice or document is required to be given to or served on a person whose name or address is unknown, it may be given or served by publishing it three times, at intervals of not less than one week between any two publications, in the *Gazette* and in a newspaper generally circulating in South Australia.

(4) If the owner or registered mortgagee of any land is absent from South Australia, or if his address, after reasonable inquiries and searches in the office of the Registrar-General, cannot be found, any notice or document by or under this Act required to be given to or served upon such owner or registered mortgagee may be given to any agent or other person in South Australia to whom any rents or profits in respect of the land are paid or, as the case may be, to whom any payments under the mortgage or encumbrance of the registered mortgagee are paid; and if there is no such agent or person in South Australia, any such notice or document may be given or served in manner provided by subsection (3).

(5) Any notice or other document by or under this Act required to be given to or served on the owner or occupier of any premises may, if the name of the owner or occupier is not known, be addressed to him by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice or document is given or served without further name or description.

(6) If there are more occupiers than one it shall be sufficient if any such notice or other document is given to or served on any one of them, and the name of any one of them is specified with the addition of the words "and others".

(7) The failure or omission to give or serve any notice or other document to or on the owner or any mortgagee shall not affect the validity of the giving or service of the same to or on the occupier; and the failure or omission to give or serve any notice or other document to or on the occupier or any mortgagee shall not affect the validity of the giving or service of the same to or on the owner; and the failure or omission to give or serve any notice or other document to or on the owner or occupier shall not affect the validity of the giving or service of the same to or on any mortgagee.

(8) Any document may be served on the housing authority—

(*a*) by delivering the same to the chairman or secretary of the housing authority; or

(*b*) by forwarding the same by post in a prepaid letter addressed to the chairman or secretary of the housing authority.

Proof of notices, orders or documents.
Cf. Vic. 4568, 1938, s. 58.

75. (1) In all proceedings in which any notice or other document issued, given or served under this Act has to be proved—

(*a*) the defendant shall be deemed to have received notice to produce it ; and

(*b*) until the contrary is shown, the due issue, giving, or service thereof may be sufficiently proved by or on behalf of the complainant by the production of what purports to be a copy bearing what purports to be a certificate under the hand of an officer of the housing authority or, as the case may be, the local board, that the copy is a true copy of the original and that the original was served on the date specified in the certificate.

(2) The validity of any notice or other document, or of the issue, giving, or service thereof shall not be affected by any error, misdescription, or irregularity which in the opinion of the court is not likely to mislead or which in fact does not mislead.

Continued operation of orders and notices.
Cf. Vic. 4568, 1938, s. 59.

76. All notices or other documents required by or under this Act to be given to or served on any owner, occupier, or mortgagee shall, if the same have once been duly given to or served on any owner, occupier, or mortgagee, be binding on all persons claiming by, from or under such owner, occupier, or mortgagee and on all subsequent owners or occupiers, or transferees from such mortgagee, to the same extent as if given to or served on such persons claiming as aforesaid or subsequent owners or occupiers or transferees respectively.

References to "owner" or "occupier".
Cf. Vic. 4568, 1938, s. 60.

77. Whenever in any proceedings under this Act, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises without name or further description.

Appearance of housing authority in legal proceedings.

78. (1) The housing authority may appear before any court or in any legal proceeding by any officer or member of the housing authority authorized by the housing authority.

(2) Any officer or member so authorized may in the name of the housing authority institute and carry on any legal proceeding which the housing authority is authorized to institute and carry on under this Act.

Protection of housing authority and members and officers from personal liability.

79. (1) No contract entered into by or on behalf of the housing authority and no matter or thing done by the housing authority or by any other person whomsoever acting under the direction or authority of the housing authority, or of this Act or of any proclamation or regulation made under this Act shall (if the matter or thing was done or the contract was entered into *bona fide* for the purpose of executing this Act or the regulations) subject them or any of them personally to any action, liability, claim, or demand whatsoever.

(2) Any expense incurred by the housing authority or any such member, officer, or other person acting as aforesaid, shall be deemed to be an expense authorized by this Act.

Notice of action.

80. (1) An action shall not be brought against the housing authority or any member or officer thereof or any other person for anything done or intended or omitted to be done by or under this Act until the expiration of one month after notice in writing has been served on the intended defendant stating the cause of action, and the name and place of abode or business of the intended plaintiff, and of his solicitor (if any).

(2) On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in such notice.

(3) Unless such notice is proved judgment shall be entered for the defendant.

(4) Every such action shall be commenced within twelve months next after the accruing of the cause of action, and not afterwards.

Power to housing authority to authorize proceedings.

81. (1) The housing authority may direct either generally or in any particular case proceedings to be taken in respect of breaches of or offences against this Act wherever committed.

(2) Any officer of the housing authority, member of the police force, or other person authorized in that behalf by the housing authority may prosecute for any breach of or offence against this Act.

Simplification of proof in certain cases.

82. In any prosecution or other legal proceedings under this Act no proof shall be required—

(*a*) of the persons constituting or the proper constitution of or the extent of the jurisdiction of the housing authority :

(*b*) of any order or authority to prosecute :

(*c*) of the particular or general appointment of any officer of the housing authority :

(*d*) of the presence of a quorum of the housing authority making any order, notice, direction, declaration, recommendation, approval, or requirement at the making thereof until evidence is given to the contrary.

Documents signed by chairman, deputy chairman, or secretary to be evidence.

83. (1) All documents whatever purporting to be issued or written by or under the direction of the housing authority, and to be signed by the chairman, deputy chairman, secretary, or acting secretary of the housing authority shall be received as evidence in all courts of law, and shall be deemed to be issued or written by or under the direction of the housing authority, without further proof unless the contrary is shown.

(2) All courts, and all persons having by law or by consent of parties, authority to hear, receive, and examine evidence, shall take judicial notice of the signature of the chairman, deputy chairman, secretary or acting secretary of the housing authority, where such signature is attached, for the purpose of verifying any document whatsoever under this Act.

Proof of ownership.
Cf. Vic. 4568, 1938, s. 67.

84. (1) In any legal proceedings under this Act—

(*a*) evidence that the person proceeded against is rated in respect of any land or premises to any general rate in the municipality or district council district in which such land or premises are situate ; or

(*b*) evidence by the certificate of the Registrar-General that any person appears from any memorial of registration of any deed, conveyance, or other instrument to be the owner, proprietor or mortgagee of any land ; or

(*c*) evidence by a certificate signed by the Registrar-General, that any person's name appears in any register book kept under The Real Property Act, 1886-1939, as owner, proprietor, or mortgagee of any land,

shall (until the contrary is proved) be evidence that such person is owner, proprietor, mortgagee or occupier (as the case may be) of such land or premises.

(2) If the person appearing to be the owner of any land is absent from South Australia, or if his address cannot after reasonable inquiries and searches in the office of the Registrar-General be found, any agent or person authorized to deal with the land in any way shall for the purposes of any legal proceedings under this Act be deemed to be such owner: Provided that—

(*a*) such agent or person may recover from such owner any penalty in which he has been convicted, or any expenses to which he has been put or any sums of money or costs which he has expended in and about such land, pursuant to this Act, whether under the compulsion of legal process or not; and

(*b*) nothing herein shall prejudice, exclude, or take away any other methods of proof.

Regulations as to standard of houses.
Cf. Vic. 4568, 1938, s. 8 (7).

85. For the purpose of prescribing standards on non-compliance with which any house may be declared to be undesirable for human habitation or unfit for human habitation, the Governor, on the recommendation of the housing authority, may make regulations for or with respect to—

(*a*) the drainage, sanitation, ventilation, lighting, cleanliness and repair of houses:

(*b*) the construction, condition and situation of houses:

(*c*) the dimensions, cubical extent and height of rooms of houses:

(*d*) the protection of houses from damp:

(*e*) the provision in houses of adequate water supply, and bathing, laundry, and cooking facilities and sanitary conveniences:

(*f*) the freedom of houses from infestation by vermin and rats:

(*g*) generally, prescribing standards of sanitation and hygiene for houses.

General power to make regulations.

86. The Governor on the recommendation of the housing authority may make regulations providing for the execution of any matter or thing arising under and consistent with this Act, and not expressly provided for in this Act, and more fully carrying out the objects and purposes of this Act, and for guarding against evasions and violations of this Act.

Provision as to regulations.
Cf. Vic. 4568, 1938, s. 70.

87. Regulations under this Act—

(*a*) may be made to apply or to have operation throughout the whole or any part of the State or throughout the whole or any part of any municipality or district council district:

(*b*) may be of general or specially limited application according to time, place or circumstances :

(*c*) may (without affecting any general power to confer powers and impose duties by regulation) confer powers or impose duties in connection with the regulations on the housing authority, officers or servants of the housing authority, members of the police force, owners or occupiers of houses, or other persons :

(*d*) may leave any matter or thing to be from time to time determined, applied, dispensed with, or regulated by the housing authority or any person thereunto authorized by the housing authority :

(*e*) may deal with the procedure to be followed, the conditions to be complied with, and any matters necessary or expedient to be prescribed for carrying the regulations into effect :

(*f*) may prescribe forms for use under this Act (and any such form or a form to the like effect shall be sufficient in law) :

(*g*) may impose a penalty of not more than twenty pounds for any contravention of or failure to comply with any regulation, and, in the case of a continuation or repetition of the offence after a conviction, a further penalty of not more than two pounds for every day on which the offence is continued or repeated.

Rules of court.

88. The powers conferred by section 28 of the Local Courts Act, 1926-1936, shall include power to frame rules and forms for carrying sections 24 and 53 of this Act into effect.

Proceedings.

89. Save as otherwise provided—

(*a*) all proceedings for offences against this Act shall be disposed of summarily :

(*b*) all moneys, costs and expenses made payable or recoverable by or under this Act may be recovered as a debt in any court of competent jurisdiction.

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

C. M. BARCLAY-HARVEY, Governor.

THE SCHEDULES.

THE FIRST SCHEDULE.

FORM OF COMPLAINT AGAINST OCCUPIER FAILING TO VACATE.

South (Royal Arms) Australia.
(To wit)

The complaint of on behalf of

taken this day of 19 ,
before the undersigned, a Justice of the Peace for the State of South Australia, who states

that of has refused or
neglected to vacate a certain house or building situate at after

he has been required pursuant to section of the Housing Improvement
Act, 1940, to vacate the same.
Taken before me
the day and year first above-mentioned
at
,
in the said State

Justice of the Peace.

THE SECOND SCHEDULE.

FORM OF SUMMONS TO OCCUPIER FAILING TO VACATE.

South (Royal Arms) Australia.
(To wit)

To of

You are hereby summoned to appear before on

the day of 19 ,

at o'clock in the noon, at

in the said State, before such special magistrate as may then

be there to answer to a complaint authorized by the ,
for that you are in the illegal occupation of a certain house or building, namely,

which you neglect or refuse to vacate, contrary
to the provisions of the Housing Improvement Act, 1940.

Dated the day of 19 ,

at in the said State.

Justice of the Peace.

NOTE.—In case you fail to attend this summons, upon proof of reasonable notice to you of the same, the complaint will be heard in your absence, and such order made as to the court shall seem fit.

THE THIRD SCHEDULE.

FORM OF WARRANT TO DISPOSSESS UNAUTHORIZED OCCUPIER.

South (Royal Arms) Australia.
(To wit)

To in the State of South Australia, and to each and all of the constables and peace officers of the said State.

Whereas on the day of A.B. was adjudged by a court of summary jurisdiction sitting at in the said State to be in the illegal occupation of a certain house or building [*here state description of house or building*] contrary to the provisions of the Housing Improvement Act, 1940.

You are hereby commanded, without delay (*to cause the to have possession of the said premises with the appurtenances, and*) to eject the said A.B. and all other persons therefrom, for which this shall be a sufficient warrant.

Dated the day of 19 ,

at in the said State.

Justice of the Peace.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 57 of 1940.

An Act to amend the Increase of Rent (War Restrictions) Act, 1939.

[*Assented to 5th December,* 1940.]

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 "Increase of Rent (War Restrictions) Act Amendment Act, 1940".

(2) The Increase of Rent (War Restrictions) Act, 1939, as amended by this Act, may be cited as the "Increase of Rent (War Restrictions) Act, 1939-1940".

(3) The Increase of Rent (War Restrictions) Act, 1939, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 15 of the principal Act—Duration of Act.

3. Section 15 of the principal Act is amended by striking out in the third line thereof the word "forty" and inserting in lieu thereof the word "forty-one".

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 58 of 1940.

An Act relating to the search for and mining of petroleum and for purposes incidental thereto.

[*Assented to 5th December,* 1940.]

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

PART I.

PART I.

PRELIMINARY PROVISIONS.

Short title and commencement.

1. This Act may be cited as the " Mining (Petroleum) Act, 1940 ", and shall come into operation on a day to be fixed by the Governor by proclamation.

Amendment of Mining Act, 1930-1931.

2. The Mining Act, 1930-1931, is amended in the manner set out in the schedule to this Act, and the sections indicated in that schedule are repealed.

Interpretation.

3. In this Act and in every licence issued under this Act, the following terms shall, unless the context otherwise requires, or some other meaning is clearly intended, have the following meanings, namely :—

" authorized officer " in relation to the doing of any act, the exercise of any power or function, or the performance of any duty, means any officer authorized in writing by the Minister to do such act, exercise such power or function or perform such duty :

" bore hole " includes well :

" casinghead petroleum spirit " means any liquid hydrocarbons obtained from natural gas (before the crude

oil from which such gas is derived has been measured for royalty) by separation or by any chemical or physical process :

" Crown lands " means all lands in the State except—

(*a*) lands reserved for or dedicated to any public purpose :

(*b*) lands subject to a grant in fee simple by or on behalf of the Crown or to a contract for such a grant :

(*c*) lands subject to a lease granted by or on behalf of the Crown under any Act :

(*d*) lands subject to a licence for mining purposes granted by the Crown under this or any other Act :

(*e*) lands held under a miner's right or a business licence or an occupation licence :

and includes all lands situate between high and low water-mark on the sea-shore and on the margin of tidal rivers :

" crude oil " means petroleum oil in its natural state before it has been refined or otherwise treated but from which water and foreign substances have been extracted :

" detailed survey " means a complete geological survey of an area to determine geological structure and includes—

(*a*) the construction of the necessary contoured topographical, structural and geological maps and sections in connection therewith :

(*b*) the collection of necessary specimens of rock, fossils and other materials and the laboratory examination thereof :

(*c*) where necessary, a geophysical survey, scout drilling and pit sinking :

" drilling " means the perforation of the earth's surface crust by mechanical means not involving the descent of workmen into the hole caused by the perforation and whether the hole is vertical, inclined, or horizontal, and includes all operations for preventing the collapse of the sides of the hole or for preventing the hole from being filled by extraneous materials, including water :

"geologist" means a person trained in the science of geology and approved by the Minister in writing as a person qualified to carry out geological surveys for the purposes of this Act:

"licence" means an oil exploration or oil prospecting or oil mining licence granted under this Act:

"licensee" means a person holding a licence, his successors in title and the persons deriving title under him:

"mining operations" includes mining and prospecting for petroleum, and also includes—

(*a*) extracting, recovering, removing, refining, improving, processing, conveying, and storing petroleum produced in South Australia, and any products of any such petroleum; and

(*b*) the construction, maintenance, and operation of any works, boreholes, wells, buildings, storage tanks, pipelines, machinery, plant, wireless apparatus, telephone equipment, railways, tramways, reservoirs, waterways, structures, appliances, or chattels used in connection with any of the operations hereinbefore mentioned:

"Minister" means the Minister of Mines:

"natural gas" means gas obtained from boreholes and consisting primarily of hydrocarbons:

"petroleum" means naturally occurring hydrocarbons in a free state, whether gaseous, liquid or solid, but does not include coal, shale, or any substance which may be extracted from coal, shale, or other rock by the application of heat or by a chemical process:

"reconnaissance survey" means a rapid preliminary examination of an area in less detail than is required for a detailed survey:

"to prospect" includes—

(*a*) to make a reconnaissance survey or a detailed survey; and

(*b*) to test a geological structure for petroleum by the drilling of boreholes.

Rights of Crown to petroleum and helium.

4. (1) Notwithstanding anything to the contrary in any Act or in any land grant, certificate of title, lease, agreement, or other instrument of title, but subject to the provisos contained in this subsection, all petroleum and helium existing in its natural condition at or below the surface of any land in

the State whether alienated from the Crown or not and if alienated, whether the alienation took place before or after the passing of this Act, is hereby declared to be the property of the Crown: Provided that the rights and title of the Crown under this section shall be subject to—

(*a*) any right or title lawfully granted to or vested in any person pursuant to this Act:

(*b*) any express grant of any right or title to petroleum or helium made by the Crown after the commencement of this Act:

(*c*) any right or title preserved by virtue of subsection (2) of this section.

(2) Where—

(*a*) immediately before the commencement of this Act the petroleum or helium at or below the surface of any land was vested in any person other than the Crown; and

(*b*) before the introduction of the bill for this Act an agreement was entered into by which that person conferred rights to search for or mine such petroleum or helium, and such agreement was in force at the commencement of this Act; and

(*c*) pursuant to such agreement the work of searching or mining for petroleum or helium has been begun before the commencement of this Act and is in progress at the said commencement,

any person having an interest in the agreement may file it or a certified copy of it in the Department of Mines within three months after the commencement of this Act, or within such further time as the Minister may in his discretion allow; and upon such filing the person expressed to be entitled to any right or title under the agreement may hold, exercise and enjoy such right or title for a period of five years after the commencement of this Act as if this Act had not been passed.

(3) Any permit to prospect for oil, granted under the Mining Act, 1930-1931, and in force at the commencement of this Act shall remain in force until the expiration of two years from the date of such permit: Provided that—

(*a*) the preferential right to an oil lease conferred by any such permit shall be deemed to be a preferential right to an oil mining licence under this Act:

(*b*) the preferential right to another permit conferred by any such permit shall be deemed to be a preferential right to an oil prospecting licence under this Act.

PART II.

LICENCES.

Prohibition of mining for oil without licence.

5. (1) Subject to this Act no person shall prospect or mine for petroleum or helium except in pursuance of a licence issued under this Act.

(2) A licence shall not be issued except on application duly made in accordance with this Act and the regulations.

Issue of licences and leases.

6. (1) Subject to this Act, and the regulations, application may be made for an oil exploration licence, an oil prospecting licence or an oil mining licence by—

(i.) a natural-born or naturalized British subject; or

(ii.) an association of natural-born or naturalized British subjects; or

(iii.) a company or corporation incorporated or registered in the State under the law for the time being in force relating to companies,

in respect of any land not being land which is, at the time of the application, included in a licence.

(2) A notification of the grant of a licence shall be published in the *Gazette*.

Mode of applying for licences.

7. (1) Every application shall be addressed to the Director of Mines and shall be in the form and contain the information prescribed by the regulations.

(2) With the application there shall be sent a fee of twenty-five pounds, but if the application is refused, the Minister shall repay to the applicant twenty pounds.

(3) To the application there shall be attached two copies of a map upon which shall be delineated the boundaries of the area in respect of which the licence is applied for.

(4) The applicant shall, with his application, furnish evidence as to his financial position and technical qualifications, and as to his ability to comply with this Act and the terms and conditions of the licence for which application is made. The applicant shall forthwith, upon request by the Minister, furnish further evidence relating to such matters, and if such further evidence is not furnished to the satisfaction of the Minister within three months after the request therefor the application shall, unless the Minister otherwise determines, be deemed void.

Power to hold several licences.

8. (1) Nothing in this Act shall prevent the Minister from granting more than one licence to the same person.

(2) Where an applicant requires a licence for two or more separate areas, a separate application shall be made in respect of each area.

Grant of licence to owner of land included therein.

9. A licence may be granted to any person over land of which that person is owner or lessee, or in which that person has any other interest; and the provisions of this Act, except to the extent that they are inapplicable by reason of the fact that the licensee is the owner or lessee of the land or has some other interest therein, shall apply in respect of such licence and all operations carried on thereunder.

Non-execution of licence.

10. If a licence is not executed within three months after it has been sent by the Minister to the applicant for execution the right of the applicant to such licence shall be deemed to have lapsed: Provided that the Minister may, if he thinks just cause exists for doing so, extend the time for executing the licence.

Exclusive rights.

11. Every licensee shall have the exclusive right to prospect or mine for petroleum in and on the land specified in the licence.

Terms of licences.

12. Every licence shall contain such of the terms, covenants and conditions prescribed by regulations under this Act as are appropriate, subject to such modifications and exclusions as the Minister thinks fit and such additional clauses covering ancillary matters as the Minister thinks necessary.

Bond.

13. (1) Before the grant of any such licence a bond in the sum of not less than one thousand pounds or such greater sum as the Minister requires shall be executed and lodged with the Minister.

(2) The bond shall be given to the Minister by the intended licensee or by some other person approved by the Minister and shall be conditioned upon the due execution and observance by the licensee of all the terms, covenants and conditions of the licence.

(3) The sum mentioned in a bond given under this section shall be deemed not to be a penalty, but shall be liquidated damages and recoverable in full unless the person giving the bond proves performance of every condition upon which the bond is defeasible.

(4) Every bond given under this section shall be in the form prescribed by regulations.

Discretion of Minister.

14. Subject to this Act the Minister shall have a discretion to grant or refuse any application for a licence, but shall not capriciously refuse any application properly made.

Oil Exploration Licences.

Area of and fee for oil exploration licence.

15. (1) The area comprised in an oil exploration licence shall be not less than one thousand square miles.

(2) The licensee holding an oil exploration licence shall pay to the Minister annually in advance a fee of fifty pounds for every thousand square miles comprised in the licence and a proportionate part of fifty pounds for any fractional part of one thousand square miles so comprised: Provided that the annual fee payable shall be not less than fifty pounds and not more than five hundred pounds.

Term of oil exploration licence and renewal.

16. (1) The initial term of an oil exploration licence shall be such term as the Minister fixes not exceeding two years.

(2) Subject to section 40 of this Act the Minister may from time to time, at his discretion, grant a renewal of any oil exploration licence in respect of the whole of the area comprised therein or any part thereof for a further term of twelve months.

Duties of holder of oil exploration licence.

17. (1) Every holder of an oil exploration licence shall—

(*a*) within six months after the commencement of the term of the licence, cause a reconnaissance survey of the land comprised in the licence to be commenced by a geologist and shall, unless excused by the Minister, complete such survey with reasonable diligence; and

(*b*) forthwith upon the expiration of three months from the commencement of the reconnaissance survey, and upon the expiration of each three months thereafter, or of such other periods as the Minister from time to time directs, furnish to the Minister:—

(i.) a report showing the work done in prospecting for petroleum; and

(ii.) a geological reconnaissance map of the land surveyed, drawn to such scale as the Minister may direct.

(2) A licensee shall not dispose of any petroleum obtained from any land comprised in an oil exploration licence until an oil mining licence in respect of the land from which the petroleum was obtained has been granted to him.

Any licensee who contravenes this section shall be guilty of an offence.

Preferential right to oil prospecting licence.

18. Subject to this Act and the regulations the holder of an oil exploration licence shall have a preferential right to an oil prospecting licence of any land comprised in the oil exploration licence.

Oil Prospecting Licences.

Grant of oil prospecting licence.

19. An oil prospecting licence may be granted, whether or not the applicant has been the holder of an oil exploration licence.

Area of oil prospecting licence.

20. (1) The area comprised in an oil prospecting licence shall be—

(*a*) not more than two hundred square miles;

(*b*) not less than eight square miles, except in cases where, for special reasons, the Minister considers that a smaller area is desirable.

(2) The Minister may, on the application of a licensee holding an oil prospecting licence, and on any terms and conditions which he thinks proper, include a further area of land in that licence, but so that the total area of land comprised in the licence shall not exceed two hundred square miles.

Shape of area of oil prospecting licence.

21. Subject to the next succeeding section the area in respect of which an oil prospecting licence is granted shall be, as far as possible, compact and shall be bounded either by well marked permanent physical features or by straight lines. The length of such an area shall, in the case of an area of eight square miles, be not more than three times the average width, and in the case of an area of two hundred square miles shall be not more than six times the average width. In the case of an area of more than eight and less than two hundred square miles the maximum ratio of length to width shall vary between three and six in proportion to the size of the area.

Licence for two or more separate areas.

22. Where two or more separate areas are situated on the same geological structure or cover a group of geologically similar and related structures and the sum of such areas does not exceed two hundred square miles the Minister may grant a comprehensive oil prospecting licence comprising all of such areas.

Term of oil prospecting licence and renewal.

23. (1) The initial term of an oil prospecting licence shall be such term as the Minister fixes, not exceeding four years.

(2) Subject to section 40 of this Act the Minister may, from time to time at his discretion, grant a renewal of any oil exploration licence in respect of the whole of the area comprised therein or any part thereof which complies with the two last preceding sections for a further term of twelve months.

Fee for oil prospecting licence.

24. The licensee holding an oil prospecting licence shall pay to the Minister annually in advance, a fee at the following rates :—

(*a*) in respect of each year of the initial term of the licence, five shillings for each square mile or fractional part of a square mile comprised in the licence :

(*b*) in respect of each year for which the term of the licence is renewed, ten shillings for each square mile or fractional part of a square mile comprised in the licence :

Provided that the fee for each year of the initial term shall not be less than twelve pounds ten shillings, and for each year of the renewal of the term not less than twenty-five pounds.

Duties of holder of oil prospecting licence.

25. (1) A licensee holding an oil prospecting licence shall, on the area comprised in the licence—

(*a*) carry out with due diligence such scheme of prospecting as the Minister approves :

(*b*) cause a detailed survey of the land comprised in the licence to be carried out by, or under the direction of, a geologist, to the satisfaction of the Minister :

(*c*) cause to be made mineralogical and palaeontological examinations of specimens obtained from the land comprised in the licence, and any other examinations of those specimens which the Minister directs :

(*d*) if required by the Minister, retain representative specimens of the specimens so obtained and make them available to the Minister ; and

(*e*) furnish to the Minister every three months, or at such other intervals as the Minister approves—

(i.) a detailed report of all work carried out on the land comprised in the licence ; and

(ii.) a geological map of the land examined, drawn to such scale as the Minister may direct.

(2) If petroleum is discovered in any borehole on any land included in an oil prospecting licence, the licensee shall immediately furnish to the Minister a full report of the discovery, and shall furnish any further particulars in relation thereto which are demanded by the Minister, and shall carry out any operations which the Minister may direct for the purpose of proving the quantity and quality of the supply of petroleum.

(3) A licensee shall not dispose of any petroleum obtained from any land included in an oil prospecting licence until an oil mining licence in respect of the land from which the petroleum was obtained has been granted to him.

Any licensee who contravenes this section shall be guilty of an offence.

Preferential right to oil mining licence.

26. Subject to this Act and the regulations the holder of an oil prospecting licence shall have a preferential right to an oil mining licence of any land comprised in the oil prospecting licence.

Oil Mining Licences.

Grant of oil mining licence.

27. An oil mining licence may be granted over—

(*a*) any area which has previously been included either in an oil prospecting licence granted to the applicant or in an oil mining licence granted to any person; or

(*b*) any additional area adjoining an area already held under an oil mining licence by the applicant.

Size of area of oil mining licence.

28. An oil mining licence shall not be granted in respect of any area of—

(*a*) more than one hundred square miles; or

(*b*) less than four square miles except in cases where for special reasons, the Minister considers that a smaller area is desirable.

Licence over two or more separate areas.

29. Where two or more separate areas are situated on the same geological structure or cover a group of geologically similar and related structures, and the sum of such areas does not exceed one hundred square miles, the Minister may grant a comprehensive oil mining licence comprising all such areas.

Shape of area.

30. Each separate area in respect of which an oil mining licence is granted shall be bounded either by well marked permanent physical features or by straight lines. The length of any area for which an oil mining licence may be granted shall be—

(*a*) in the case of an area of four square miles, not more than three times the average width:

(*b*) in the case of an area of one hundred square miles, not more than five times the average width.

In the case of an area of more than four and less than one hundred square miles, the maximum ratio of length to width shall vary between three and five, in proportion to the size of the area.

Duty of applicant to supply map.

31. In addition to the map required by subsection (3) of section 7, an application for an oil mining licence shall be accompanied by a map, prepared at the expense of the applicant showing in detail the topography and geology of the lands for which the licence is sought, and drawn to such scale as the Minister may direct.

Term of oil mining licence.

32. (1) The initial term of an oil mining licence shall be such as the Minister fixes and shall not exceed twenty-one years; and the licence shall contain a clause conferring on the licensee, subject to this section, rights of renewal for successive terms of twenty-one years.

(2) Not less than three months before the expiration of the term of an oil mining licence, or of the term of any renewal thereof, the licensee may apply to the Minister for the renewal, or further renewal, of the licence.

(3) An application for the renewal, or further renewal, of an oil mining licence shall—

(*a*) be made in the manner and form prescribed; and

(*b*) be accompanied by a fee of fifty pounds.

(4) The Minister shall, if he is satisfied that the licensee has complied with the terms and conditions of his licence and with such of the provisions of this Act and of the regulations as are applicable to him, renew the licence for a further period of twenty-one years.

Rights of licensee.

33. An oil mining licence shall confer on the licensee the exclusive right to conduct oil mining operations on the land comprised in the licence, together with the right, subject to compliance with any law relating thereto, to construct and maintain on that land such works, buildings, plant, waterways, roads, pipelines, dams, reservoirs, tanks, pumping stations, tramways, railways, telephone lines, wireless stations and other structures and equipment as are necessary for the full enjoyment of the licence or the fulfilment of the licensee's obligations thereunder.

Fee for oil mining licence.

34. During the currency of an oil mining licence and of any renewal thereof there shall be payable to the Minister in advance in respect thereof an annual fee computed at the rate of ten pounds for every square mile of land comprised in the licence.

Royalty on petroleum.

35. (1) Subject to this section the licensee under an oil mining licence shall pay to the Minister a royalty computed at the rate of ten per cent on the selling value of all crude oil, casinghead petroleum spirit, and natural gas that is produced from the land comprised in the licence.

(2) Royalty shall not be payable in respect of—

(*a*) any crude oil, casinghead petroleum spirit or natural gas which is unavoidably lost or is returned to the natural reservoir :

(*b*) any crude oil, casinghead petroleum spirit or natural gas which is used by the licensee for the purposes of oil mining operations or any incidental purposes (including the heating and lighting of the dwellings of employees of the licensee engaged by him in connection with the work of oil production and the heating and lighting of buildings maintained to provide social amenities for those employees and their families) :

(*c*) any natural gas which or the product of which is not sold.

(3) There shall be set off against the amount of royalty payable in any year under this section the amount of any fee paid by the licensee in respect of that year and where the amount of fee so paid exceeds the royalty, no royalty shall be payable for the year.

(4) For the purpose of enabling the royalty payable under any licence to be computed the licensee shall in each month furnish to the Director of Mines a statement in the prescribed form showing the quantity and selling value of crude oil, casinghead petroleum spirit, and natural gas produced during the preceding month, and giving such other information as may be prescribed.

(5) The licensee shall, at the request of the Director of Mines, or of any person authorized by him to make the request, produce to the Director or to that person, all books, accounts, and other records of the licensee in relation to the licence and the operations and transactions carried on thereunder or in connection therewith and shall permit the Director or that person to inspect and make copies of those books, accounts and records.

(6) In this section " selling value " means—

(*a*) in relation to any oil spirit or gas which is sold by the licensee, the price actually realised less the expenses (if any) incurred by the licensee in transporting the oil spirit or gas from the site of the well or borehole to the point of delivery to the buyer :

(*b*) in relation to any oil spirit or gas which is treated by the licensee before sale, its value in its natural condition at the site of the well or borehole immediately before treatment.

Duties of licensee.

36. (1) Within six months after the grant of an oil mining licence, or within such further time as the Minister in his absolute discretion allows, the licensee shall—

(*a*) if at the time of the grant of the licence an outfit and equipment suitable for drilling on the land comprised in the licence was not already installed to the satisfaction of the Minister, install such an outfit and equipment to the satisfaction of the Minister :

(*b*) commence to drill, by a method approved by the Minister, at least one well :

Provided that where, prior to the grant of the licence, a well has been drilled on the land comprised in the licence, the Minister may exempt the licensee from compliance with this subsection.

(2) A licensee shall, during the term of the licence, diligently and continuously carry on drilling operations in a workmanlike manner so that the land comprised in the licence will be developed in accordance with good oil field practice to the satisfaction of the Minister, and shall continue to drill each well with reasonable diligence to a depth at which oil is produced, or at which the Minister is satisfied that the well is unsuccessful.

(3) Where any well is drilled to production, the licensee shall continue to produce until such time as he satisfies the Minister that further production is not practicable : Provided that the Minister may authorize a temporary suspension of operations.

Plans and reports.

37. The licensee under an oil mining licence shall not later than the thirty-first day of July in each year, furnish to the Director of Mines in the manner and form prescribed, with respect to the period of twelve months ended on the thirtieth day of June in that year—

(*a*) a plan showing all development work and improvements on the land comprised in the licence together with a report as to such other matters as are prescribed ;

(*b*) a statement as to quantity and grade of crude oil, casinghead petroleum spirit, and natural gas (if any) produced and sold ; and

(*c*) a statement of the moneys received for any crude oil, casinghead petroleum spirit, and natural gas sold.

General Provisions Relating to Licences.

Surrender of licence.

38. (1) A licensee may—

(*a*) upon giving three months' notice in writing to the Minister ; and

(*b*) upon payment of all fees, royalties, debts and other obligations due and owing to the Minister under this Act; and

(*c*) upon payment of all moneys and wages due and payable to the workmen and employees of the licensee,

apply to the Minister for permission to surrender his licence with respect to the whole or portion of the land comprised therein.

(2) The Minister shall not grant any such application unless he is satisfied that the licensee has made provision for protecting the land to which the surrender relates and making any well thereon safe.

(3) Upon the surrender of a licence under this section, all rights and obligations of the licensee under the licence in respect of the land to which the surrender relates shall be terminated but the surrender shall not release the licensee from any obligation or liability incurred prior to the surrender.

(4) Where the licensee has constructed any waterway, road, pipeline, tramway, railway, or telephone line on the land to which the surrender relates, he shall be entitled, so long as is necessary for the conduct of his mining operations, to a right of way or easement entitling him to use and maintain that waterway, road, pipeline, tramway, railway or telephone line.

Cancellation of licences.

39. (1) Where the Minister has reason to believe that a licensee has contravened or failed to comply with any of the terms and conditions of his licence or any of the provisions of this Act or of the regulations the Minister may obtain a report from the Director of Mines.

(2) If, after obtaining and considering a report accordingly, the Minister is satisfied that there has been a contravention or default by the licensee he shall decide whether the licence ought to be forfeited. In deciding this question he shall take into account—

(*a*) in any case where the contravention or default consists in failure to do any act or carry out any work or is capable of being remedied by any act or work, any offer by the licensee to do such act or carry out such work;

(*b*) in any case, the seriousness of the default or contravention and the harm resulting therefrom.

(3) If the Minister decides that it is expedient to cancel the licence he shall make a recommendation accordingly to the Governor and the Governor may if he thinks fit cancel the licence.

Power of Minister on application for renewal.

40. Where a licensee applies for a renewal of an oil exploration licence or oil prospecting licence the Minister may instead of renewing the oil exploration licence or oil prospecting licence, require the licensee to make an application for an oil prospecting licence or an oil mining licence respectively as the case may be.

Signing of application.

41. An application for a licence shall—

(*a*) if made by an individual—be signed by the applicant or by his agent;

(*b*) if made by a body corporate—be under the common seal of the applicant or be signed by some person authorized by the applicant to sign it; and

(*c*) if made by an unincorporated association of persons or of bodies corporate, or of persons and bodies corporate—be signed by each person or by his agent and be under the seal of each body corporate.

Consent to dealings with licences.

42. (1) Subject to this Act, a licence or any interest in any licence shall not be assigned, transferred, sublet, mortgaged, or made the subject of any trust or other dealing, whether directly or indirectly, without the consent in writing of the Minister; and any such transaction entered into without such consent shall be void.

(2) The Minister may, before consenting to any such transaction, require such information as he thinks fit with respect thereto, and shall not be bound to consent thereto.

(3) A fee of ten pounds shall be payable on every application for the consent of the Minister under this section.

Prohibition of unauthorized assignments and combines.

43. If the holder of any licence purports, without the consent in writing of the Minister, to assign, transfer, sublet, or mortgage the licence or any interest therein or to make the licence or any interest therein, the subject of any trust or other dealing, he shall be guilty of an offence.

Registers.

44. The Director of Mines shall keep registers of licences and such other registers as may be prescribed or as he deems necessary.

Reservations in favour of the Crown.

45. Notwithstanding the issue or grant of a licence the following rights are expressly reserved to the Crown and a reservation accordingly shall be deemed to be contained in every licence—

(*a*) the right to grant, upon such terms as the Minister thinks fit, such rights of way or easements through, upon, over, or in any land comprised in the licence

as are reasonably required for the development or working of that land or other land containing petroleum deposits, or for the treatment or transportation of the products of such land by or under the authority of the Minister, or any licensee, or for other public purposes, and the Minister may, from time to time, make such grants accordingly; and

(*b*) the right to all helium found in association with petroleum and the right to erect on the land comprised in the licence a plant for the extraction of helium from any gases produced by a licensee together with such incidental rights as are necessary for the purpose of storing and removing the helium.

Saving of powers of Minister under Crown Lands Acts.

46. Nothing in this Act or in any licence shall take away or limit any power conferred on the Governor or any Minister of the Crown by any other Act to reserve, dedicate, grant, sell or otherwise deal with or dispose of any land: Provided that any such reservation, dedication, grant, sale, or other dealing or disposition shall be subject to any rights which have been conferred by or under this Act or any licence, and are in existence at the time of the reservation, dedication, grant, sale or other dealing.

Entry on land not included in licence.

47. (1) For the purpose only of making any geological or geophysical examination a licensee may enter upon land not comprised in his licence: Provided that such entry shall not be made except with the consent of every owner and occupier of the land or, in the case of an appeal, the consent of the Minister.

(2) Any owner or occupier of land may in his discretion refuse his consent under this section or may grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations as he thinks fit.

(3) If any owner or occupier of any land refuses or neglects to grant consent under this section or grants consent subject to any condition, the person applying for consent may appeal to the Minister. On such an appeal the Minister may refuse his consent, or grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations as he thinks fit.

(4) Subject to the regulations, where the owner or any occupier of any land is not known, or is absent from the State and has no known agent in the State, or is dead and has no personal representatives, any person requiring the consent of that owner or occupier under this section, may appeal to the Minister as if that owner or occupier had refused his consent,

and on the appeal the Minister may refuse his consent, or grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations, as he thinks fit.

(5) Nothing in this section and nothing done pursuant to this section shall restrict the power of any owner or occupier of land to enter into an agreement with any person as to the giving of consent under this section or as to the conditions on which such consent is to be given.

(6) A licensee entering on land under this section shall be entitled to make a geological and geophysical examination of the land. In making such examination he shall do as little damage as possible, and he shall be liable to pay compensation to every person having any estate or interest in the land for any damage done to the land. Any such person may sue for such compensation in any court having jurisdiction to entertain actions up to the amount claimed.

No oil mining on roads and streets.

48. Nothing in this Act or in any licence shall authorize any person to carry on mining operations on or under any road or street.

Restrictions on rights of licensees over certain lands.

49. (1) A licensee shall not be entitled to enter upon or conduct any operations upon any of the lands hereunder mentioned unless he has first obtained the consent in writing of every owner and occupier of that land, or, in the case of an appeal, the consent of the Minister.

The lands referred to above are the following :—

(*a*) Land lawfully and *bona fide* used as a garden, orchard, vineyard, or dairy farm :

(*b*) Fields cultivated for the production of crops :

(*c*) Pasture land which has been topdressed or sown with any plants or grasses for pasture :

(*d*) Land used for the playing of any sport :

(*e*) Land forming the site of any building, artificial well, reservoir, or dam, where that building, well, reservoir, or dam is of the value of fifty pounds or more, and any land within one hundred and fifty yards of any such building, well, reservoir, or dam :

(*f*) Any land within one hundred yards of any spring, watering trough, or artificial watering place which is habitually used for stock.

(2) Any owner or occupier of any land mentioned in subsection (1) of this section, may in his discretion refuse his

consent under this section or may grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations as he thinks fit.

(3) If any owner or occupier of any such land refuses or neglects to grant consent under this section or grants consent subject to any condition, the person applying for consent may appeal to the Minister. On such an appeal the Minister may refuse his consent, or grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations as he thinks fit.

(4) Subject to the regulations, where the owner or any occupier of any land is not known, or is absent from the State and has no known agent in the State, or is dead and has no personal representatives, any person requiring the consent of that owner or occupier under this section, may appeal to the Minister as if that owner or occupier had refused his consent, and on the appeal the Minister may refuse his consent, or grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations, as he thinks fit.

(5) Nothing in this section and nothing done pursuant to this section shall restrict the power of any owner or occupier of land to enter into an agreement with any person as to the giving of consent under this section or as to the conditions on which such consent is to be given.

(6) If any licensee contravenes this section he shall be guilty of an offence.

Restriction on rights of licensees over public lands.

50. (1) A licensee shall not be entitled to enter upon or conduct any operations upon any of the lands hereinafter mentioned without the consent of the appropriate Minister.

The lands referred to above are the following :—

(*a*) Land held by or on behalf of the Crown or any municipal or district council or any public statutory authority and used as park lands, or as a public park, garden, playground, recreation reserve, or other place of public resort :

(*b*) Land held by or on behalf of the Crown or any municipal or district council or any public statutory authority as the site or intended site of any public building, public work, or cemetery :

(*c*) Land dedicated or reserved by proclamation under the Crown Lands Act, 1929-1939 :

(*d*) Land to which the Governor by proclamation declares that this section shall apply.

(2) The Governor may by proclamation—

(*a*) declare that this section shall apply to any specified land or to any specified class of land :

(*b*) declare that this section shall cease to apply to any specified land or to any specified class of land to which this section applies whether by reason of a proclamation under this section or otherwise :

(*c*) revoke or vary any proclamation for the time being in force under this section.

(3) The appropriate Minister to grant his consent under this section shall be—

(*a*) the Minister for the time being charged with the administration of the land ; or

(*b*) if the land is administered by an authority other than a Minister, the Minister for the time being charged with the administration of the Act under which the land is held ; or

(*c*) if there is no such Minister as mentioned in paragraphs (*a*) or (*b*), the Minister of Mines.

If any question arises as to who is the appropriate Minister to grant consent under this section, it shall be determined by the Governor whose decision shall be final.

(4) The appropriate Minister in his discretion may refuse his consent under this section, or may grant his consent either unconditionally or on such conditions as he thinks fit.

(5) Where any such land as mentioned in subsection (1) of this section is held by or on behalf of, or is controlled in whole or part by, a municipal or district council or a public statutory authority, the Minister shall not give any consent under this section in respect of that land unless he has first consulted such council or authority.

(6) If any licensee contravenes this section he shall be guilty of an offence.

Notice of entry to be given to occupiers.

51. (1) Before any licensee enters upon any land or causes it to be entered upon pursuant to this Act, he shall give to every occupier of the land notice in writing of his intention so to do. Where the entry upon the land is for the purpose of making any geological survey or for the purpose of making any geophysical survey that does not involve a risk of damage to the land or the improvements thereon, or to any stock or chattels for the time being thereon, fourteen clear days' notice of intention shall be given as aforesaid, and in every other case twenty-eight clear days' notice shall be given.

(2) A notice to any occupier under the last preceding subsection may be given by delivering it to the occupier personally, or by putting it up in a conspicuous place on the land and posting a copy of it by registered letter addressed to the occupier at his last known place of abode or business in the State or to the agent or representative of the occupier.

(3) Every notice under this section shall specify the land upon which it is proposed to enter, and shall also specify the purpose for which the entry is proposed to be made.

(4) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Act restricting the right to enter upon any land or to commence or carry on any mining operations.

(5) If any licensee contravenes this section he shall be guilty of an offence.

Use and occupation of private land.

52. (1) A licensee shall—

(*a*) as against the owner or occupier of any land comprised in his licence be deemed to be in occupation of only such portion of that land as he encloses with a fence; and

(*b*) shall enclose with a fence only that part of the land comprised in the licence of which he requires exclusive occupation in order effectively to carry on and adequately to protect his mining operations and works.

(2) A licensee may bring an action for trespass or injury to any land fenced by him under this section.

Restriction on interference with other operations.

53. If any land comprised in a licence is being lawfully used by any person other than the licensee for any purpose, the licensee shall—

(*a*) conduct operations under the licence so as not to interfere to a greater extent than is necessary with such user of the land : and

(*b*) take all such precautions and measures as are necessary or as are required by the Minister to prevent injury from being caused by such operations to any land not actually occupied for mining purposes.

Easements.

54. (1) The Minister may grant to a licensee a right of way or other easement over or through any land for the purposes of the erection and maintenance of a pipeline for the transportation of petroleum. Such a right of way or easement may extend over any land occupied or intended to be occupied by the pipeline and over strips of land not more than twenty-five feet wide

on either side of the pipeline, and shall be upon such conditions as to survey, rental, situation, use and other matters as are specified in the grant or prescribed by regulation.

(2) Failure to comply with any such condition shall be a ground for cancelling any such grant.

Records of wells.

55. (1) Every licensee shall keep, in a form approved by the Minister—

(*a*) accurate records of the drilling, deepening, plugging, or abandonment of all wells on the land comprised in the licence and of any alterations to the casings thereof; and

(*b*) a log of each such well containing particulars of the following matters—

(i.) the strata and subsoil through which the well was drilled;

(ii.) the casing inserted in the well and any alteration to the casing;

(iii.) any petroleum, water, or workable seams of coal encountered; and

(iv.) such other matters as are prescribed by regulation.

(2) The licensee shall in the month of July in each year deliver to the Minister copies of all records and logs kept pursuant to this section in relation to the period of twelve months ended on the preceding thirtieth of June.

Monthly and annual reports.

56. (1) Every licensee shall, on or before the last day of each month during the term of his licence, including the term of any renewal thereof, furnish to the Minister a record, in a form prescribed by regulation, containing the following particulars of work done during the preceding month, namely :—

(*a*) The depth drilled in each well;

(*b*) Any petroleum, water, or workable seams of coal encountered in the course of his operations;

(*c*) All crude oil produced and casinghead petroleum spirit recovered; and

(*d*) Particulars of any geological work which has been carried out.

(2) Every licensee shall, not later than the thirty-first day of July in each year, furnish to the Minister a record in the form prescribed by regulation, of the operations conducted during the twelve months ended on the preceding thirtieth day of June,

on the land comprised in his licence together with a plan upon a scale approved by the Minister—

(*a*) showing the situation of all wells ;

(*b*) showing all developmental and other works executed by him in connection with his mining operations ; and

(*c*) setting out full particulars of any ancillary rights acquired for the exercise of the rights or for the performance of the obligations under the licence.

(3) Every licensee shall—

(*a*) keep accurate geological plans, maps and records relating to the land comprised in his licence ; and

(*b*) furnish to the Minister such other plans and information as to the progress of operations on the land comprised in the licence as the Minister from time to time requires.

Samples of strata, petroleum and water.

57. (1) Every licensee shall as soon as is reasonably practicable collect characteristic samples of the strata encountered in each well on the land comprised in his licence and samples of any petroleum or water discovered in any such well and shall label all such samples and preserve them for at least six months.

(2) Every licensee shall deliver to the Minister representative specimens of any such samples and the Minister may retain any samples so delivered.

(3) Every licensee shall, as early as is reasonably practicable, cause to be made a palaeontological examination of all drilling samples and cores produced from each test well drilled, and shall furnish to the Minister a report of all examinations so made.

Further provisions as to logs, reports, etc.

58. All logs, records, plans, maps, accounts and information which a licensee is required to furnish under this Act shall be furnished at the expense of the licensee.

Restriction on drilling.

59. A licensee shall not, except with the consent of the Minister, commence drilling within three hundred and twenty-five feet of any of the boundaries of the land comprised in his licence.

Methods of working.

60. Every licensee shall maintain all apparatus, appliances and wells capable of producing petroleum, on the land comprised in his licence in good repair and condition, and shall execute all mining operations on that land in a proper and workmanlike manner in accordance with methods and practice customarily used in good oil field practice.

Health and safety of workers.

61. (1) Every licensee shall comply with any directions from time to time given to him in writing by the Minister for securing the health and safety of persons employed by the licensee in connection with the operations conducted on the land comprised in his licence.

(2) If any licensee fails to comply with any such direction he shall be guilty of an offence.

Accidents.

62. (1) Where, in connection with any operations carried on by a licensee pursuant to his licence, any accident occurs which—

(*a*) causes loss of life, or a fracture of the skull or of any limb, or any dislocation of a limb, or any other serious bodily injury to any person, or

(*b*) is caused by an explosion or ignition of gas or other explosive, or by electricity, or by fire, or by any other cause which is prescribed, and causes any bodily injury whatsoever to any person—

the licensee shall forthwith notify the Director of Mines by telegraph of the accident, and shall, in addition, forthwith send to the Director of Mines a written notice in the form prescribed by regulation and containing the particulars indicated in the form.

(2) If any licensee fails to comply with this section he shall be guilty of an offence.

Storage of petroleum.

63. (1) Every licensee shall use methods and practice customarily used in good oil field practice for confining the petroleum obtained from the land comprised in his licence in tanks, gas holders, pipes, or other receptacles.

(2) A licensee shall not, except as a temporary method during emergency, place or keep any petroleum in an earthen reservoir.

If any licensee contravenes this subsection he shall be guilty of an offence.

Substances not to be deposited on land.

64. (1) A licensee shall not cause or permit any waste oil, salt water or refuse to flow into or over, or to be deposited upon, any land whether included in his licence or not.

(2) If any licensee contravenes this section he shall be guilty of an offence.

Abandonment and plugging of wells.

65. (1) Every licensee shall give to the Minister not less than fourteen days' notice in writing of his intention to abandon any well, and shall not, without the consent in writing of the Minister, withdraw any cemented string or other permanent form of casing from any well which it is proposed to abandon.

(2) A licensee shall securely plug every well which he intends to abandon so as to ensure that water shall not enter any petroleum bearing strata, or workable seams of coal, from or through the well.

(3) Before commencing to plug any well which it is intended to abandon, the licensee shall submit to the Minister for his approval particulars in writing of the method of plugging which it is proposed to adopt.

(4) The Minister may, by notice to a licensee require that a well on the land comprised in his licence shall not be plugged, or any works executed for that purpose, except in the presence of a person appointed by the Minister, and the licensee shall act in accordance with such requirement.

(5) If any licensee contravenes this section he shall be guilty of an offence.

Power of Minister to do works required by this Act.

66. (1) If a licensee fails or refuses to comply with any provision of his licence or of this Act or of the regulations, or with any lawful instruction given by the Minister under which provision or instruction the licensee is required to carry out any operations or do any act, the Minister may, by his workmen and agents, enter on the land comprised in the licence and carry out any such operations or do any such act at the licensee's expense.

(2) Any expense incurred by the Minister may be recovered by him from the licensee as a debt.

(3) Nothing in this section shall affect the liability of a licensee under any other provision of this Act.

Authority to enter on land.

67. For the purposes of this Act the Minister or any authorized officer may enter upon, and examine any land whether included in a licence or not, and any structures or works on any such land.

Delivery of land on termination of licence.

68. (1) When a licence is cancelled or surrendered, or the term thereof expires and the licence is not renewed the licensee shall deliver up the land comprised therein and all wells on that land in good order and condition to the satisfaction of the Minister and shall be liable in damages to the Minister for any failure to comply with this subsection.

(2) A licensee may, within three months after the cancellation, surrender or expiration of his licence remove from the land comprised therein any plant buildings or structures erected by him on that land, or any property belonging to him on that land.

Restriction on grant of rights to mine for shale oil.

69. No grant, right, lease, licence, permit, or other authority to search or mine for shale or other rock from which mineral oil may be extracted by any industrial process shall be issued or granted in respect of any land included in a licence.

Devolution of rights under licences.

70. Every right and obligation under any licence shall enure for the benefit of, or be binding upon, as the case may be, the heirs, executors, administrators, successors and permitted assigns of the licensee, as the case may be.

Effect of cancellation of licence.

71. (1) Whenever a licence is cancelled the Minister shall publish in the *Gazette* a notice of the cancellation, and thereupon, without any re-entry being made, the right, title, estate and interest in the licence of the licensee, and of any person claiming under him, shall cease and determine.

(2) The *Gazette* containing a notice published pursuant to this section shall be *prima facie* evidence in every court that the right, title, estate and interest in the licence of the licensee, as the case may be, and of any person claiming under him, has been lawfully determined.

(3) The cancellation of a licence in pursuance of this Act shall not release the licensee from any liability under or in respect of the licence or the land comprised therein, incurred prior to the date of cancellation.

Unit development.

72. (1) Where the Minister is satisfied that—

(*a*) the land comprised in any licence forms part of a single geological petroleum structure or petroleum field (in this section referred to as " the oilfield ") extending beyond that land ; and

(*b*) it is desirable, for the purpose of securing economy and efficiency and of avoiding wasteful and harmful development and practices, that the oilfield should be worked as one unit ;

the Minister may, after obtaining a report from the Director of Mines—

(i.) vary the terms of the licence by including therein additional land (not being exempt land) to which the oilfield extends ;

(ii.) if the oilfield extends into land included in any other licence require the licensees by notice in writing, to prepare and furnish to him a scheme for the working and development of the oilfield as one unit.

(2) A notice under paragraph (ii.) of the last preceding subsection shall specify the land in respect of which and the time within which the Minister requires the scheme to be furnished.

(3) If a scheme is not furnished within the time so specified, or if the Minister does not approve the scheme furnished to him, the Minister may prepare a scheme and supply particulars thereof to each licensee to whom notice was given and each such licensee shall perform and observe all the terms and condition of the scheme.

(4) If any licensee fails to perform or observe any term or condition of any scheme prepared by the Minister and notified to the licensee, the licensee shall be deemed to have broken a condition of his licence.

Agreements for joint drilling of wells.

73. (1) Any licensee may, subject to the approval of the Minister, make an agreement with any other licensee of land for the drilling of a well by the parties to the agreement on any land included in the licence of either of them.

(2) An agreement for the purpose referred to in the last preceding subsection shall not have any force or effect unless and until it has been approved by the Minister.

Inspectors.

74. For the purpose of this Act the Governor may, from time to time, appoint qualified persons to be inspectors.

Compensation.

Compensation for mining operations.

75. (1) A licensee shall be liable to compensate in accordance with this Act every person having any estate or interest in any land injuriously affected by reason of any operations conducted or other action taken by the licensee in pursuance of this Act or his licence.

(2) Compensation shall not be payable under this Act, for any damage to land, if that damage does not affect any portion of the surface of the land.

Determination of compensation.

76. (1) A licensee may agree with any person entitled to compensation under this Act as to the amount of compensation.

(2) An agreement under the last preceding subsection shall not be valid unless it is in writing and signed by the parties thereto or their agents and filed in the office of the Department of Mines.

(3) If no agreement is made under subsection (1) of this section the claimant may bring an action for compensation, or the licensee or lessee may bring an action claiming a declaration as to the amount of compensation payable.

(4) An action under this section may be brought in the Supreme Court or in a case where the compensation claimed or alleged to be payable does not exceed seven hundred and fifty pounds in the local court of full jurisdiction nearest to the land in respect of which the right to compensation arises.

(5) A declaration of any such court or, in case of an appeal of the appellate court as to the amount of compensation, shall be conclusive as to that amount.

(6) In any action under this section, if the court considers it impracticable or inexpedient to assess the amount of compensation to be paid in full satisfaction for all damage and loss past and future, it may, on the application of a party or of its own motion, give judgment or make a declaration as to the compensation payable in respect of any specified period.

Measure of compensation.

77. (1) Subject to this Act compensation payable under this Act shall be compensation for—

(*a*) deprivation of the possession of the surface of the land or of any part thereof;

(*b*) damage to the surface of the land or any part thereof, or to any improvements thereon, caused by the carrying on of operations in, under, or upon the land;

(*c*) in a case where a person is deprived of the possession of the surface of any land, severance of such land from other land of such person;

(*d*) surface rights of way and easements; and

(*e*) any consequential damage.

Provided that, in determining the amount of compensation, allowance shall not be made for any petroleum known or supposed to be in or under the land.

(2) In determining the amount of compensation the court shall take into consideration the amount of any compensation which the owner and occupier or either of them or their predecessors in title have or has already received for the damage or loss for which compensation is being determined and shall deduct the amount so received from the amount which they or either of them would otherwise be entitled to.

Additional compensation.

78. (1) If, after the court has determined any amount of compensation, any further loss or damage (not being loss or damage in respect of which compensation has already been determined) has been sustained, the person suffering the loss or damage may bring an action for further compensation therefor, or the licensee or lessee may bring an action claiming a declaration as to the amount of further compensation payable.

(2) The provisions of subsection (4), (5) and (6) of section 76 shall apply to actions under this section.

Security for compensation.

79. Any court in which proceedings in relation to compensation have been commenced may, at any stage of those proceedings, make an order forbidding the licensee concerned in the proceedings from commencing or, as the case may be, continuing any operations until he has given such security as the court thinks fit for payment of any compensation for which he may be liable.

Cancellation of licence.

80. If any compensation payable by a licensee pursuant to a judgment or any agreement is not paid within three months after it becomes due under such judgment or agreement the Minister may, if he thinks fit, cancel the licence of the licensee.

PART III.

PART III.

MISCELLANEOUS.

Verification of statements.

81. All applications, statements and reports made or furnished to the Minister under this Act shall, if the Minister so requires, be verified by statutory declaration in such form as the Minister requires or as is prescribed.

Secrecy.

82. (1) An officer of the State who acts in the execution of any duty under this Act shall not, except in the performance of his duty under this Act, or when required by a court of law, make a record of or divulge any information supplied to the Minister under this Act.

(2) A person who has been an officer of the State shall not communicate any information acquired by him in the performance of any duty under the Act to any person other than a person to whom he is authorized by law or by the Minister to communicate it.

(3) If any officer or person contravenes this section he shall be guilty of an offence.

Fees payable in advance.

83. (1) If any fee or other amount due to the Minister under this Act or the regulations is not paid by the due date, a fine of ten per centum shall be added thereto and shall be

recoverable as part thereof, and in addition interest at the rate of six per centum per annum on the amount of such fee, or other amount unpaid, shall be charged and recovered by the Minister.

(2) If any fee or payment due in respect of a licence is in arrears for three months or more the Minister may cancel the licence.

Restriction on use of certain statements.

84. (1) No person shall publish or distribute any notice, advertisement, prospectus or other document stating or suggesting, whether expressly or by implication, that the Minister, any Government Department, or any person or body acting on behalf of the Minister or a Government Department has formed or expressed any opinion that any land included in a licence is from its geological formation or otherwise land in which petroleum is likely to be obtainable.

(2) No person shall publish or distribute any prospectus, statement in lieu of prospectus, notice, circular, advertisement or other invitation offering to the public for subscription or purchase any shares or debentures of a company or intended company formed or to be formed for the purpose of mining for oil in the State, unless such prospectus, statement, notice, circular, advertisement or invitation has printed thereon a copy of the last preceding subsection.

(3) Nothing in this section shall prevent the Minister from authorizing the publication in full of an official report or such extracts from an official report as the Minister may, in writing, approve.

(4) If any person contravenes this section he shall be guilty of an offence.

Assistance to mining companies.

85. (1) Where the Minister is satisfied that at least three-quarters of the share capital of a company engaged or intending to engage in mining operations is held by individual persons residing in Australia, he may, in his discretion and on the recommendation of the Director of Mines—

(*a*) sell or let on hire to the company any plant or machinery;

(*b*) construct or carry out any works or operations for the company;

(*c*) make a loan of money to the company,

upon any terms and conditions which the Minister thinks proper.

(2) The money required for the purposes of this section shall be paid out of the money provided by Parliament for those purposes.

Regulations.

86. The Governor may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, or for regulating the search for and mining of oil, and in particular prescribing penalties recoverable summarily not exceeding one hundred pounds for offences against the regulation.

Offences.

87. (1) Any contravention of or failure to observe any provision of this Act shall if such contravention or failure is by this Act declared to be an offence, be punishable on summary conviction by a fine not exceeding five hundred pounds.

(2) Any contravention of or failure to observe any provision of this Act or the regulations under this Act, if committed by a licensee, shall whether or not such contravention or failure is declared by this Act to be an offence, be deemed to be a breach by the licensee of a condition of his licence and that licence shall be liable to forfeiture accordingly.

Extension of time.

88. Where any time is by any provision of this Act fixed for doing any act the Minister may, at his discretion, extend that time.

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

C. M. BARCLAY-HARVEY, Governor.

THE SCHEDULE.

AMENDMENTS OF MINING ACT, 1930.

Section Amended or Repealed.	How Amended or Extent of Repeal.
s. 3	Strike out " Oil leases " in the heading of Division VI. of Part III.
	Strike out the heading " Part VI.—Permits to Prospect for Oil ".
s. 4	Strike out " or oil " appearing three times in the definition of " coal or oil lease ".
	Strike out " oil " in the definition of " mining " or " to mine ".
	Strike out the definition of " Oil ".
	Strike out " oil " in the definition of " prospecting ".
s. 19	Strike out " or oil " in the second line, and insert " or" before " coal ".
s. 20	Strike out " or oil " in the last line, and insert " or" before " coal ".
s. 23	Strike out the line " (*e*) an oil lease ".
s. 27	Strike out the whole of paragraph (*e*).
s. 29	Strike out " or oil " occurring four times in paragraph IV.
s. 31	Strike out " or oil " in paragraph (*d*).
Heading to Division VI. of Part III.	Strike out " OIL LEASES ".
s. 55	Strike out " or oil " in the second line of subsection (1) and the last line of subsection (4).
s. 56	Strike out " or oil " in the first line.
s. 57	Strike out " or oil " in the second line.
s. 58	Strike out " or oil ".
s. 77	Strike out the line " III. Oil : ".
s. 81	Strike out " oil " in paragraph (*a*).
s. 82	Strike out " oil " in paragraphs (*a*) and (*c*).
s. 83	Strike out the whole of paragraph (*c*).
ss. 85 to 95 inclusive .	Repeal the whole of these sections.
s. 109	Strike out " or oil " in the last line, and insert " or" before " coal ".
s. 112	Strike out " oil " in the second line.
s. 113	Strike out " oil " in the seventh line.
s. 120	Strike out " or oil " in the fifth line of subsection (1).
s. 141	Strike out the whole of paragraph XXII.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 59 of 1940.

An Act to consolidate and amend the law relating to money-lenders.

[*Assented to 5th December,* 1940.]

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

PART I. PRELIMINARY.

PART. I.

1. This Act may be cited as the " Money-lenders Act, 1940 ". Short title.

2. This Act shall come into operation upon a day to be fixed by proclamation. Commencement.

3. The Money-lenders Act, 1924, is hereby repealed. Repeal.

4. The provisions of this Act are arranged as follows :— Arrangement.

PART I.—Preliminary.
PART II.—Licensing of money-lenders.
PART III.—Money-lending transactions.
PART IV.—Re-opening of hire purchase transactions.
PART V.—Miscellaneous.

5. (1) In this Act, unless the context otherwise requires— Interpretation. Cf. 1617, 1924, s. 3. Cf. Vic. 4625, 1938, s. 3. Cf. U.K. 63 & 64 Vic. c. 51, s. 6. Cf. U.K. 17 & 18 Geo. 5 c. 21, s. 15.

" authorized name " and " authorized address " mean respectively the name under which and any address at which a money-lender is authorized by a licence to carry on business as a money-lender ; and " authorized address " includes any substituted or additional authorized address indorsed pursuant to this Act upon a licence :

" cash order transaction " means a transaction for a loan whereby the borrower is authorized by the lender to

obtain goods or services from any other person and such other person agrees either expressly or impliedly to receive payment for such goods or services from the lender or from some other person on behalf of the lender:

"company" includes any body corporate:

"firm" means an unincorporate body of two or more individuals, or one or more individuals and one or more companies, or two or more companies, who have entered into partnership with one another with a view to carrying on business for profit:

"interest" does not include any sum lawfully agreed to be paid in accordance with the provisions of this Act on account of stamp duty, or on account of fees payable to the Registrar-General of Deeds, or on account of costs or fees payable to a solicitor or licensed land broker for the preparation of any document, but save as aforesaid includes any amount (by whatsoever name called) in excess of the principal which has been or is to be paid or payable in consideration of or otherwise in respect of a loan:

"licence" means a valid and unexpired money-lender's licence or renewed licence issued under this Act, and "licensed" has a corresponding interpretation:

"loan" includes advance, discount, money paid for or on account of or on behalf of or at the request of any person, or the forbearance to require payment of money owing on any account whatsoever, and includes every contract (whatever its terms or form may be) which is in substance or effect a loan of money, and also a contract to secure the repayment of any such loan, and "lend" has a corresponding interpretation:

"local court" means a local court of full jurisdiction:

"money-lender" includes every person whose business is that of money-lending, or who advertises or announces himself or holds himself out in any way as carrying on that business: the term does not include—

(*a*) any pawnbroker in respect of business carried on by him in accordance with the laws for the time being in force in relation to pawnbrokers; or

s. 5. (Definition of "money-lender.") ALLCHURCH v. POPULAR CASH ORDER COMPANY LIMITED (1929) S.A.S.R. 212; 14 Austn. Digest 1188; reversing ALLCHURCH v. POPULAR CASH ORDER COMPANY LIMITED (1928) S.A.S.R. 189. Held that where a company issued what are commonly known as "cash orders," the transaction between the company and a person obtaining such an order was, in effect, a contract to lend money and that the company was carrying on the business of a money-lender.

(*b*) any society registered under the Friendly Societies Act, 1919-1938, or the Industrial and Provident Societies Act, 1923-1935, or the Building Societies Act, 1881-1938; or

(*c*) any company empowered by a special Act of Parliament to lend money in accordance with the special Act; or

(*d*) any person or company *bona fide* carrying on the business of banking or insurance; or

(*e*) any person or company *bona fide* carrying on any business not having for any of its principal objects the lending of money, in the course of which and for the purposes whereof he or it lends money at a rate of interest not exceeding twelve pounds per centum per annum; or

(*f*) any company for the time being exempted from licensing under this Act by proclamation:

"principal" means in relation to a loan the amount actually lent:

"renewed licence" means licence for a further year in respect of any address issued under this Act to the holder of a licence in respect of that address.

(2) The Governor may, by proclamation, exempt any company from licensing under this Act. The Governor may, by proclamation, revoke any such proclamation.

PART II.

PART II.

LICENSING OF MONEY-LENDERS.

Licences to be taken out by money-lenders.
Cf. 1617, 1924, s. 6.
Cf. Vic. 4625, 1938, s. 4.
Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 1 (1).

6. (1) Every money-lender (whether carrying on business alone or as a partner in a firm) shall as hereinafter in this Act provided take out annually a licence in the prescribed form in respect of the address or addresses at which he carries on business as a money-lender or has an agency in connection with his money-lending business. For the purposes of this Act any address at which a money-lender has such an agency shall be deemed to be an address at which he carries on business as a money-lender.

(2) Any licence required by this Act to be taken out by a company shall be taken out on behalf of the company by some person appointed in writing by the company.

(3) Notwithstanding anything in this Act, where in respect of any period licences are taken out by more than two money-lenders in respect of any address or addresses at which they carry on business as partners in a firm, no fee shall be payable under this Act in respect of the issue of more than two of such licences.

(4) The registration of any money-lender under the Money-lenders Act, 1924, in force at the commencement of this Act shall notwithstanding the repeal of that Act be deemed to be a licence under this Act and subject to this Act shall continue in force until the thirtieth day of September next after the commencement of this Act: Provided that no such registration shall entitle a money-lender to proceed to take out a renewed licence under this Act.

(5) Where any such registration of a money-lender would, if this Act had not been passed, have continued in force beyond the said thirtieth day of September there shall be refunded to the money-lender from moneys provided by Parliament for the purpose such sum as bears to the amount of the fee paid on the registration the same proportion as the period for which the registration would have continued in force as aforesaid after the said thirtieth day of September bears to the period for which the registration was granted.

Applications for licences.
Cf. Vic. 4625, 1938, s. 5.
Cf. U.K. 17 & 18 Geo. 5 c. 21, s. 2.

7. (1) Every person who desires to obtain a licence shall lodge an application in duplicate in the prescribed form with the clerk of the local court nearest to the place of business or principal place of business of the applicant.

(2) Every such application shall—

(*a*) contain such particulars as are prescribed ;

(*b*) be accompanied by a statement containing true and correct particulars regarding the names and addresses of the partners (if any) of the applicant and in the case of an application on behalf of a company the name and address of each of the members of the governing body thereof ;

(*c*) if made on behalf of a company be accompanied by a statement showing the names of all the shareholders in the company and the share holdings of all such shareholders ; and

(*d*) be lodged with the clerk of the local court at least fourteen days before the day mentioned in the application as the day on which the application will be made.

(3) Any person making any such application who fails to supply any such particulars or statement or supplies any such particulars or statement which are or is false or incorrect shall be guilty of an offence against this Act and liable to a penalty of not more than fifty pounds.

(4) The local court—

(*a*) shall consider the application and any objection thereto made as hereinafter in this Act provided ; and

(*b*) may, if satisfied that the applicant is a fit person to be the holder of a licence, order a licence to be issued to the applicant.

(5) The licence shall be issued by the clerk of the local court, but shall not be issued unless the prescribed fee is paid within fourteen days after the court has ordered the issue of the licence.

(6) The local court shall not refuse to order the issue of a licence except on some one or more of the following grounds :—

I. That satisfactory evidence has not been produced of the good character of the applicant, and in the case of an application on behalf of a company of the persons responsible for the management thereof :

II. That satisfactory evidence has been produced that the applicant, or any person responsible or proposed to be responsible for the management or conduct of the money-lending business, is not a fit and proper person to manage or conduct such a business :

III. That satisfactory evidence has not been produced that the applicant is of the age of twenty-one years or upwards :

IV. That the applicant, or any person responsible or proposed to be responsible for the management or conduct of the money-lending business, is by order of a court disqualified from holding a licence :

V. That the applicant has not complied with the provisions of this Act or the regulations with respect to applications for licences :

VI. That the applicant, or any person responsible or proposed to be responsible for the management or conduct of the money-lending business, is not a natural born or naturalized subject of His Majesty :

VII. That the applicant has not been continuously resident in Australia for the twelve months immediately prior to the making of the application or in case of an application on behalf of a company, that the company is not incorporated in Australia :

VIII. That the applicant is a shareholder in a company which is licensed under this Act :

IX. That the spouse of the applicant is a shareholder in a company which is licensed under this Act and the applicant has not satisfied the court that the applicant is living separate and apart from his or her spouse :

X. If the applicant is a company, that any shareholder in the company is licensed under this Act :

XI. That the spouse of the applicant is licensed under this Act (other than in respect of a money-lending business carried on as a partnership by the applicant and the spouse of the applicant) and the applicant has not satisfied the court that the applicant is living separate and apart from his or her spouse :

XII. That the applicant has not satisfied the court that he has not any direct or indirect financial interest in any other money-lending business in respect of which a licence is issued under this Act.

Issue of renewed licence on unopposed application.
Cf. Vic. 4625, 1938, s. 6.

8. Notwithstanding anything in the last preceding section or the next succeeding section, if the holder of a licence applies for a renewed licence and the application is made not less than fourteen days before the day appointed for the holding of the local court next prior to the thirtieth day of September upon which the licence expires, the following provisions shall apply :—

I. If no notice of objection is as hereinafter in this Act provided lodged by any person in respect of the application, the clerk of the local court shall, if the prescribed fee is paid to him not later than the first day of October following the application, issue to the applicant a renewed licence :

II. If the application is not determined on or before the thirtieth day of September following the application, the licence shall be deemed to be extended until the application is disposed of by the local court in accordance with this Act.

Form and duration of licences.
Cf. 1617, 1924, ss. 6, 7.
Cf. Vic. 4625, 1938, s. 7.

9. (1) Subject to this Act, every licence shall—

(*a*) be in the prescribed form ;

(*b*) take effect from a day (not being earlier than the day of payment of the prescribed fee) to be stated therein ;

(*c*) expire on the thirtieth day of September next following ;

(*d*) be taken out in the true name of the money-lender and be void if taken out in any other name ; and

(*e*) show the name under which, and the address or addresses at which the money-lender is thereby authorized to carry on business as such.

(2) No licence shall authorize a money-lender to carry on business under more than one name, or under any name which includes the word " bank " or otherwise implies that he carries on banking business.

(3) No licence shall authorize a money-lender to carry on business under any name except—

(*a*) his true name ; or

(*b*) where he is a partner in a firm which is registered pursuant to the Registration of Business Names Act, 1928-1932, his true name with the addition of the words " carrying on business as [*here insert the name of the firm*] "; or

(*c*) where at the commencement of this Act he or a firm in which he is a partner—

(i.) was registered under a business name under the Registration of Business Names Act, 1928-1932 ; and

(ii.) was registered under that business name as a money-lender under the Money-lenders Act, 1924,

his business name with the addition of his true name.

(4) If any person—

(*a*) takes out a licence in any name other than the true name of the money-lender ; or

(*b*) carries on business as a money-lender without having in force a licence or, being licensed as a money-lender, carries on business as such in any name other than his authorized name or at any place other than an authorized address ; or

(*c*) lends money or takes any security for a loan in the course of his business as a money-lender otherwise than in his authorized name,

he shall be guilty of an offence against this Act and liable—

(i.) if a company—for a first offence to a penalty of not less than twenty pounds and not more than one hundred pounds and for a second or any subsequent offence to a penalty of not less than one hundred pounds and not more than five hundred pounds :

(ii.) if any other person—to a penalty of not less than ten pounds and not more than fifty pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

(5) No contract or agreement or transaction entered into by a licensed money-lender with any person shall be void or voidable by reason only that the money-lender has, whether in connection with that contract or agreement or transaction or not, been at any time guilty of a contravention of any of the foregoing provisions of this section, whether convicted thereof or not.

(6) Every licensed money-lender shall on demand at any premises upon which he carries on his business produce his licence to any member of the police force, and if without reasonable excuse he refuses or fails so to produce his licence he shall be guilty of an offence against this Act and liable to a penalty of not more than twenty pounds.

Transfer of licence.
Cf. Vic. 4625, 1938, s. 8.

10. (1) The local court nearest to the place of business or principal place of business of the applicant may upon application in the prescribed form—

(*a*) for the transfer of a licence—

(i.) by a licensed money-lender, order the transfer of the licence to any person approved by the court in that behalf and the indorsement of the transfer on the licence ; or

(ii.) by a person licensed on behalf of a company, order the transfer of the licence from that person to any other person approved by the court in that behalf to hold the same on behalf of the company and the indorsement of the transfer on the licence :

(*b*) for the substitution of a new authorized address of the money-lender for any authorized address of the money-lender shown in his licence, order the substitution of the new authorized address and the indorsement of the substitution on the licence:

(*c*) for the approval of an authorized address in addition to the authorized address or addresses of the money-lender shown in his licence, order the addition of the new authorized address and the indorsement of the addition on the licence.

(2) A licence issued to any person on his own behalf shall not be transferable to any person on behalf of a company and a licence issued to any person on behalf of a company shall not be transferable to any person on his own behalf.

(3) Every application for the transfer of a licence or for the substitution or addition of a new authorized address as aforesaid shall be in the prescribed form and shall be lodged in duplicate with the clerk of the local court at least fourteen days before the day mentioned in the application as the day on which the application will be made, and the application and any objection thereto made as hereinafter in this Act provided shall be heard and determined by the local court.

(4) No transfer or substitution or addition under the provisions of this section shall be of any force or effect until the licence is indorsed accordingly by the clerk of the local court and the prescribed fee is paid.

Power to executors, trustees, etc., to carry on business in case of death, etc., of licensee.

Cf. Vic. 4625, 1938, s. 9.

11. (1) In the cases provided for in this section the business of a licensed money-lender may be carried on and a licence may be transferred as follows :—

1. If a licensed money-lender dies—

(*a*) the widow or widower or any member of the family of the deceased licensed money-lender of the age of twenty-one years or upwards or any person on behalf of the family may apply to the local court nearest to the place of business or principal place of business of the deceased money-lender to have his or her name indorsed on the licence as agent pending the granting of probate of the deceased licensed money-lender's will or of letters of administration of the estate :

(*b*) on the grant of probate or letters of administration the executor, administrator, or trustee shall forthwith apply to the local court nearest to the place of business or

principal place of business of the deceased money-lender to have his name or the name of some nominee on his behalf indorsed on the licence :

II. On a licensed money-lender becoming a mental defective within the meaning of the Mental Defectives Act, 1935-1939, the wife or husband of the licensed money-lender or any member of the family of the licensed money-lender of the age of twenty-one years or upwards or any person on behalf of the family may apply to the local court nearest to the place of business or principal place of business of the money-lender to have his or her name or the name of a nominee indorsed on the licence.

(2) Every such application shall—

(*a*) be in the prescribed form and contain such particulars as are prescribed ; and

(*b*) be lodged with the clerk of the local court at least fourteen days before the day mentioned in the application as the day on which the application will be made.

(3) The local court shall consider the application and any objection thereto made as hereinafter in this Act provided and on being satisfied as to the fitness of the applicant or nominee may order the indorsement to be made by the clerk of the local court on payment of the prescribed fee.

(4) Every person whose name is so indorsed on any such licence (other than a person whose name is indorsed pursuant to subdivision (*b*) of paragraph I. of subsection (1) of this section)—

(*a*) may carry on the business under the licence until probate of the will or letters of administration of the estate of the deceased licensed money-lender are granted or until the money-lender ceases to be a mental defective or until the licence is transferred or a new licence is granted in respect of the same place of business in the name of some other person (as the case may be) ; and

(*b*) shall be subject to the same duties, liabilities, obligations, disqualifications and penalties as if he were the licensed money-lender.

(5) No person shall otherwise than as provided in this section carry on any such business for a longer period than twenty-eight days after the death of the money-lender or his becoming a mental defective.

Any person who contravenes or fails to comply with the provisions of this subsection shall be guilty of an offence against this Act and liable to a penalty of not less than ten pounds and not more than fifty pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

(6) Subject to this section, every licence shall confer on the executors or administrators of a deceased licensed money-lender the same rights and privileges and (if the executors or administrators avail themselves of those privileges) shall impose on them the same duties, liabilities, obligations, disqualifications and penalties as if the licence had been issued to them originally.

Notice of applications to be given by clerk of court. Cf. Vic. 4625, 1938, s. 10.

12. Forthwith after the receipt by the clerk of a local court of any application for a licence or for the transfer of a licence or for the substitution of a new authorized address for an authorized address shown in a licence, or for the addition of a new authorized address, or for an indorsement on the licence of a money-lender who has died or become a mental defective, the clerk shall—

(*a*) send a copy of the application to the Commissioner of Police:

(*b*) cause a notice thereof to be posted in a conspicuous place in the building in which the local court for considering the same is to be held and keep the same posted as aforesaid until the day appointed for the hearing of the application.

Objections to applications. Cf. Vic. 4625, 1938, s. 11.

13. (1) The Commissioner of Police or any other person may at least three days before the day appointed for the hearing of an application for the issue of a licence or for the transfer of a licence or for the substitution of a new authorized address for an authorized address shown in a licence, or for the addition of a new authorized address, or for any indorsement on the licence of a money-lender who has died or become a mental defective, lodge with the clerk of the local court a notice in the prescribed form of his objection and of the grounds thereof.

(2) The person lodging any such notice of objection shall cause a copy of the notice to be served personally or by post upon the applicant at least three days before the day appointed for the hearing of the application.

(3) If any objection of which due notice has not been lodged and a copy thereof served upon the applicant as aforesaid is brought before the local court at the hearing of the application,

the court, if it thinks that the objection is one that should be considered, may adjourn the hearing to such day as it thinks fit.

(4) If under this section any objection to the application has been lodged or brought before the court, the court may determine what costs (if any) shall be paid to or by the objector and may order that such costs be paid.

Cancellation of licences.
Cf. Vic. 4625, 1938, s. 12.

14. (1) The Commissioner of Police may apply to the local court nearest to the place of business or principal place of business of any licensed money-lender for any order directing any or all of the following things, namely :—

I. That the licence be cancelled or suspended :

II. That the holder of the licence be disqualified either temporarily or permanently, from holding a licence.

(2) An order under this section may be made upon any of the following grounds, namely :—

I. That the licence was improperly obtained contrary to the provisions of this Act ; or

II. That the licensed money-lender or any person responsible for the conduct or management of the money-lending business is not a fit and proper person to continue any longer to conduct or manage such a business ; or

III. That the licensed money-lender or any person responsible for the conduct or management of the money-lending business has been guilty of such conduct as renders him unfit to continue any longer to conduct or manage such a business ; or

IV. That the licensed money-lender has published an advertisement containing a statement of the terms of interest on which he is prepared to make loans or any particular class of loans and has without proper cause made any such loan or (as the case may be) any loan of any such class on terms of interest less favourable to the borrower than those so advertised.

(3) Every application under this section shall be made, and notice thereof shall be served on the licensed money-lender, in accordance with the regulations.

(4) Upon being satisfied of the existence of any of the grounds aforesaid the local court may make any order authorized by this section and any order as to costs which it thinks just.

(5) Where a licensed money-lender is a party to an action in the Supreme Court or in a local court, and the court is satisfied, on the evidence before it in the action, that a proper case exists for making any such order as is mentioned in subsections (1) and (2), the court may, of its own motion, make any such order.

Effect of convictions on licences.
Cf. Vic. 4625, 1938, s. 13.
Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 3.

15. Where any person is by any court convicted of any offence against this Act the court—

(*a*) may order that any licence held by or on behalf of that person, and in the case of a partner in a firm, by or on behalf of any other partner in the firm, shall either be suspended for such time as the court thinks fit or be cancelled, and may also, if the court thinks fit, declare any person so convicted or any person by whom or on whose behalf any such licence is held or any person responsible for the management or conduct of the money-lending business, to be disqualified from obtaining a licence or managing or conducting a money-lender's business for such time as the court thinks fit; and

(*b*) shall cause particulars of the conviction and of any order made by the court to be indorsed on every licence held by or on behalf of the person convicted or by any other person affected by the order, and shall cause copies of those particulars to be sent forthwith to the clerk of the local court by which any such licence was issued and to the Commissioner of Police.

Disqualified money-lender becoming director, etc., of company.
Cf. Vic. 4625, 1938, s. 14.

16. While his disqualification continues a person disqualified under this Act shall not be capable of becoming or continuing a director, manager, or secretary of any company licensed under this Act.

Production of licence for indorsement, etc.
Cf. Vic. 4625, 1938, s. 15.

17. Any licence required by a court under this Act for indorsement or cancellation shall be produced in such manner and within such time as the court directs by the person by whom it is held, and any person who without reasonable cause makes default in producing any licence so required shall be guilty of an offence against this Act and liable to a penalty of not more than five pounds for each day during which the default continues.

Duplicate licences.
Cf. Vic. 4625, 1938, s. 17.

18. In any case where satisfactory proof is given of the loss or destruction of a licence the local court which ordered the issue thereof may order the issue of a duplicate licence on payment of the prescribed fee.

Record of licences, etc.
Cf. Vic. 4625, 1938, s. 18.

19. (1) A record of licences issued and of transfers, suspensions and cancellations of licences and of substitutions and additions of new authorized addresses and of indorsements on licences and of such other matters and things as are prescribed shall be kept by the Commissioner of Police.

(2) The Commissioner of Police shall as early as practicable in each month cause to be published in the *Government Gazette* particulars of all licences issued, renewed, transferred and cancelled and of all substitutions and additions of new authorized addresses and of all indorsements on licences of money-lenders who have died or become mental defectives and of all other prescribed matters and things aforesaid done during the last preceding month.

(3) The *Government Gazette* containing any such particulars published as aforesaid shall be *prima facie* evidence of the facts therein contained.

Transmission of records to Commissioner of Police.
Cf. Vic. 4625, 1938, s. 20.

20. (1) Every clerk of a local court shall at the times and in the manner prescribed forward to the Commissioner of Police returns of licences issued, renewed, transferred, cancelled or suspended and of substitutions and additions of new authorized addresses and of indorsements of licences.

(2) In every case where a licence is cancelled and delivered up to a court under this Act it shall be transmitted forthwith by the clerk or other proper officer of the court to the Commissioner of Police.

Fees.
Cf. Vic. 4625, 1938, s. 21.

21. (1) The following fees shall be payable under this Act :—

I. For each licence issued to any person whether carrying on business alone or as a member of a firm—fifteen pounds :

II. For each renewed licence issued to any person whether carrying on business alone or as a member of a firm—five pounds :

III. For each transfer of a licence—two pounds :

IV. For each substitution of a new authorized address for an authorized address shown in a licence—one pound :

V. For each addition of a new authorized address to the authorized address or addresses shown in a licence—ten pounds :

VI. For each indorsement authorized by a local court with respect to the licence of a money-lender who has died or become a mental defective—one pound :

VII. For each duplicate licence—one pound:

VIII. On searching any book or record of money-lenders kept by a clerk of a local court or by the Commissioner of Police—one shilling:

IX. On certified copies of or extracts from entries in any such book or record—five shillings for each certified copy or extract not exceeding five folios of seventy-two words to the folio and ninepence for each additional folio (or part thereof) of seventy-two words after the first five folios.

(2) Where a licence referred to in subdivision I. or subdivision II. of subsection (1) authorizes the carrying on of business at more than one authorized address, an additional fee of ten pounds shall be payable in respect of every authorized address in excess of one: Provided that if the licence is a renewed licence the additional fee to be paid pursuant to this subsection shall be five pounds.

(3) Where the duration of a licence referred to in subdivision I. or subdivision II. of subsection (1) is for not more than six months the fee for the licence shall be one-half of the sum otherwise payable.

PART III.

PART III.

MONEY-LENDING TRANSACTIONS.

Restriction on recovery of loan by unlicensed money-lender.
Cf. Vic. 4625, 1938, s. 22.

22. No money-lender shall be entitled to recover in any court any money lent by him after the twentieth day of November, nineteen hundred and twenty-four, or any interest in respect thereof, or to enforce any contract made or security taken in respect of any loan made by him after the said date, unless he satisfies the court by the production of his licence or otherwise that at the date of the loan or the making of the contract or the taking of the security (as the case may be) he was the holder of a licence under this Act or was registered as a money-lender under the Money-lenders Act, 1924.

Form of money-lenders' contracts.
Cf. 1617, 1924, ss. 13, 14.
Cf. Vic. 4625, 1938, s. 23.
Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 6.

23. (1) If any contract is made for the repayment of money lent by a money-lender after the commencement of this Act or for the payment of interest on money so lent—

(*a*) the contract shall be in writing and signed personally by the borrower or by the agent of the borrower authorized in writing by the borrower;

(*b*) the contract shall set out all the terms of the loan, and in particular shall show—

(i.) the date of the making of the loan ;

(ii.) the amount of the principal of the loan ;

(iii.) the total amount of the interest to be paid ;

(iv.) an itemized statement of any amounts paid or payable by the borrower on account of stamp duty or on account of fees payable to the Registrar General of Deeds or on account of costs or fees payable to a solicitor or licensed land broker for the preparation of any document ; and

(v.) the terms of repayment including a separate and distinct statement of the amount of the final payment to be made pursuant to the contract ;

(*c*) the contract shall be signed by the borrower or by the agent of the borrower authorized in writing by the borrower before any money is lent and before any security is given to the money-lender in respect of the contract or loan ;

(*d*) a copy of the contract, together with a summary in writing in the prescribed form of the provisions of this Part which afford protection to borrowers shall be delivered to or sent by prepaid registered letter through the post addressed to the borrower within seven days of the making of the contract.

(2) For the purposes of the last preceding subsection—

(*a*) the date of the making of the loan shall be deemed to be the date on which under the loan any money is first paid or is first at call (whichever is the earlier) and in the case of a cash order transaction such date shall be deemed to be the date of the issue of the cash order ; and

(*b*) if the contract provides for the making of a loan and further advances of principal, the amount of the principal in fact lent at the time of the making of the contract shall be deemed to be the amount of the principal.

(3) No such contract or copy thereof shall be deemed insufficient by reason only that in the contract or copy there is an omission or an incorrect or insufficient description or a misdescription in respect of the particulars required to be contained in the contract or copy if the court before which the enforceability of any such contract or security comes in

question is satisfied that the omission, incorrect or insufficient description, or misdescription was accidental or due to inadvertence or was not of such a nature as to be liable to mislead or deceive any person to his prejudice or disadvantage. A copy of a contract shall be deemed sufficient for the purposes of paragraph (*d*) of subsection (1) notwithstanding that any of the signatures of the parties do not appear therein.

(4) If any loan is made on the security of a negotiable instrument, it shall be a sufficient compliance with the provisions of this section if a note or memorandum in writing of the contract is made setting out the matters referred to in subsection (1) and is signed by the borrower or by the agent of the borrower authorized in writing by the borrower and if a copy of the note or memorandum together with the summary referred to in subsection (1) is delivered or sent to the borrower in manner provided by subsection (1).

(5) If in respect of any loan made after the commencement of this Act, any of the requirements of the preceding subsections of this section as qualified by subsections (3) and (4) are not complied with, no interest in excess of the rate of twelve pounds per centum per annum shall be payable or recoverable under the contract for the loan or any security given in respect thereof and if any sum is paid on account of any such interest in excess of the said rate, the excess may be recovered back or deducted from any principal or interest payable under the contract or in respect of the security, notwithstanding any contract to the contrary.

Regulation of loans to married persons.

24. (1) If after the commencement of this Act any contract is made for the loan by a money-lender of a sum of money of less than fifty pounds to a borrower who is married, the contract and any security taken in respect of the loan so far as they provide for the payment of any interest shall be void and of no effect unless—

(*a*) the purported consent in writing to the loan was given by the spouse of the borrower and delivered to the money-lender prior to the making of the loan ; or

(*b*) the borrower prior to the making of the loan produced and delivered to the money-lender a statutory declaration to the effect that the spouse of the borrower was under such a legal incapacity as to render him or her unable to give consent as aforesaid,

or unless the money-lender had reasonable grounds for believing that—

(*c*) the borrower was at the time the loan was made living separate and apart from the spouse of the borrower ; or

(*d*) the spouse of the borrower was outside South Australia at the time the loan was made.

This subsection shall not apply to any loan made to a borrower who is married if, prior to the making of the loan, the borrower delivered to the money-lender a statement in writing signed by the borrower to the effect that the borrower was not married at the time of the delivery of the statement, unless the money-lender had reasonable grounds for believing that the statement was false.

(2) If after the commencement of this Act any person who is married guarantees the repayment to any money-lender of any loan of a sum of money of less than fifty pounds, the guarantee and any security given by way of guarantee shall be void and of no effect unless—

(*a*) the purported consent in writing to the making of the guarantee was given by the spouse of the guarantor and delivered to the money-lender prior to the giving of the guarantee ; or

(*b*) the guarantor prior to the giving of the guarantee produced and delivered to the money-lender a statutory declaration to the effect that the spouse of the guarantor was under such a legal incapacity as to render him or her unable to give consent as aforesaid,

or unless the money-lender had reasonable grounds for believing that—

(*c*) the guarantor was at the time the loan was made living separate and apart from the spouse of the guarantor ; or

(*d*) the spouse of the guarantor was outside South Australia at the time the loan was made.

This subsection shall not apply to any such guarantee given by a person who is married if, prior to the making of the guarantee, the guarantor delivered to the money-lender a statement in writing signed by the guarantor to the effect that the guarantor was not married at the time of the delivery of the statement, unless the money-lender had reasonable grounds for believing that the statement was false.

(3) If any money-lender—

(*a*) makes any loan or accepts any guarantee in contravention of this section ; or

(*b*) fails to preserve any consent or declaration delivered to him in respect of any loan or guarantee until the expiration of twelve months after the transaction in respect of which it was given is finally closed,

the money-lender shall be guilty of an offence against this Act and liable—

(i.) if a company—to a penalty of not less than twenty pounds nor more than two hundred pounds :

(ii.) if any other person—to a penalty of not less than ten pounds or to imprisonment for a term of not more than two months or to both such penalty and imprisonment.

(4) If, for the purpose of obtaining or guaranteeing a loan, any person who is married delivers to any money-lender a statement in writing that such person is not married, the said person shall be guilty of an offence against this Act and liable to a penalty of not more than ten pounds.

Provision where money-lender enforces security for loan.

25. (1) If any security is after the commencement of this Act made or taken to secure the payment of any money lent by a money-lender or any interest thereon the money-lender shall not be entitled to institute any proceedings, other than for the enforcement of the security, to recover any amount payable under the contract or payable pursuant to any guarantee for the repayment of the loan or any interest thereon, unless the contract or guarantee, as the case may be, expressly provides prominently on the face thereof, that the borrower or guarantor, as the case may be, undertakes a personal liability to pay or, as the case may be, guarantee the payment of the loan and any interest thereon and that the said liability is additional to any liability under any security taken in respect of the loan.

(2) In this section " security " includes bill of sale, mortgage, lien, and charge of any real or personal property and any assignment, conveyance, transfer or dealing with any real or personal property to secure the repayment of any loan.

(3) The provisions of this section shall apply notwithstanding the provisions of The Real Property Act, 1886-1939, the Bills of Sale Act, 1886-1935, or any other Act or law to the contrary.

Use of authorized name by money-lenders.
Cf. 1617, 1924, s. 7.
Cf. Vic. 4625, 1938, s. 24.
Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 4.

26. (1) A money-lender—

(*a*) shall not for the purposes of his business as such issue or publish or cause to be issued or published any advertisement, circular, business letter, or other similar document which does not show his authorized

name in such manner as to be not less conspicuous than any other name ; and

(*b*) shall outside the premises occupied by him at his authorized address display or cause to be displayed his authorized name in such manner as to be conspicuous and not less conspicuous than any other name displayed in the vicinity of the premises in connection with his business as a money-lender.

Any money-lender who contravenes the provisions of this subsection shall be guilty of an offence against this Act and liable to a penalty of not more than twenty pounds.

(2) If a money-lender for the purposes of his business as such issues or publishes or causes to be issued or published any advertisement, circular, or document of any kind whatsoever containing expressions which might reasonably be held to imply that he carries on banking business, he shall be guilty of an offence against this Act and liable—

(*a*) if a company—to a penalty of not less than twenty pounds and not more than one hundred pounds :

(*b*) if any other person—to a penalty of not less than ten pounds and not more than fifty pounds or to imprisonment for a term of not more than two months or to both such penalty and imprisonment.

List of Shareholders.

27. (1) Any money-lender being a company shall cause to be displayed at all times in the main public office at every authorized address of the money-lender a statement showing the names of all the shareholders of the company and the share holdings of all such shareholders.

(2) Any money-lender who contravenes the provisions of this section shall be guilty of an offence against this Act and liable to a penalty of not more than twenty pounds.

Restrictions on money-lending advertisements.
Cf. 1617, 1924, s. 7.
Cf. Vic. 4625, 1938, s. 25.
Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 5.

28. (1) No person shall knowingly send or deliver or cause to be sent or delivered to any person, except in response to his written request, any circular advertising particulars of the name, address, or telephone number of a money-lender or containing an invitation—

(*a*) to borrow money from a money-lender ; or

(*b*) to enter into any transaction involving the borrowing of money from a money-lender ; or

(*c*) to apply to any place with a view to obtaining information or advice as to borrowing any money from a money-lender.

(2) No person shall publish or cause to be published in any newspaper, magazine, programme, handbill, or other printed paper issued for public circulation, or by wireless telegraphy, or by cinematograph, or by lantern slides, or by means of any poster or placard, an advertisement advertising any such particulars or containing any such invitation as aforesaid: Provided that an advertisement, in conformity with the requirements of section 26 may be published by or on behalf of a money-lender in any newspaper, magazine, programme, or other printed paper aforesaid or by means of a poster or placard exhibited at any authorized address of the money-lender, if it contains no addition to the particulars necessary to comply with the said requirements, except any of the following particulars:—

I. Any authorized address at which he carries on business as a money-lender and the telegraphic address and telephone number thereof:

II. Any address at which he formerly carried on business as a money-lender:

III. A statement that he lends money with or without security, and of the highest and lowest sums that he is prepared to lend:

IV. A statement showing in respect of any particular class of loans which he is prepared to make, the amount of such loans, the amount of interest to be payable on such loans, the number of the instalments by which the loans and interest are repayable, the intervals between the successive payments of instalments, and the class of security upon which he is prepared to make such loans:

V. A statement of the date on which the business carried on by him was first established.

(3) No money-lender or any person on his behalf shall employ any agent or canvasser for the purpose of inviting any person to borrow money or to enter into any transaction involving the borrowing of money from a money-lender, and no person shall act as such agent or canvasser or demand or receive directly or indirectly from any money-lender or any person on behalf of any money-lender any sum or other valuable consideration by way of commission or otherwise for introducing or undertaking to introduce to a money-lender any person desiring to borrow money.

(4) No person shall issue or publish any document which purports to indicate the terms of interest upon which a money-lender is willing to make loans or any particular loan unless the document clearly expresses the total amount of interest payable in respect of such loans or loan.

(5) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence against this Act and liable—

(*a*) if a company—to a penalty of not less than twenty pounds and not more than two hundred pounds:

(*b*) if any other person—to a penalty of not less than ten pounds and not more than fifty pounds or to imprisonment for a term of not more than two months or to both such penalty and imprisonment,

unless he proves that the contravention or failure occurred without his consent or connivance.

(6) Where it is shown that a money-lending transaction entered into after the commencement of this Act was brought about by a contravention of or failure to comply with any of the provisions of this section (whether the person offending has been convicted thereof or not) the transaction shall, notwithstanding that the money-lender was duly licensed, be illegal in so far as it provides directly or indirectly for the payment of any interest, unless the money-lender proves that the contravention or failure occurred without his consent or connivance.

Prohibition of compound interest.
Cf. Vic. 4625, 1938, s. 26.
Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 7.

29. (1) Any contract made after the commencement of this Act for the loan of money by a money-lender shall be void in so far as it provides directly or indirectly for—

(*a*) the payment of interest upon any sum which is not paid upon the due date upon which it is payable under the contract; or

(*b*) any increase of interest by reason of any default in the payment of sums due under the contract or by reason of any default in any other term or condition of the contract:

Provided that provision may be made by any such contract that if default is made in the payment upon the due date of any sum payable to the money-lender under the contract, whether in respect of principal or interest, the money-lender shall be entitled to charge simple interest on that sum from the date of the default until the sum is paid at a rate specified in the contract to be payable upon any sum in default as aforesaid, and any interest so charged shall not be reckoned for the purposes of this Act as part of the interest charged in respect of the loan.

(2) If default is made in the payment upon the due date of any sum payable to a money-lender under a contract made before or after the commencement of this Act for the loan of money by the money-lender and the said sum is subsequently paid or tendered to the money-lender by or on behalf of the borrower together with such further sums as have become due and payable by the borrower under the said contract up to the date of such payment or tender and together with such costs, charges, or expenses as have been properly incurred by the money-lender by reason of such default, then, notwithstanding anything in the contract to the contrary, the contract shall be deemed not to be in breach.

Provision for payment of interest on determination of contract on default or otherwise.

30. (1) Where any contract made before or after the commencement of this Act for the loan of money by a money-lender is determined, either by reason of breach of the contract by the borrower or pursuant to agreement between the parties for the variation or extension of the contract, and any amount is outstanding under the contract, the amount which shall be payable as interest at the time of the determination of the contract shall be calculated as follows :—

I. If the contract expresses the interest chargeable (other than interest payable in accordance with the proviso to subsection (1) of section 29) in terms of a rate per centum per annum the interest payable upon such determination shall be the interest calculated up to the date of the determination of the contract :

II. If the contract does not express the interest chargeable (other than interest payable in accordance with the proviso to subsection (1) of section 29) in terms of a rate per centum per annum the interest payable upon such determination shall be that proportion of the total interest payable under the contract as the period from the making of the contract to the end of the quarter of three months in which the determination of the contract occurs bears to the whole of the term of the contract.

For the purposes of this subsection a " quarter of three months " shall be deemed to commence from the date of the contract or from the beginning of a successive period of three months.

(2) If any money-lender receives or recovers any such excess interest and fails within a period of three months after the receipt or recovery thereof to—

(*a*) pay the same to the borrower or to the agent of the borrower authorized in writing by the borrower ; or

(*b*) set off the same against any amount which became due and payable to the money-lender by the borrower within the said period or at any time prior to the commencement of that period; or

(*c*) pay the same to the Treasurer,

the money-lender shall be guilty of an offence against this Act and liable—

(i.) if a company—to a penalty of not less than twenty pounds and not more than two hundred pounds:

(ii.) if any other person—to a penalty of not less than ten pounds and not more than fifty pounds or to imprisonment for a term of not more than two months or to both such penalty and imprisonment.

(3) Any money paid to the Treasurer as aforesaid shall be paid into the general revenue but if within seven years of the payment to the Treasurer any person makes any demand to the Treasurer for the payment to him of any such money, the Treasurer upon being satisfied that the claimant is the owner of the money shall, without any further appropriation than this subsection, make payment thereof to the claimant.

Prohibition of charge for expenses on loans by money-lenders.
Cf. 1617, 1924, s. 15.
Cf. Vic. 4625, 1938, s. 27.
Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 12.

31. (1) Any contract entered into after the commencement of this Act between a money-lender and a borrower or intending borrower for the payment by the borrower or intending borrower to the money-lender of any sum for or on account of costs, charges, or expenses (other than stamp duties and fees payable to the Registrar-General of Deeds, and costs or fees payable for the preparation of any document to any solicitor or licensed land broker) incidental to or relating to the negotiations for or the granting of the loan or proposed loan or the guaranteeing or securing of the repayment thereof shall be illegal.

(2) It shall not be lawful for any money-lender or his partner, employer, employee, principal, or agent or any person acting for or in collusion with any money-lender to charge, recover, or receive any sum as for or on account of any such costs, charges, or expenses (other than stamp duties and fees payable to the Registrar-General of Deeds, and costs or fees payable for the preparation of any document to any solicitor or licensed land broker) or any remuneration or reward whatsoever for or in connection with or preliminary to procuring, negotiating or obtaining any loan made after the commencement of this Act or guaranteeing or securing the repayment thereof.

(3) If any money or money's worth is directly or indirectly paid or allowed to or received by any person in contravention of this section, the amount or the value thereof to the extent of such contravention and notwithstanding any contract to the contrary, may be recovered by the borrower from such person or if such person is the money-lender or a partner, employer, employee, principal, or agent of the money-lender or is in any way acting for or in collusion with him, may be set off against the amount actually lent (and that amount shall be deemed to be reduced accordingly) or may be recovered by the borrower from such person or from the money-lender.

Re-opening of transactions of money-lender.
Cf. 1617, 1924, s. 4.
Cf. Vic. 4625, 1938, s. 28.
Cf. U.K. 63 & 64 Vict. c. 51, s. 1.
Cf. U.K. 17 & 18 Geo. 5, c. 21, ss. 10 (2), 13 (2).

32. (1) Where proceedings are taken in any court by a money-lender (or by the assignee or transferee or holder of a debt or security in respect of a loan by a money-lender) for the recovery of any money lent either before or after the commencement of this Act, or the enforcement of any contract or security made or taken either before or after the commencement of this Act in respect of money lent either before or after the commencement of this Act, and there is evidence which satisfies the court that—

(*a*) the interest charged in respect of the sum actually lent is excessive ; or

(*b*) the amounts charged for expenses, inquiries, fines, bonus, premiums, renewals, or any other charges are excessive ; or

(*c*) the transaction is harsh and unconscionable, or is such that a court of equity would give relief,

the court may—

(i.) re-open the transaction and take an account between the plaintiff and the defendant ; and

(ii.) notwithstanding any statement or settlement of account or any contract purporting to close previous dealings and create a new obligation, re-open any account in connection with the transaction ; and

(iii.) relieve the defendant from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of such principal, interest, and charges as the court, having regard to the risk, the value of the security, the time of repayment, the amount of the loan, and all the other circumstances, may adjudge to be reasonable ; and

(iv.) if any such excess has been paid or allowed in account by the borrower or defendant, order the plaintiff to repay it ; and

(v.) set aside either wholly or in part, or revise or alter, any security given or contract made in connection with the transaction ; and

(vi.) if the security has been parted with or the debt has been assigned, order the plaintiff to indemnify the borrower or defendant.

(2) If, at the time when any such proceedings are taken in respect of a default in the payment of any sum due to a money-lender or to any such assignee, transferee or holder under a contract for the loan of money, any further amount is outstanding under the contract but not yet due, the court, without prejudice to its powers under subsection (1), may determine the contract and order the principal outstanding to be paid with such interest thereon, if any, as the court may allow up to the date of payment.

(3) Any court in which proceedings might be taken for the recovery of money lent shall have and may, on the application of the borrower or surety or other person liable, exercise the like powers as may be exercised under this section where proceedings are taken for the recovery of money lent ; and the court shall have power, notwithstanding any provision or contract to the contrary, to entertain any such application, notwithstanding that the time for repayment of the loan or any instalment thereof has not arrived.

(4) In any proceedings relating to the admission or amount of a proof of debt, the court may exercise the like powers as may be exercised under this section when proceedings are taken for the recovery of money lent.

(5) When it appears to the court that any person other than the money-lender has shared in the profits of or has any beneficial interest, prospectively or otherwise, in the transaction, the court may cite that person as a party to the proceedings, and may make such order in respect to the said person as it deems fit.

(6) No proceedings to obtain any relief under this section shall be taken after six months from the time when the transaction in respect of or in connection with which relief is sought was finally closed, but the legal personal representative of any deceased person who had entered into the transaction may take such proceedings at any time within twelve months thereafter.

(7) For the purposes of effectually carrying out this section, all such orders may be made and directions given by the court as it deems necessary or proper.

(8) Where the court re-opens a transaction of a money-lender under this section, the court may cause such particulars as the court thinks desirable to be indorsed on any licence held by the money-lender and a copy of the particulars to be sent to the clerk of the local court by which the licence was issued and to the Commissioner of Police.

(9) Every person who in any transaction lends money at a rate of interest exceeding twelve pounds per centum per annum shall be deemed to be a money-lender for the purposes of this section.

Obligation of money-lender to supply information as to state of loan.
Cf. Vic. 4625, 1938, s. 30.
Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 8.

33. (1) In respect of every contract, whether made before or after the commencement of this Act, for the repayment of money lent by a money-lender, the money-lender shall, on any reasonable demand in writing being made by the borrower at any time during the continuance of the contract and on tender by the borrower of the sum of one shilling for expenses, supply to the borrower or, if the borrower so requires, to any person specified in that behalf in the demand, a statement signed by the money-lender or his agent showing—

(*a*) the amount of any payment already received by the money-lender in respect of the loan and the date on which it was made ;

(*b*) the amount of every sum due to the money-lender, but unpaid, and the date upon which it became due ; and ;

(*c*) the amount of every sum not yet due which remains outstanding, and the date upon which it will become due.

(2) A money-lender shall, on any reasonable demand in writing by the borrower, supply a copy of any document signed by the borrower relating to a loan made by him or any security therefor to the borrower or, if the borrower so requires, to any person specified in that behalf in the demand, and the borrower shall pay therefor ninepence for each folio (or part thereof) of seventy-two words.

(3) If a money-lender to whom a demand has been made under this section fails without reasonable excuse to comply therewith within one month after the demand has been made, he shall not, so long as the default continues, be entitled to sue for or recover any sum due under the contract on account either of principal or interest, and interest shall not be chargeable in respect of the period of the default.

Notice and information to be given on assignment of money-lender's debts.
Cf. Vic. 4625, 1938, s. 31. Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 16.

34. (1) Where any debt in respect of money lent by a money-lender whether before or after the commencement of this Act or in respect of interest on any such debt or the benefit of any contract made or security taken in respect of any such debt or interest is assigned to any assignee, the assignor (whether he is the money-lender by whom the money was lent or any person to whom the debt has been previously assigned) shall, before the assignment is made—

(*a*) give to the assignee notice in writing that the debt, contract, or security is affected by the operation of this Act; and

(*b*) supply to the assignee all information necessary to enable him to comply with the provisions of this Act relating to the obligation to supply information as to the state of loans and copies of documents relating thereto,

and any person acting in contravention of or failing to comply with any of the provisions of this section shall be liable to indemnify any other person who is prejudiced by the contravention, and shall, unless he proves that the contravention or failure was accidental or was due to inadvertence, also be guilty of an offence against this Act and liable—

(i.) if a company—to a penalty of not less than fifty pounds and not more than three hundred pounds:

(ii.) if any other person—to a penalty of not less than twenty-five pounds and not more than two hundred pounds or to imprisonment for a term of not more than six months or to both such penalty and imprisonment.

(2) In this section "assigned" means assigned by an assignment other than an assignment by operation of law or on death, and the expressions "assignor" and "assignee" have corresponding interpretations.

Application of Act as respects assignee.
Cf. Vic. 4625, 1938, s. 32. Cf. U.K. 17 & 18 Geo. 5, c. 21, s. 17.

35. (1) The provisions of this Act shall continue to apply as respects any debt to a money-lender in respect of money lent by him after the commencement of this Act or in respect of interest on money so lent or of the benefit of any contract made or security taken in respect of any such debt or interest, notwithstanding that the debt or the benefit of the contract or security is assigned to any assignee and, except where the context otherwise requires, any reference in this Act to a money-lender shall accordingly be construed as including a reference to any such assignee as aforesaid:

Provided that—

(*a*) notwithstanding anything in this Act—

(i.) any contract with, or security taken by, a money-lender in respect of money lent by him after the commencement of this Act shall be valid in favour of any *bona fide* assignee or holder for value without notice of any defect due to the operation of this Act and of any person deriving title under him; and

(ii.) any payment or transfer of money or property made *bona fide* by any person, whether acting in a fiduciary capacity or otherwise, on the faith of the validity of any such contract or security, without notice of any such defect shall, in favour of that person, be as valid as it would have been if the contract or security had been valid,

but in every such case the money-lender shall be liable to indemnify the borrower or any other person who is prejudiced by virtue of this section, and nothing in this proviso shall render valid a contract or security in favour of, or apply to proceedings commenced by, an assignee or holder for value who is himself a money-lender; and

(*b*) for the purposes of this Act the provisions of section 117 of the Law of Property Act, 1936, shall apply as if the expression "purchaser" included a person making any such payment or transfer as aforesaid.

(2) Nothing in this section shall render valid for any purpose any contract, security, or other transaction which would, apart from the provisions of this Act, have been void or unenforceable.

Avoiding contract for payment of loan advanced during infancy.
Cf. 1617, 1924, s. 11.
Cf. U.K. 55 & 56 Vict., c. 4, s. 5.

36. If any infant, who has contracted a loan with a money-lender which is void or voidable in law, agrees after he comes of age to pay any money which in whole or in part represents or is agreed to be paid in respect of any such loan and is not a new advance, the contract and any instrument, negotiable or other, given in pursuance of or for carrying into effect the contract or otherwise in relation to the payment of money representing or in respect of the loan shall, so far as it relates to money which represents or is payable in respect of the loan and is not a new advance, be void absolutely as against all persons whomsoever.

Execution and attestation of certain assignments.
1617, 1924, s. 12.
Cf. Vic. 4625, 1938, s. 33.

37. (1) No assignment to a money-lender, whether absolute or by way of security or otherwise howsoever made after the twentieth day of November, nineteen hundred and twenty-four, by any person (hereinafter in this section called the grantor) of or in respect of all or any part of his right, title, or interest whether actual or expectant, in possession, remainder, reversion, or contingency, or of any nature whatsoever, in or under any will, codicil, or deed or in, under, or to the estate of any deceased person, whether the decease of the last-mentioned person was before or after the making of the assignment or before or after the said date, shall be of any force or validity whatever unless the assignment is in writing and is executed by the grantor in the presence of a solicitor instructed and employed independently of the money-lender, or a special magistrate, or a commissioner for taking affidavits in the Supreme Court, and is certified by the solicitor, or special magistrate, or commissioner for taking affidavits, as next hereinafter provided.

(2) The solicitor, or special magistrate, or commissioner for taking affidavits—

(*a*) shall read over and explain, or cause to be read over and explained in his presence, to the grantor the assignment; and

(*b*) shall examine the grantor touching his knowledge of the assignment; and

(*c*) if he thinks fit may so examine him separately and apart from any other person; and

(*d*) if he is satisfied that the grantor understands the true purport and effect thereof and freely and voluntarily executes the same, shall certify in writing upon the assignment that the assignment has been so read over and explained, and that he has examined the grantor and is satisfied as hereinbefore required, and that the grantor has executed the assignment in his presence.

(3) This section shall not apply to any assignment made only for the purpose of vesting property in the person entitled thereto under or by virtue of the provisions of a will, codicil, or deed, or in a person entitled thereto as part of the estate of a deceased person, or to any assignment made by any person to whom any such property as aforesaid has been actually conveyed, assigned, or transferred.

(4) No assignment (except an assignment by way of security) executed in pursuance of this section shall be impeached upon any ground whatsoever except in the case of fraud or any kind of imposition, and no assignment by way of security executed in pursuance of this section shall be impeached upon any ground

whatsoever, except in the case of fraud or any kind of imposition, or except as provided by this Act.

(5) In this section—

"assignment" means any assignment, assurance, sale, mortgage, lien, charge, conveyance, transfer, or declaration of trust, and any contract, agreement, or arrangement for assignment, assurance, sale, mortgage, lien, charge, conveyance, transfer, or declaration of trust, and any power of attorney, appointment of agency, licence, or power to receive, or other authority of a like nature :

"deed" means any instrument (other than a will or codicil) whether under seal or not, whereby any property is settled, appointed, given, or declared to be held in trust, or is agreed to be settled, appointed, given or held in trust.

Penalties for false statements and representations. 1617, 1924, s. 8. Cf. Vic. 4625, 1938, s. 34. Cf. U.K. 63 & 64 Vict., c. 51, s. 4.

38. Any money-lender or any manager, agent, or clerk of a money-lender, or any person being a director, manager, or any other officer of any company carrying on the business of a money-lender, who by any false, misleading, or deceptive statement, representation, or promise, or by any dishonest concealment of material facts, induces or attempts to induce any person to borrow money or to agree to the terms on which money is or is to be borrowed, shall be guilty of an offence against this Act and liable to imprisonment for a term not exceeding one year, or to a penalty of not more than five hundred pounds, or to both such penalty and imprisonment.

Method of making loan. Cf. 1617, 1924, s. 16. Cf. Vic. 4625, 1938, s. 35.

39. (1) All loans made by a money-lender purporting to be loans of money shall be made in current money, bank notes, or cheques on bankers and shall be made in full without any deduction for interest or otherwise, and no land, goods or articles of any kind whatever or things in action shall be given or supplied in or by way of barter or otherwise for or as part of any such loan.

This subsection shall not be construed so as to prevent a money-lender deducting from any loan of money any sum lawfully agreed to be paid in accordance with the provisions of this Act on account of stamp duty or on account of fees payable to the Registrar-General of Deeds or on account of costs or fees payable to any solicitor or licensed land broker for the preparation of any document.

(2) Every contract made or transaction entered into or performed in breach of or with intent to evade or avoid this section in respect of a loan shall to the extent of such breach, evasion, or avoidance be and be deemed to be null and void.

PART IV.

PART IV.

RE-OPENING OF HIRE-PURCHASE TRANSACTIONS.

Re-opening hire-purchase transactions. Cf. 1617, 1924, s. 5.

40. (1) Where by any instrument, whether made before or after the commencement of this Act, it is expressed that any person agrees to hire any chattel and that such person may buy the chattel or the property in the chattel will or may pass to such person, and proceedings are taken in any court in respect of any matter arising out of the transaction, the court, if satisfied by evidence that—

(*a*) the amount charged by any instalments payable pursuant to the instrument (and in especial whether directly or indirectly in respect of interest on the purchase-money outstanding) is excessive ; or

(*b*) the amounts charged for expenses, inquiries, fines, bonus, premium, or any other charges are excessive ; or

(*c*) the transaction is harsh and unconscionable, or is such that a court of equity would give relief,

may—

(i.) re-open the transaction and take an account between the parties thereof ; and

(ii.) notwithstanding any statement or settlement of account or any contract purporting to close previous dealings and create a new obligation, re-open any account in connection with the transaction ; and

(iii.) relieve the hirer of the chattel from payment of any sum in excess of the sum adjudged by the court to be fairly payable in respect of purchase-money, interest, and charges as the court, having regard to the risk, the value of the chattel, the time of payment, and all the other circumstances, may adjudge to be reasonable ; and

(iv.) if any such excess has been paid or allowed in account by the hirer of the chattel, order the owner of the chattel to repay it ; and

(v.) set aside either wholly or in part, or revise or alter, any security or guarantee given or contract made in connection with the transaction ; and

(vi.) if any security has been parted with, order the owner of the chattel to indemnify the hirer of the chattel.

(2) The court shall have power, notwithstanding any provision or contract to the contrary, to entertain any application by the hirer of the chattel for relief, notwithstanding that the time for payment of any instalment has not arrived.

(3) When it appears to the court that any person other than the owner of the chattel has shared in the profits of or has any beneficial interest, prospectively or otherwise, in the transaction, the court may cite that person as a party to the proceedings and may make such order in respect to the said person as it deems fit.

(4) No proceeding to obtain any relief under this section shall be taken after six months from the time when the transaction in respect of or in connection with which relief is sought was finally closed.

(5) For the purposes of effectually carrying out this section, all such orders may be made and directions given by the court as it deems necessary or proper.

(6) This section shall apply whether or not the owner of the chattel is a money-lender.

(7) In this section " security " includes bill of sale, mortgage, lien, and charge of any real or personal property and any assignment, conveyance, transfer or dealing with any real or personal property and any promissory note, bill of exchange or negotiable instrument.

PART V.

MISCELLANEOUS.

Inspection of documents, etc.
Cf. Vic. 4625, 1938, s. 36.

41. (1) For the purpose of ascertaining whether the provisions of this Act are being or have been complied with by any money-lender, the Commissioner of Police or any person (being a superintendent or inspector of police) authorized in writing in that behalf by the Commissioner of Police, may enter any premises where the business of the money-lender is being carried on and may demand the production of and inspect any books, accounts, documents, securities, or writings relating to any loan made by the money-lender or relating to his business as a money-lender, and may take notes, copies or extracts thereof or therefrom.

(2) Any person who—

(*a*) wilfully delays or obstructs the Commissioner of Police or any other person authorized as aforesaid in the exercise of his powers under this section :

(*b*) refuses or fails to produce or conceals or attempts to conceal any such books, accounts, documents, securities, or writings :

(*c*) being the money-lender or a director, manager, or other officer or employee of the money-lender, refuses or fails to answer any question relating to such

books, accounts, documents, securities, or writings, or gives any untruthful answer to any such question,

shall be guilty of an offence against this Act and liable to a penalty of not less than twenty pounds and not more than one hundred pounds.

(3) If—

(*a*) the Commissioner of Police or any other person authorized as aforesaid divulges any matter or things ascertained by him during the exercise of his powers under this section ; or

(*b*) the Commissioner of Police or any other person authorized as aforesaid or any person to whom any such matter or thing is in accordance with this section communicated makes use of his knowledge of any such matter or thing,

except for the purpose of carrying out the provisions of this Act or in answer to any question which he is legally compellable to answer in any proceedings (whether civil or criminal) in any court or before any person having by law or by consent of parties authority to hear, receive, and examine evidence, he shall be guilty of an offence against this Act and liable to a penalty of not more than two hundred pounds or to imprisonment for a term of not more than six months or to both such penalty and imprisonment.

Special provisions as to companies.
Cf. Vic. 4625, 1938, s. 37.

42. (1) Where any notice or application is by or under this Act authorized or required to be given or made by any person in connection with a licence the same may, in the case of a company, be given or made by the company under its common seal or by the person appointed by the company to take out a licence on its behalf.

(2) Where a person who is guilty of an offence against this Act is a company, any person being a managing director, manager or secretary of the company, or any person who is the holder of a licence on behalf of the company, shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment or both provided by this Act in the case of such an offence by a person other than a company accordingly, unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

(3) Where a person who is guilty of an offence against this Act is the holder of a licence on behalf of a company, the company and any person being a managing director, manager or secretary of the company shall be deemed to have committed

the like offence and be liable to the pecuniary penalty or imprisonment or both provided by this Act in the case of such offence by a company or (as the case requires) by a person other than a company accordingly unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Advertisement of loan.

43. Any person (whether a money-lender or not) who in any newspaper or other printed paper, issued periodically for public circulation, advertises that he is willing to enter into any transaction involving the lending of money shall be liable to a penalty not exceeding five pounds unless his name and address are included in the advertisement.

Proceedings for offences.

44. All proceedings for offences against this Act shall be disposed of summarily before a court of summary jurisdiction consisting of a special magistrate.

Evidence of licence.
Cf. 1617, 1924, s. 21.

45. (1) A certificate purporting to be signed by the Commissioner of Police, and stating that, at the date mentioned therein, the person named therein was licensed as a money-lender shall in all courts and before all persons be *prima facie* evidence that that person was, at the date mentioned, a money-lender within the meaning of this Act.

(2) A certificate purporting to be signed by the Commissioner of Police, and stating that, at the date mentioned therein, the person named therein was not licensed as a money-lender shall in all courts and before all persons be *prima facie* evidence of the truth of that statement.

Regulations.
Cf. 1617, 1924, s. 18.
Cf. Vic. 4625 1938, s. 40.

46. The Governor may make regulations for or with respect to—

(*a*) the procedure to be followed in applications for licences and duplicate licences and in taking out licences and in applications for the transfer of licences and for substitutions and additions of new authorized addresses and for indorsements of licences and the notices to be given of intention to make such applications ;

(*b*) the books or records to be kept by the Commissioner of Police and by clerks of local courts for the purposes of this Act and the entry therein of particulars with respect to licences and duplicate licences and the transfer of licences and the substitution and additions of new authorized addresses and the indorsement of licences and the suspension

and cancellation of licences and the disqualification of licensees, and any other matters or things relating to such books, records, and entries ;

(*c*) the inspection of such entries ;

(*d*) forms to be used under this Act ;

(*e*) prescribing penalties, not exceeding fifty pounds, for any contravention of or failure to comply with the regulations ; and

(*f*) generally, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or expedient to be prescribed for carrying out or giving effect to this Act.

Rules of court. 1617, 1924, s. 19.

47. (1) The power to make rules conferred by the Supreme Court Act, 1935-1936, shall include power to make rules for carrying this Act into effect.

(2) The powers conferred by section 28 of the Local Courts Act, 1926-1936, shall include power to frame rules and forms for carrying this Act into effect.

Saving of jurisdiction. 1617, 1924, s. 17. Cf. U.K. 63 & 64 Vict. c. 51, s. 3.

48. Nothing in this Act shall be construed as derogating from the powers or jurisdiction of any court, and the powers and jurisdiction conferred by this Act shall be deemed to be in addition thereto.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

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No. 60 of 1940.

An Act to amend the Municipal Tramways Trust Act, 1935.

[*Assented to 5th December,* 1940.]

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 " Municipal Tramways Trust Act Amendment Act, 1940 ".

(2) The Municipal Tramways Trust Act, 1935-1937, as amended by this Act, may be cited as the " Municipal Tramways Trust Act, 1935-1940 ".

(3) The Municipal Tramways Trust Act, 1935-1937, is hereinafter called " the principal Act ".

Incorporation

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 11 of principal Act—Method of appointing representatives of the other councils.

3. Section 11 of the principal Act is amended as follows :—

(*a*) All the words in subsection (4) after the word " respectively " occurring at the end of the third line and the beginning of the fourth line are struck out :

(*b*) Subsections (5) and (6) are repealed and the following subsections enacted and substituted in lieu thereof :—

(5) If there are more nominations made by the councils of a group than the number of members required to be appointed by those

councils, the Commissioner shall appoint a returning officer to hold an election for determining the members to be appointed by those councils.

(6) As early as possible after his appointment the returning officer shall conduct an election by postal ballot papers posted to every person entitled to vote at the election.

(6a) Every member of a council of a group entitled to appoint members, may vote by ballot for the number of members required.

(6b) The ballot shall be conducted in accordance with the regulations (if any) applicable thereto; and if there is no provision in this Act or the regulations on any matter connected with an election, that matter shall be dealt with in such manner as the returning officer determines.

Amendment of s. 17 of principal Act—Disqualification of member.

4. Section 17 of the principal Act is amended by striking out paragraph (*d*) thereof.

Amendment of s. 26 of principal Act—Financial statements.

5. Paragraph (*f*) of section 26 of the principal Act is amended—

(*a*) by striking out the words "and the thirty-first day of July" in the second line:

(*b*) by striking out the word "six" in the sixth line and inserting in lieu thereof the word "twelve":

(*c*) by striking out the words "and the thirty-first day of July" in the seventh and eighth lines:

(*d*) by striking out the words "those days" in the ninth line and inserting in lieu thereof "that day".

Amendment of s. 35 of principal Act—Debentures.

6. Section 35 of the principal Act is amended—

(*a*) by inserting after the words "twenty-eight" in the fifth line of subsection (2) thereof the words "until the thirty-first day of January, nineteen hundred and forty-one"; and

(*b*) by inserting at the end thereof the following new subsections:—

(3) The rate at which sinking fund contributions shall be made under the provisions of any debentures issued by the Trust to the Treasurer pursuant to this Act or to any repealed Act shall as from the thirty-first day of January, one

thousand nine hundred and forty-one, be one pound per centum per annum of the capital moneys for the time being owing under such debentures.

(4) Notwithstanding anything to the contrary contained in any debenture issued by the Trust to the Treasurer prior to the thirty-first day of January, one thousand nine hundred and forty-one, payments of interest and sinking fund contributions shall as from that date be made annually on the thirty-first day of January in each year.

Amendment of s. 36 of principal Act—Interest on debentures.

7. (1) Subsection (5) of section 36 of the principal Act is amended—

(*a*) by striking out "half-yearly" and inserting in lieu thereof "annually"; and

(*b*) by striking out "and the thirty-first day of July".

(2) Subsection (6) of section 36 of the principal Act is amended—

(*a*) by striking out "and the thirty-first day of July";

(*b*) by striking out "ten shillings" and inserting in lieu thereof "one pound"; and

(*c*) by striking out "half-year" and inserting in lieu thereof "annum".

Amendment of s. 40 of principal Act—Payments to Treasurer.

8. Section 40 of the principal Act is amended—

(*a*) by striking out the words "and the thirty-first day of July" in the first and second lines:

(*b*) by striking out the word "six" occurring in the fifth and thirteenth lines and inserting in lieu thereof in each case the word "twelve".

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 61 of 1940.

An Act to amend the Road Traffic Act, 1934-1939.

[*Assented to 5th December,* 1940.]

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 "Road Traffic Act Amendment Act, 1940".

(2) The Road Traffic Act, 1934-1939, as amended by this Act, may be cited as the "Road Traffic Act, 1934-1940".

(3) The Road Traffic Act, 1934-1939, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 7b of principal Act—
Permits to drive vehicles pending registration.

3. Section 7b of the principal Act is amended by adding at the end of paragraph (*b*) of the first subsection the words "or a cover note which is in the prescribed form and is binding on an approved insurer and the terms of which provide that it will during the period of the operation of the permit applied for have the same effect in relation to the motor vehicle as a policy of insurance complying with Part IIA. of this Act".

Amendment of s. 9 of principal Act—
Registration fee for motor bicycles.

4. Paragraph (2) of section 9 of the principal Act is repealed and the following paragraph is enacted and substituted therefor:—

(2) The registration fee for a motor bicycle not having a side car attached thereto shall be as follows:—

If the weight of the motor bicycle does not exceed one hundredweight £1 0 0

If the weight of the motor bicycle exceeds one hundredweight £1 10 0

The registration fee for a motor bicycle having a side car attached thereto shall be..... £2 0 0

The registration fee for any electrically or mechanically propelled invalid's chair shall be £0 2 6

Amendment of s. 9 of the principal Act—

Registration fee on producer gas vehicles.

5. (1) Paragraph (13) of section 9 of the principal Act is amended by adding at the end thereof the following paragraph :—

(*h*) any trailer which is used solely for the purpose of carrying equipment and fuel for generating producer gas for the propulsion of the motor vehicle by which the trailer is drawn.

(2) Paragraph (14) of section 9 of the principal Act is amended by adding at the end of the definition of "weight" contained therein the following passage :—

Where a motor vehicle is propelled by producer gas generated by equipment carried on or affixed to or forming part of the vehicle, the weight of that equipment and of any fuel carried on the vehicle for use in that equipment shall be excluded in computing the weight of the vehicle.

(3) The following paragraph is added at the end of section 9 of the principal Act :—

(15) The Registrar may require any person applying for the registration of a motor vehicle to satisfy him by statutory declaration or other means as to any facts on which the amount of the registration fee depends or which entitle the applicant to be granted registration without payment of any fee.

Enactment of s. 36a of principal Act—

Quarterly licences for members of the defence force.

6. The following section is enacted and inserted in the principal Act after section 36 thereof :—

36a. (1) Notwithstanding the other provisions of this Part the Registrar may at any time during the present war upon payment of a fee of two shillings and sixpence, issue to any member of any naval, military, or air force of the Commonwealth or of any other part of His Majesty's Dominions, a driver's licence having a currency of three months. Subject to this Act, such a licence shall authorize the person to whom it is issued to drive a motor vehicle of any kind during the period specified in the licence.

(2) In this section " the present war " means the war between England and Germany which commenced on the third day of September, nineteen hundred and thirty-nine ; and for the purpose of this section the present war shall be deemed to continue until the day on which a proclamation is issued by the Commonwealth declaring that that war has ceased.

Amendment of s. 59 of principal Act—

7. Section 59 of the principal Act is amended by adding after subsection (1) thereof the following subsection :—

Improper use of trailers registered without fee.

(1a) If any trailer which has been registered without fee as provided in sub-paragraph (*h*) of paragraph (13) of section 9 of this Act is during the period of the registration used for any purpose other than the carriage of equipment and fuel for generating producer gas for the propulsion of the motor vehicle by which the trailer is drawn, the full registration fee which would be payable under paragraph (5) of section 9 of this Act for the registration of the trailer for the said period, shall forthwith become due and payable and may be recovered from the owner by the registrar on complaint in a court of summary jurisdiction, and in addition the driver of the motor vehicle by which the trailer is drawn shall be guilty of an offence.

Amendment of s. 130a of principal Act—

8. Section 130a of the principal Act is repealed and the following section is enacted and substituted in lieu thereof :—

Stop signs.

130a. (1) The Commissioner of Police or any municipal or district council with the approval of the Commissioner of Police may erect or cause to be erected at any place on any road, a sign containing in clearly legible letters of the size prescribed by regulation the word " Stop ".

(2) The Commissioner of Police shall, at least one month before the erection of any such sign or, as the case may be, giving his approval to such erection, publish in the *Gazette* a notice of his intention to erect such sign or approve the erection thereof. The notice shall specify the type of sign proposed to be erected or approved and the place where it is to be erected.

(3) Any person objecting to the erection of any such sign may within one month after the publication of the notice in the *Gazette* give the Minister written notice of his objection and of the grounds thereof and the Minister may thereupon either prohibit or approve the erection of the sign, or may approve the erection of the sign subject to any conditions, and the Minister's decision shall be final.

(4) When any such sign is erected at any intersection or junction the driver or rider of a vehicle or animal approaching the intersection or junction from the direction in which the sign is facing—

(*a*) shall before entering the intersection or junction stop his vehicle or animal; and

(*b*) shall not enter the intersection or junction until the road on both sides thereof is sufficiently clear of traffic to allow his vehicle or animal to pass through the intersection or junction without danger.

(5) Section 131 of this Act shall not apply to the driver or rider of a vehicle or animal approaching an intersection or junction, if the driver or rider of the vehicle or animal on his right is required by virtue of this section to stop his vehicle or animal before entering the intersection or junction; but section 131 shall apply in other respects at intersections or junctions at which a sign is erected under this section.

(6) When any such sign is erected elsewhere than at an intersection or junction the driver or rider of any vehicle or animal approaching the sign from the direction in which it is facing shall stop his vehicle or animal before any part thereof passes the sign.

(7) Subsections (4) and (6) of this section shall not apply if at the intersection, junction, or place where the sign is erected the traffic was at the material time being controlled by a member of the police force or some other authorized person.

(8) If any person fails to comply with any requirement of subsection (4) or subsection (6) of this section he shall be guilty of an offence.

(9) The Commissioner of Highways shall, at the request of the Commissioner of Police, provide and erect on behalf of the Commissioner of Police any signs which the Commissioner of Police desires to erect under this section.

The cost of all signs so erected shall be defrayed from the moneys appropriated by Parliament for main roads.

(10) Any sign containing the word "Stop" in clearly legible letters of the size prescribed by regulation and erected before the passing of the Road Traffic Act Amendment Act, 1940, shall be deemed to be a sign erected under this section.

(11) In this section—

"intersection" means the quadrilateral or other area comprised within straight lines joining the corners formed by the intersection of two or more roads :

"junction" means that part of a road which is comprised between the lines formed by the production of the alignments of another road which abuts on the first-mentioned road.

Amendment of s. 131 (3) of principal Act—Right-of-way at points where roads meet.

9. Subsection (3) of section 131 of the principal Act is amended by striking out the words "signs or" in the last line thereof.

Amendment of s. 141 of principal Act—Projecting loads.

10. Section 141 of the principal Act is amended by adding at the end of paragraph (*b*) thereof the following paragraph :—

or

(*c*) the load is not firmly stacked, arranged or tied down, so that it will retain its position in or upon the vehicle whilst the vehicle is in motion.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 62 of 1940.

An Act to amend the Succession Duties Act, 1929-1939, so as to provide for the remission of succession duty in respect of property derived from persons dying on or as the result of active service during the present war.

[*Assented to 5th December,* 1940.]

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 " Succession Duties Act Amendment Act, 1940 ".

(2) The Succession Duties Act, 1929-1939, as amended by this Act, may be cited as the " Succession Duties Act, 1929-1940 ".

(3) The Succession Duties Act, 1929-1939, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 3—Arrangement.

2. Section 3 of the principal Act is amended by inserting therein after the line " PART IV.—Adjustment of Duty " the following line :—

" PART IVA.—Remission of Duty on Estates of Persons dying on Active Service ".

Amendment of principal Act.

3. The principal Act is amended by inserting therein after section 55 thereof the following heading and sections :—

PART IVA.—REMISSION OF DUTY ON ESTATES OF PERSONS DYING ON ACTIVE SERVICE.

Application of Part.

55a. (1) The provisions of this Part shall apply to the following persons :—

I. Any person who during the present war is engaged whether inside or outside the Commonwealth on service as a member of the Royal Australian Navy, the Australian Imperial Force, or the Royal Australian Air Force, or is engaged outside the Commonwealth on service as a member of any naval, military, or air force of any part of His Majesty's dominions, and who (whether before or after the passing of the Succession Duties Act Amendment Act, 1940) dies whilst on such service or dies from wounds inflicted, accident occurring, or disease contracted whilst on such service and within twelve months before death :

II. Any person who in connection with the present war is engaged on service outside the Commonwealth in any work of any red cross society or ambulance association or any other body with similar objects and who (whether before or after the passing of the Succession Duties Act Amendment Act, 1940) dies whilst on such service or dies from wounds inflicted, accident occurring, or disease contracted whilst on such service and within twelve months before death :

III. Any person who, in connection with the present war, is a prisoner of war in an enemy country or is interned in the country of a neutral power and who (whether before or after the passing of the Succession Duties Act Amendment Act, 1940) dies whilst so imprisoned or interned from wounds inflicted, accident occurring or disease contracted whilst so imprisoned or interned and within twelve months before death :

IV. Any person being the master or the member of the crew of a British ship who dies (whether before or after the passing of the Succession Duties Act Amendment Act, 1940) from wounds inflicted, accident occurring or disease contracted as the result of enemy action against that ship and within twelve months before death.

(2) In this Part "the present war" means the war which commenced on the third day of September, nineteen hundred and thirty-nine ; and for the purpose of this Part the present war shall be deemed to continue until the day on which a proclamation is issued by the Commonwealth declaring that that war has ceased.

Remission of succession duty in case of persons dying on active service.

55b. (1) Notwithstanding anything contained in this Act, where upon the death of any person to whom this Part applies any property is derived from such deceased person or accrues on his death, the commissioner shall remit, or, in case of duty already paid, repay, the following amounts of succession duty payable in respect of property derived from the deceased person by, or accruing on the deceased person's death to, the widow or widower, or any descendant or ancestor, or any sister or brother, of the deceased person, namely :—

(*a*) where the net present value of the property so derived by, or accruing to, any of the persons hereinbefore referred to, does not exceed five thousand pounds, the whole of the duty payable in respect of such property :

(*b*) where the said value exceeds five thousand pounds—

I. all duty in excess of the amount which would be payable if the said value had been reduced by five thousand pounds :

II. an amount which immediately prior to the death of the deceased would have provided him with a life annuity (calculated in accordance with the regulations under this Act relating to the ascertainment of the net present value of an annuity) equal to four per centum of the duty payable after taking into account the duty remitted or repaid pursuant to subdivision I. hereof.

(2) Notwithstanding anything in this section, no remission or repayment of duty shall be made under this section in favour of any successor who is not domiciled in the Commonwealth of Australia.

Remission of succession duty in respect of property more than once owing to deaths caused by the war.

55c. (1) Where the commissioner is satisfied that succession duty has become payable in respect of any property in a case to which section 55b applies, and that subsequently succession duty has again become payable in respect of the same property, or any part thereof, upon its being derived from, or accruing on the death of, some other deceased person, in a case to which the said section 55b applies, the whole of the succession duty thus subsequently becoming payable shall be remitted, or, in case the duty has been paid, repaid ; and such property or part shall not be aggregated with any other property

derived from or accruing on the death of the last-mentioned person for the purpose of determining the rate of succession duty payable in respect of property derived from him or accruing on his death.

(2) This section shall apply whether on the death of such lastmentioned person the property was or is derived by, or accrued or accrues to, the widow or widower, or any descendant or ancestor, or sister or brother, of the deceased person, or by or to any other person.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 63 of 1940.

An Act to amend the law as to the effect of death in relation to causes of action.

[*Assented to 5th December,* 1940.]

BE IT 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 "Survival of Causes of Action Act, 1940".

Effect of death on certain causes of action.

U.K. 24 and 25, Geo. 5, c 41, s. 1. (1).

2. Subject to the provisions of this Act, on the death of any person after the passing of this Act, all causes of action subsisting against or vested in him shall survive against his estate, or, as the case may be, for the benefit of his estate: Provided that this section shall not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or to claims under section 22 of the Matrimonial Causes Act, 1929-1938, for damages on the ground of adultery.

Damages in actions which survive under this Act.

U.K. 24 and 25, Geo. 5, c. 41, s. 1. (2).

N.Z. 38, 1937, s. 17.

3. Where a cause of action survives as aforesaid for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person—

(*a*) shall not include any damages for his pain or suffering, or for any bodily or mental harm suffered by him, or for the curtailment of his expectation of life:

(*b*) shall not include any exemplary damages:

(*c*) in the case of a breach of promise to marry shall be limited to such damage, if any, to the estate of that person as flows from the breach of promise to marry:

(*d*) where the death of that person has been caused by the act or omission which gives rise to the cause of action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

Conditions precedent to survival of cause of action. U.K. 24 and 25, Geo. 5, c. 41, s. 1. (2).

4. No proceedings shall be maintainable in respect of a cause of action in tort which by virtue of this Act has survived against the estate of a deceased person, unless either—

(*a*) proceedings against him in respect of that cause of action were pending at the date of his death; or

(*b*) the cause of action arose not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his executor or administrator took out probate or letters of administration.

Provision for cases where person liable dies before or at time of damage. U.K. 24 and 25 Geo. 5, c. 41, s. 1. (4).

5. Where damage has been suffered by reason of any act or omission in respect of which a cause of action would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Act, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

Saving of other rights. U. K. 24 and 25, Geo. 5, c. 41, s. 1. (5).

6. The rights conferred by this Act for the benefit of the estate of deceased persons shall be in addition to and not in derogation of any rights conferred on the dependents of deceased persons by the Wrongs Act, 1936-1939, and so much of this Act as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under the said Wrongs Act, 1936-1939, as it applies in relation to other causes of action not expressly excepted from the operation of section 2 of this Act.

Repeals. U.K. 24 and 25, Geo. 5, c. 41, s. 1. (6).

7. The following enactments shall cease to have effect as part of the law of South Australia :—

(*a*) The Statute 13 Edw. 1, c. 23.

(*b*) The Statute 4 Edw. 3, c. 7.

(*c*) Section 2 of The Civil Procedure Act, 1833 (3 and 4 Will. 4, c. 42).

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 64 of 1940.

An Act to provide for the establishment of veterinary districts, and for other purposes.

[*Assented to 5th December,* 1940.]

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

PART I. PART I.

PRELIMINARY.

1. This Act may be cited as the " Veterinary Districts Act, 1940 ". Short title.

2. The provisions of this Act are arranged as follows :— Arrangement.

PART I.—Preliminary.

PART II.—Constitution of the District.

PART III.—Management of the District.

PART IV.—Stockowners' Roll and Elections.

PART V.—Levies.

PART VI.—Miscellaneous.

3. (1) In this Act unless the context otherwise requires— Interpretation.

" board " means the board of a veterinary district established under this Act :

" chairman " means the chairman of the board :

" chief inspector " means the Chief Inspector of Stock under the Stock and Poultry Diseases Act, 1934 :

"district" means a veterinary district constituted under this Act:

"large stock" includes bulls, cows, oxen, steers, heifers, calves, stallions, mares, geldings, fillies, foals, asses, mules, and camels:

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

"owner", as applied to large stock, pigs or sheep, means any owner or lessee of large stock, pigs or sheep and, in the case of large stock, pigs or sheep which are comprised in any stock mortgage or bill of sale, means the mortgagor or grantor under the stock mortgage or bill of sale:

"public notice" means notice given by advertisement in a newspaper circulating in the district, and by posting handbills on every place in the district appointed by the board as a place for posting notices:

"roll" and "stockowners' roll", except when used in Part II., mean the roll prepared by the board pursuant to Part IV.:

"secretary" means the secretary of the board:

"stockowner" means a person who is the owner of ten head or more of large stock or twenty or more pigs or one hundred or more sheep:

"veterinary surgeon" means a person registered under the Veterinary Surgeons Act, 1935-1938, as a veterinary surgeon or veterinary practitioner.

(2) For the purposes of this Act, a person shall be deemed to be a stockowner within any part of the State if he is the occupier of land within that part of the State upon which are kept ten head or more of large stock or twenty or more pigs or one hundred or more sheep of which he is the owner.

PART II.

PART II.

CONSTITUTION OF THE DISTRICT.

Petition for constitution of a district.

4. (1) Any fifty or more stockowners within any part of the State may present a petition to the Minister for the constitution of a district.

(2) The petition shall—

(*a*) define the part of the State proposed to be constituted a district, and the name proposed to be given to the district:

(*b*) state the names and addresses of all stockowners within the proposed district and the number of large stock, pigs and sheep within the proposed district owned by each stockowner (so far as those names and addresses and numbers are known to the petitioners):

(*c*) state the names and addresses of five stockowners within the proposed district who it is proposed shall constitute the first board for the district:

(*d*) include an estimate of the annual revenue which will be required for the purposes of the district and the amount of the annual levy which will be necessary to produce that revenue:

(*e*) include such other matters as are prescribed.

Inquiry by chief inspector.

5. (1) Upon the receipt of any petition the Minister shall refer the same to the chief inspector for inquiry and report.

(2) The chief inspector shall thereupon inquire whether the objects of the petition are capable of being given effect, and whether, if a district were constituted, the objects of this Act could be carried out within the district. The chief inspector shall report to the Minister the result of his inquiry.

Poll of stockowners.

6. (1) After receipt of the report from the chief inspector, the Minister may direct the chief inspector to conduct a poll of stockowners within the part of the State proposed by the petition to be constituted a district, but, if the Minister thinks fit, the part of the State in respect of which the poll is to be taken may be varied to such extent as the Minister directs.

(2) Thereupon the chief inspector shall compile a roll of stockowners within the part of the State in respect of which the poll is to be taken and for that purpose the chief inspector may inform himself in any manner he thinks fit as to the persons who should be included in the roll. The roll shall state the number of large stock, pigs and sheep owned within the said part of the State by each stockowner.

(3) The chief inspector shall forward by post to every stockowner included in the roll a voting-paper or voting-papers. In the case of a stockowner which is a body corporate, the chief inspector shall forward the voting-paper or voting-papers to such officer of the body corporate as the chief inspector thinks fit. The voting-papers shall set out such of the matters contained in the petition and such other information as is thought fit by the

chief inspector, and the part of the State proposed to be constituted a district, and shall submit to the persons voting the proposition whether or not the district be constituted.

(4) The chief inspector shall forward to each stockowner one voting-paper for every ten head of large stock, for every twenty pigs, and for every one hundred sheep shown in the roll as being owned by him but the maximum number of voting papers which shall be forwarded to any stockowner shall be twenty-five.

(5) The chief inspector shall fix a time before which all voting papers shall be returned to him. The chief inspector shall examine all voting papers received by him before the said time and shall report the result of the poll to the Minister.

Recommendations by Minister.

7. If the proposition submitted by the poll is affirmed by sixty per centum or more of the votes cast, the Minister may recommend to the Governor that a district be constituted.

Constitution of district.

8. (1) Upon any such recommendation the Governor may, by proclamation, constitute the district.

(2) The proclamation—

(*a*) shall define and give a name to the district:

(*b*) shall appoint the first members of the board of the district:

(*c*) shall fix the maximum amount of the annual levy per head of large stock and per pig and per sheep which may be declared by the board: Provided that the Governor may from time to time, by proclamation, vary any amount fixed as aforesaid.

Addition to district.

9. (1) Any ten or more stockowners within any part of the State may present a petition to the Minister praying that the said part of the State be added to any district, but no such petition shall be entertained unless the board of the district agrees thereto.

(2) Sections 4 to 7, shall, *mutatis mutandis*, apply to the petition as if it were a petition for the constitution of a district and the Governor may, if the requirements of the said sections are complied with, by proclamation, add any part of the State to the district.

Abolition of district.

10. (1) The Governor may by proclamation abolish any district and thereupon the district and the board thereof shall be determined. Any such proclamation may make provision for the distribution of any assets of the board of the district in any manner thought fit by the Governor.

(2) A proclamation under this section may be made—

(*a*) upon the recommendation of the Minister; or

(*b*) at the request of the board of the district.

PART III. PART III.

MANAGEMENT OF THE DISTRICT.

Management by board.

11. The affairs of the district shall be managed by a board consisting of five members.

Incorporation of board.

12. (1) The board shall be a body corporate under the name of "The.....Veterinary Services Board", and shall have perpetual succession and a common seal, and by its name shall be capable of suing and being sued and of acquiring and disposing of real and personal property.

(2) Judicial notice shall be taken of the incorporation and of the common seal of the board, and the production of any deed, instrument, or writing, if sealed with the said seal, shall be *prima facie* evidence of the due making and execution of the deed, instrument, or writing.

(3) The common seal of the board shall be kept at the board's office.

Qualification for membership of board.

13. Subject to this Act, any stockowner within the district who is included in the stockowners' roll or, if the stockowner is a body corporate, any director or manager thereof, shall be eligible for membership of the board.

Disqualification for membership of the board.

14. (1) The following persons shall not be eligible to hold office as a member of the board :—

I. A minor :

II. An undischarged bankrupt :

III. A person in arrears for six months with the payment to the board of any levy for which he is liable :

IV. A person who is the director or manager of any body corporate which is in arrears for six months with the payment to the board of any levy for which it is liable :

V. A person who directly or indirectly participates or is interested in any contract with, or employment under, the board : Provided that this paragraph shall not apply to the employment of any member pursuant to section 30.

(2) No person shall be disqualified from holding office as a member by reason of his receiving travelling expenses incurred in pursuance of and authorized to be paid by a resolution of the board, or by reason of his being a member of a company, incorporated under the law of the United Kingdom or any British possession, which is concerned with any contract or

dealing with the board ; but no member shall vote on a question relating to a contract or dealing with a company of which he is a member.

Term of office.

15. (1) Subject to this Act, members shall hold office for two years.

(2) Of the members first appointed by the Governor three, who shall be designated by the Governor, shall hold office until the first Saturday in July next after the expiration of twelve months from the date of their appointment and the other members first appointed by the Governor shall hold office until the first Saturday in July next after the first mentioned Saturday in July.

Election of members.

16. Except as provided by this Act for the appointment of the first members of the board, and for the filling of casual vacancies, members shall be elected as provided by this Act.

Eligibility for re-election.

17. A retiring member shall be eligible for re-election.

Members to hold office until appointment of successor.

18. Every member shall, notwithstanding his retirement, hold office until his successor is appointed.

Casual vacancies.

19. (1) Any of the following acts or events shall cause a casual vacancy in the office of any member, namely :—

I. If he dies or becomes a mental defective within the meaning of the Mental Defectives Act, 1935-1939 :

II. If he is adjudicated bankrupt or executes a statutory deed of assignment for the benefit of his creditors, or compounds with his creditors for less than twenty shillings in the pound :

III. If he is convicted by the Supreme Court of any offence triable on indictment :

IV. If he is absent without leave of the board for four or more consecutive ordinary meetings of the board :

V. If he resigns by notice to the board :

VI. If he ceases to be a stockowner within the district, or if a director or manager of a stockowner being a body corporate, the body corporate ceases to be a stockowner within the district, or he ceases to be such a director or manager :

VII. If his office is declared vacant by a judgment or order of a court.

(2) Any member appointed to a casual vacancy shall—

(*a*) be deemed for the purpose of future retirements to have been appointed at the time when the member in whose place he was appointed was last elected or appointed.

(*b*) hold office only for the balance of the term of that member.

Casual vacancies filled by appointment.

20. When any casual vacancy occurs in the office of a member the remaining members of the board shall appoint to fill the vacancy a person qualified under this Act.

Meetings

21. (1) Ordinary meetings of the board shall be held at the board office or any other place determined by the board at such times as the board from time to time determines.

(2) Special meetings may be held at any time and at the board office or any other place determined by the board.

(3) Any meeting may be adjourned to any time and to the board office or any other place determined by the board, and any business required to be done at an ordinary meeting may be done at a special meeting.

Chairman.

22. (1) At the first meeting of the board and thereafter at the first meeting of the board held after any annual election the board shall elect a chairman.

(2) The chairman may resign his office at any time and any vacancy in the office of chairman may be filled at any meeting of the board.

Special meetings.

23. (1) The chairman may call a special meeting at any time, and, on the requisition in writing of any three members, shall call such a meeting.

(2) If after receiving any such requisition the chairman refuses or for seven clear days fails to call a meeting, any three members may call the meeting by public notice, signed by them, and stating the object of the meeting and the time and place of holding it.

Notice of meeting.

24. Except as otherwise provided by the last preceding section or the regulations, seven days notice of every meeting, signed by the secretary, shall be sent by post to every member, informing him of the time and place of meeting, and, in the case of a special meeting, of the business to be done thereat.

Quorum.

25. (1) At all meetings of the board any three members shall form a quorum.

(2) The secretary, in the absence of the chairman and all the members, or the chairman or any member present alone, or the majority of members present at a meeting at which there is no quorum, at the expiration of half an hour from the time fixed for the meeting, may adjourn the meeting and any business which could have been transacted at the meeting may be transacted at the adjourned meeting.

Chairman of meetings.

26. (1) At every meeting of the board the chairman, or, if the chairman is absent, a member chosen by the members present, shall preside.

(2) The person so presiding shall have a deliberative vote, and, in case of equality of votes, a casting vote also.

Effect of vacancies.

27. Notwithstanding any vacancy in the office of a member, the business of the board shall be carried on by the members actually in office, who shall have all the powers of the board.

Validity of proceedings of board.

28. All acts and proceedings of the board, or of any person acting as chairman, or a member, shall notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of the chairman or any member or any such person or that he was incapable of holding office, be as valid as if he had been duly elected or appointed and was capable of holding office.

Office.

29. The board shall maintain an office either within or conveniently near to the district suitable for transacting the business of the board.

Secretary.

30. (1) The board shall appoint a secretary and may pay him such remuneration and expenses as are necessary. The secretary shall carry out such duties as are allotted to him by the board.

(2) A member may be appointed as secretary, but any member appointed as aforesaid shall not be paid any salary or fees for so acting.

Appointment of veterinary officer.

31. The board shall appoint a veterinary surgeon to be the veterinary officer of the district and may pay him such remuneration and expenses as are necessary. The services of the veterinary officer shall, pursuant to the arrangement made with the veterinary officer by the board, either be for a full time appointment or a part time appointment, but in the latter case there shall be such an arrangement that the services of the veterinary officer are available for stockowners within the district whose names are included in the roll.

Services of veterinary officer.

32. (1) The board shall make arrangements so that the services of the veterinary officer are available within the district to stockowners, whose names are included in the roll, for the treatment of the large stock, pigs and sheep of such stockowners, at such times and for such purposes and upon such terms and conditions as the board from time to time determines.

(2) No such stockowner shall be entitled to the services of the veterinary officer pursuant to subsection (1) if any levy payable to the board by the stockowner is three months or more in arrears.

(3) No such stockowner shall be entitled to the services of the veterinary officer pursuant to subsection (1) unless his name was included in the stockowners' roll at the time when the last levy was declared by the board under this Act prior to the time when the said services are required by the stockowner.

(4) The board may make arrangements so that the services of the veterinary officer may be made available to any stockowner or any other person for the performance of any veterinary service at such times and for such purposes and upon such terms and conditions and upon payment of such fees as the board from time to time determines.

Arrangements with council.

33. The board may arrange with any municipal or district council—

(*a*) for the use of any premises of the council as the office of the board :

(*b*) for the employment of any officer of the council as the secretary of the board.

Audit of accounts.

34. The board shall cause its accounts to be audited at least once a year and also as often as it deems advisable so to do, and for that purpose shall appoint an auditor or auditors and may pay him or them such remuneration and expenses as are necessary.

PART IV.

PART IV.

STOCKOWNERS' ROLL AND ELECTIONS.

Preparation of stockowners' roll.

35. (1) The board shall keep a roll of the stockowners within the district.

(2) The roll shall state—

(*a*) the name and address of every stockowner within the district :

(*b*) the number of large stock, pigs and sheep from time to time owned by him within the district.

Alteration of roll.

36. The board shall from time to time make such alterations to the roll as appear to the board to be necessary to make the roll a correct record of the matters included therein.

Removal of names.

37. Any person whose name appears in the roll shall be entitled to have his name removed from the roll if—

(*a*) he has ceased to be a stockowner within the district; and

(*b*) he has given notice in writing thereof to the board.

Insertion of names in roll.

38. Any stockowner within the district whose name does not appear in the roll may apply to the board to have his name inserted in the roll.

Inspection of roll.

39. Any person interested may, at any time when the board's office is open for business, inspect the roll.

Returning officer.

40. The secretary shall be the returning officer at any election of the board.

Time and place of nomination.

41. (1) Twelve o'clock noon on the second Saturday in June shall be nomination hour and day of nomination for any annual election; and the office of the board shall be the place of nomination.

(2) Ten clear days before the day of nomination the board shall give public notice of the hour, day and place of nomination.

Nominations.

42. (1) No person shall be capable of being elected as a member of the board unless duly nominated in writing.

(2) Every nomination shall be in a form fixed by the returning officer and shall—

(*a*) state the name of the candidate, his place of residence and his occupation;

(*b*) be signed as nominators by not less than two stockowners whose names are included in the roll;

(*c*) contain an undertaking by the candidate that he will act as a member if elected.

(3) No person shall be entitled to nominate a candidate for election unless, before the day of nomination, all sums then due in respect of any levy which has been declared six months prior to the day of nomination and for the payment of which he or, if he is a director or manager of a body corporate, the body corporate is liable, have been paid.

Proceedings on day of nomination.

43. (1) On the day of nomination the returning officer shall attend at the office of the board at the hour of noon, and shall there and then publicly read aloud all the nominations lodged in the office.

(2) If there are such number of candidates nominated for office as members as are required to be elected, the returning officer shall declare those candidates to be elected as from the first Saturday in July next ensuing.

(3) If there are more than the necessary number of candidates the returning officer shall adjourn all further proceedings in respect of the election until the first Saturday in July next ensuing, when the election shall be by ballot as by this Act provided.

Notices of adjournment.

44. The returning officer upon any such adjournment shall forthwith give public notice thereof, and of the object thereof, and the names of the several candidates, and the day, hour, and place when and where the election is to take place.

Procedure on failure of election.

45. Whenever—

(*a*) any annual election from any cause wholly or in part fails to be made upon the day appointed by this Act; or

(*b*) any such election being made, afterwards becomes wholly or in part void,

a supplementary election shall be held.

Supplementary election.

46. (1) Immediately upon the happening of any such failure or avoidance, the board shall by public notice appoint a day, not being earlier than seven days nor later than twenty-one days from the giving of the notice, and an hour and place for the nomination of the persons to be elected.

(2) The nomination shall take place on the day and at the hour and place so appointed in like manner as at the annual election.

(3) If there are such number of candidates nominated for office as are required to be elected, the returning officer shall declare those candidates to be elected to that office as from the day of nomination.

(4) If more than the necessary number of candidates are nominated, the returning officer shall adjourn all further proceedings in respect of the election until a day to be fixed by him for the election, not being less than six nor more than ten clear days from the day of nomination.

(5) On the day so fixed the election shall take place in like manner as at the annual election.

Notice of election.

47. Within forty-eight hours from the election of any person as a member of the board, the returning officer shall cause to be delivered or posted to that person a notice informing him of the election, and within fourteen days of the election shall cause a notice thereof to be inserted in the *Gazette*.

Procedure where board fails to hold election.

48. If—

(*a*) the board fails to proceed, as required by this Act, to any election for twenty-one days from the last day on which the election is required by this Act to be held; or

(*b*) by resignation or otherwise it happens that there are no members of the board,

any justice resident within the district, or any special magistrate, may, upon the request in writing of any three stockowners

whose names are included in the roll, do every act by this Act required or necessary to be done for holding the election, including the appointment of a day, hour, and place for nomination and a returning officer.

Returning officers.

49. The returning officer, shall, *mutatis mutandis*, have all the powers conferred by The Ballot Act of 1862, on a returning officer in case of an election, including the power to appoint deputies, and shall preside at the election.

Polling place and hours of voting.

50. (1) The board shall appoint a polling place or polling places for the election. The voting at the election shall commence at nine o'clock in the morning, and shall continue until all the voters present in each polling place at five o'clock in the afternoon have had an opportunity of voting, and shall then close.

(2) The board may arrange with any municipal or district council—

(*a*) for the use by the board as a polling place of any premises appointed by the council as a polling place for any election or poll held by the council:

(*b*) for the employment as a deputy returning officer or poll clerk of any person employed by the council in connection with any election or poll held by the council.

Scrutineers.

51. (1) Each candidate may appoint in writing one scrutineer to be present at each polling place.

(2) Any scrutineer may inspect the scrutiny and count of votes.

Copies of roll.

52. The returning officer shall before the day fixed for taking votes, cause a copy of the stockowners' roll to be furnished for use at each polling place.

Voting rights.

53. (1) At an election any person whose name appears in the stockowners' roll shall have one vote for every ten head of large stock or twenty pigs or one hundred sheep he is stated in the roll to own: Provided that no person shall be entitled to more than twenty-five votes.

(2) If two or more persons are included in the stockowners' roll as the part owners of any large stock, pigs or sheep, such one of those persons whose name is first in alphabetical progression, according first to surnames and then to Christian names, only shall be entitled to vote at the election in respect of such large stock, pigs or sheep.

(3) If the name of any body corporate is included in the stockowners' roll, any director or manager of the body corporate nominated in writing by the body corporate shall, if the

nomination in writing is produced to the returning officer, be entitled to vote at the election on behalf of the body corporate.

(4) Any person entitled to vote at an election who at the time of the holding of the election is distant more than twenty miles from any polling place, or is unable to attend owing to illness, may, subject to the proviso hereinafter contained, vote by his proxy appointed in writing, such writing to be produced to the returning officer at the election: Provided that a statutory declaration by such person as to his absence or intended absence, or as to such illness, is produced.

(5) No person shall be entitled to vote at any election unless he is of the age of twenty-one years or upwards.

Voting-papers.

54. (1) The voting-paper shall bear on the back thereof the initials of the returning officer or the initials of the deputy returning officer presiding at the polling place, and shall contain the Christian names and surnames of the candidates arranged in alphabetical order, according to the surnames, and if there are several candidates of the same surname, then according to the Christian names of the candidates, and if there are several candidates of the same Christian names and surname, then according to residences (which shall in such case be stated on the voting paper) of the candidates arranged in like order. Every such voting-paper shall have a square printed opposite to the name of each candidate.

(2) At the top of the voting paper there shall be inserted the name of the board and a statement of the purpose of the election and the number of candidates to be elected and at the foot of the voting-paper there may be inserted a direction that a vote is to be indicated by a cross within a square on the voting-paper.

(3) Except as above provided, nothing shall be inserted in or placed on any voting-paper.

Mode of voting.

55. (1) The returning officer shall provide one or more separate apartments in each polling place.

(2) The voter shall, on receiving his voting-paper, immediately retire to such an apartment, and there alone and in private, without interruption, indicate his vote or votes by making a cross within the square on his voting-paper which is opposite the name of the candidate or candidates for whom he intends to vote, and shall then fold the paper and exhibit it so folded to the returning officer or his deputy, and then, without opening the paper, deposit it in a box to be provided for that purpose.

(3) No voting-paper so deposited in any box shall on any account be taken therefrom until after the close of the poll and in the presence of such scrutineers as are then present.

(4) No voting-paper shall be received unless it is so folded as to render it impossible for the returning officer, his deputy, or any other person, to see how the vote is given.

Assistance to voters.

56. Any voter may signify to the returning officer or his deputy that by reason of blindness or defective eyesight he is unable to vote without assistance ; and thereupon the returning officer or deputy, if satisfied of such inability, shall permit any agent named by the voter to accompany him into the apartment or place for voting to mark the voting-paper on the voter's behalf, and shall receive the paper from the agent and deposit it in the ballot-box.

Persons entitled to be in polling place.

57. The only persons who shall be allowed to remain in the polling place or room shall be the persons about to vote, the returning officer, the deputy returning officers, the poll clerks, and the scrutineers.

Questions to voters.

58. No inquiry shall be permitted at any election as to the right of any person to vote, except as follows, that is to say :— The returning officer or his deputy may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other :—

(i.) Are you the person whose name appears as..... in the stockowners' roll for the district of..... *or* (in case of a person claiming to vote by proxy for a ratepayer). Are you the person mentioned as the proxy for.....in the form of proxy under which you claim to vote, and is the person appointing you the person whose name appears as.....in the stockowners' roll for the district of..... ?

(ii.) Are you of the age of twenty-one years or more ?

(iii.) Have you already voted at the present election except in a different capacity from that in which you now claim to vote ?

No person shall be entitled to vote unless his answer to the first or second question, if put, is in the affirmative, and to the third, if put, is in the negative. Any person who wilfully makes a false answer to either of such questions shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Voting twice and personation.

59. Any person who in the same capacity votes a second time or offers to vote a second time, at any election, or who personates any other person for the purpose of voting at any election, shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding six months.

Duty of returning officer as to ballot-box.

60. (1) Immediately before taking the votes the returning officer or deputy returning officer shall exhibit the ballot-box empty.

(2) Immediately upon the close of the voting, the returning officer or deputy returning officer shall publicly close and seal the box containing the voting-papers.

(3) Any returning officer or deputy returning officer who unlawfully tampers with any ballot-box or voting-paper shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding six months.

Count of votes and result of election.

61. (1) At the close of the election the returning officer shall—

(*a*) fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the election :

(*b*) in the presence of such of the scrutineers as choose to be present, open all the boxes containing voting-papers delivered in at the election :

(*c*) examine the voting-papers, and reject all such as contain crosses against the names of a larger number of persons than are required to be elected, or contain anything other than such matters as are hereinbefore prescribed for such voting-papers :

(*d*) openly declare the general state of the votes at the close of the election, as the same is made up by him from the voting-papers :

(*e*) declare the name or names of the person or persons who have been duly elected, and in the event of equality of votes, shall, by casting-vote, decide which candidate or candidates shall be elected.

(2) No returning officer shall vote at any election at which he is returning officer, except in case of an equality of votes aforesaid ; but this provision shall not apply to a deputy returning officer.

Destruction of voting papers.

62. The returning officer shall destroy all voting-papers upon the expiration of two months after the declaration of the result of the election : Provided that if upon such expiration any legal proceedings are pending as a result of the election, the voting-papers shall be kept until the proceedings have been completed.

Payment of levies before voting.

63. (1) No person shall be entitled to vote at any election or to vote as the representative of a body corporate unless at least six days before the day appointed for polling, all sums then due in respect of any levy which has been declared six months previously, and for the payment of which he, or, as the case may be, the body corporate, is liable, have been paid.

(2) Any scrutineer appointed under this Act may object to any person voting if any such levies are not paid.

Powers of returning officer.

64. (1) The returning officer and his deputy shall have authority—

(*a*) to maintain and enforce order and keep the peace at any election :

(*b*) without any other warrant than this Act, to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions which may be put to him under this Act or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once at the same election, or of leaving or attempting to leave the polling-place after having received a voting-paper and before having deposited the same in the box, or of causing a disturbance at any election :

(*c*) to cause any person to be removed who obstructs the approaches to any polling-place or conducts himself in a disorderly manner there.

(2) All members of the police force and special constables shall aid the returning officer or his deputy, in the performance of his duty.

Bribery and corruption.

65. The following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate, whether committed by the candidate or by any agent authorized to act for him, that is to say :—

I. Giving money or any other article whatsoever to any elector with a view to influencing his vote :

II. Holding out to any elector any promise or expectation of profit, advancement, or enrichment in any shape in order to influence his vote, or making use of any threat to an elector, or otherwise intimidating him in any manner with a view to influencing his vote :

III. Treating any elector or supplying him with meat, drink, lodging, horse or carriage hire, or conveyance by steam or otherwise whilst at the election or whilst engaged in coming to or going from the election :

IV. Paying to any elector any sum of money for acting or joining in any procession during the election, or before or after the election :

V. Keeping open or allowing to be kept open any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind is distributed at such places of entertainment or not :

VI. Giving any dinner, supper, breakfast or other entertainment at any place whatsoever to any number of electors with a view to influencing their votes.

Disqualification for bribery and corruption.

66. The commission of any one of the acts mentioned in the preceding section shall, on proof thereof, be held to render void the election of the person committing the act, and to disqualify him from being elected for or appointed as a member during the whole period that may intervene between the commission of the act and the time of the next annual election.

Acts of agents.

67. The acts of any authorized agent of a candidate shall, in matters connected with any election, be held to be acts of the principal of the agent, if it is proved that the acts were committed with the knowledge or consent of the principal.

Bribery and corruption by unauthorized persons.

68. If any of the before-mentioned acts of bribery and corruption are committed by any person not the authorized agent of any candidate, the said person shall be guilty of a misdemeanour, and liable to a fine not exceeding two hundred pounds, or imprisonment for not more than six months.

Rewards for voting or withholding vote.

69. If any person who has, or claims to have, any right to vote in any election directly or indirectly asks, receives, or takes any money or other reward by way of gift, employment, or other reward whatsoever, for himself or for any of his family or kindred, to give his vote or to abstain from giving his vote in any election, he shall be guilty of a misdemeanour and liable to a fine not exceeding two hundred pounds or imprisonment for not more than six months.

Offences by voters.

70. Any voter wilfully infringing any of the provisions of this Part, or obstructing the voting by any unnecessary delay in performing any act within any polling-place, shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

No action for election expenses.

71. No action, suit, or other proceeding shall be maintainable against any person who is a candidate at any election for or in respect of any costs or expenses whatsoever in or about or relating to the election.

Provision as to formal defects and impediments in election.

72. (1) No election shall be held to be void in consequence solely of any delay in the holding of the election at the time appointed, or the absence of the returning officer or any deputy returning officer, or any error on the part of any returning officer, or deputy returning officer, which does not affect the result of the election, or of any error or impediment of a mere formal nature.

(2) Within the period of twenty days before or after the day appointed for the holding of any election, the Governor may by proclamation extend the time allowed for the holding of the election, and may adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle by which the due course of any election may be impeded, and may supply any deficiency that may otherwise affect the same.

PART V.

PART V.

LEVIES.

Power to declare levies.

73. (1) The board may in respect of any financial year declare a levy upon the stockowners whose names appear in the roll at the time of the declaration of the levy.

(2) The amount of the levy shall be uniform throughout the district and shall be a specified amount per head of large stock, per pig, and per sheep.

(3) No such levy shall exceed the amounts specified for the time being by proclamation with respect to the district.

Notice of levy.

74. (1) Within fourteen days after declaring any levy the board shall cause notice to be given in the *Gazette* of the amounts thereof.

(2) The secretary shall give written notice to each stockowner of the date of the declaration of the levy and the sum payable by the stockowner.

Notice before recovery of levy.

75. Every levy shall become due and payable when it is declared, but no levy shall be recoverable by action from any person until twenty-one days after written notice has been given to that person as provided by section 74.

Fine on default of payment.

76. If any levy is not paid before the end of three months after it becomes recoverable, a fine equal to five pounds per centum thereof shall be added to the amount of the levy, and shall thenceforth for all purposes be deemed to be a part of the levy, and shall be paid by the person liable to pay the levy, and be recoverable from the person liable to pay the levy, and in such manner as if it were part thereof.

Recovery of levies.

77. Levies may be recoverable, as a debt due to the board, from any person liable to pay them by action, in the name of the board, in any court of competent jurisdiction.

PART VI.

MISCELLANEOUS.

Contracts by board.

78. (1) The board may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows:—

I. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the board may make in writing and under the common seal of the board:

II. Any contract which, if made between private persons, would be by law required to be in writing signed by or on behalf of the parties to be charged therewith, the board may make in writing under the common seal as aforesaid, or in writing signed by any person acting under the authority of the board, express or implied:

III. Any contract which, if made by private persons, would be by law valid although only made by parol, may be made by the board in either of the two ways aforesaid, or by parol by any person acting under the authority of the board, express or implied.

(2) All contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

(3) A contract made on behalf of the board may be varied or discharged in the same manner in which it is authorized by this section to be made.

Power to compound claims.

79. The board may compound with any person who has entered into any contract with the board, or by or against whom any action or proceedings has been brought or threatened on behalf of or against the board, for any cause whatsoever, for such sums of money or other consideration as the board thinks proper.

Banking of money.

80. (1) All money received on account of the board shall be paid into a bank appointed by the board.

(2) Payment into the bank shall in every case be made as soon as the moneys in hand amount to five pounds or more.

(3) Every payment of one pound or more made on behalf of the board shall be by cheque on the bank, drawn by the chairman and by a member authorized from time to time by the board in that behalf, or in case of the absence of the chairman, drawn by two members authorized from time to time by the board, and in each case countersigned by the secretary.

(4) Payments of less than one pound may be made out of a petty cash fund, replenished from time to time by cheques drawn and countersigned as aforesaid.

Minutes of meetings.

81. (1) The board shall cause minutes of every meeting of the board, and of the proceedings thereat, with the names of the members who attend at each meeting, and the names of all members voting on any question, to be duly made in books provided for the purpose, and to be kept by the secretary, under the superintendence of the board.

(2) The minutes of every meeting of the board shall be put for confirmation to the next succeeding meeting, or, if that is omitted, to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which they are confirmed, or if he refuses or neglects so to do for seven days after the meeting, then by any two members present and entitled to vote at the meeting.

Evidence of minutes.

82. (1) Every minute purporting to be any such minute as aforesaid and to be so signed, or a copy of or extract from any such minute signed by the chairman and the secretary, shall in all courts, and before all persons acting judicially be receivable as evidence of the transactions and matters therein recorded without proof that the meeting to which the minute refers was duly convened or held, or that the persons attending thereat were members of the board, or of the signature of the chairman or secretary, or of the fact of his having been such chairman or secretary. All such matters shall be presumed until the contrary is proved.

(2) All minute books shall, at all reasonable times, be open to the inspection of any member and of any creditor of the board. Every stockowner within the district may inspect and take copies of the minutes at all reasonable times.

Provision for death or absence of secretary and other persons.

83. (1) If, in consequence of death, absence, or any lawful impediment, it is impossible or inconvenient for the secretary or any member or other person to perform any particular matter or thing which by this Act he is required to perform, the chairman, or, if for the like reason it is impossible or inconvenient for the chairman, the board may perform the matter or thing, or appoint some member or other person to perform it.

(2) The board may authorize the chairman to carry into effect any decision of the board.

Disqualified person acting as member or auditor.

84. Any person who at the time of his election or appointment of the office of member is to his own knowledge disqualified to act in that office, or who after his election or appointment becomes disqualified, and who in any manner acts as a member with knowledge of the existence of his disqualification, shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

No writ of *quo warranto* allowed to try title to any office.

85. No writ of *quo warranto* or information in the nature of a *quo warranto* or other proceeding shall issue, or be filed or had, or taken in the Supreme Court, to try or question the title of the board or the title of any person to act as member or auditor, or in any office or place under the board.

No *mandamus* to issue from Supreme Court.

86. No *mandamus* shall issue from the Supreme Court to admit or restore to office, or to compel the board to proceed to the election or appointment of any chairman, member, auditor, officer, or other person to any office or place under the board, or to compel any person or persons to proceed to any ballot, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the board or person may be entitled under this Act.

Proceedings for trying title of member, etc.

87. The proceedings—

(*a*) for trying the title of a chairman, member, auditor, officer, or other person to his office or place ; or

(*b*) for trying the right of any person to be admitted or restored to any such office or place ; or

(*c*) to compel his restoration or admission ; or

(*d*) to compel the board to proceed to any election or appointment ; or

(*e*) to try the validity of any levy ; or

(*f*) to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the board or any person may be entitled under this Act,

shall be had and taken before, and determined in a summary way by, a court of summary jurisdiction constituted by a special magistrate.

Jurisdiction and powers of court.

88. (1) The complaint for the purposes of the last preceding section may be laid at the instance of the board, or by any stockowner within the district or other person interested.

(2) The court of summary jurisdiction may make an order—

(*a*) declaring that any person is or is not entitled to any office or place or that any office or place is vacant:

(*b*) commanding the board to proceed to take the necessary steps for and hold any election, or to make any appointment:

(*c*) quashing any levy which for any reason is invalid:

(*d*) to compel the production or delivery of any books, voting-papers, or documents by or to the board, or any officer thereof, to or by any person.

(3) No order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

Procedure on non-compliance with order.

89. On non-compliance with any order made by any court of summary jurisdiction under the last preceding section, any court of summary jurisdiction may on complaint laid at the instance of the board, or by any stockowner within the district or person interested, order any sum of money to be paid by or to the board, or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such officer or person to be imprisoned, either for a specified time, not exceeding six months, or until the order aforesaid is obeyed. Any such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid.

Time within which proceedings may be taken.

90. (1) No proceedings to try the title of any person to any office or place shall be taken except upon a complaint laid within two months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person is liable to be ousted, whichever last happens.

(2) No proceedings to try the validity of any levy shall be had or taken except upon a complaint laid within two months from the time at which notice of the levy appeared in the *Gazette*.

Authentication of documents by the board.

91. Subject to the provisions of this Part as to contracts made by the board, every order, summons, notice, or other document requiring to be authenticated by the board shall be sufficiently authenticated without the common seal of the board, if signed by the chairman or by two members or by the secretary.

Evidence of appointments or elections.

92. The *Gazette* containing a notice of the election or appointment under this Act of any person to any office shall be *prima facie* evidence of the said election or appointment, except in any proceedings brought to try the title of the person so elected or appointed.

Evidence of declaration of levy.

93. The *Gazette* containing a notice of the declaration of any levy under this Act shall be *prima facie* evidence that the levy was duly declared, except in proceedings to quash the levy.

Evidence of stockowners' roll.

94. The stockowners' roll or any copy thereof or extract therefrom certified as a true copy or extract under the hand of the chairman and the secretary, shall be *prima facie* evidence of the contents thereof.

Service of notices, etc.

95. Any notice required to be given or served by the board upon any person may be given or served—

(*a*) by sending the same by post in a prepaid letter, addressed to such person at his usual or last known place of residence; or

(*b*) by serving the same on such person; or

(*c*) by leaving the same with some adult inmate of his place of residence.

Service on board.

96. Every summons, or notice, or writ, or other proceeding required to be served on the board shall be served by being given personally to the chairman or the secretary. Every notice or other proceeding (not being a summons or writ) may also be served by post.

Power to borrow on overdraft.

97. The board may from time to time borrow money from any bank on overdraft on the credit of its revenue.

Regulations.

98. The Governor may make regulations—

(*a*) prescribing the form and matters to be included in petitions under this Act:

(*b*) prescribing the procedure of boards and generally regulating the conduct and practice of boards:

(*c*) generally, prescribing any matter or thing required or necessary or expedient to be prescribed for carrying this Act into effect.

Proceedings for offences.

99. All proceedings for offences against this Act (not being misdemeanours) shall be disposed of summarily.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

****

No. 65 of 1940.

An Act to amend the Workmen's Compensation Act, 1932-1938.

[*Assented to 5th December,* 1940.]

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 " Workmen's Compensation Act Amendment Act, 1940 ".

(2) The Workmen's Compensation Act, 1932-1938, is referred to in this Act as " the principal Act ".

(3) The Workmen's Compensation Act, 1932-1938, and this Act may be cited together as the " Workmen's Compensation Act, 1932-1940 ".

(4) Sections 3 to 9 inclusive of this Act shall come into operation on a day to be fixed by the Governor by proclamation. The remaining sections of this Act shall come into operation on the day on which this Act receives the Royal Assent.

Incorporation.

2. This Act is incorporated with the Workmen's Compensation Act, 1932-1938, and that Act and this Act shall be read as one Act.

Amendment of s. 3 of the principal Act—Definition of " Member of a family ".

3. Section 3 of the principal Act is amended by inserting at the end of the definition of " member of a family " the words " child adopted by the workman under the Adoption of Children Act, 1925-1934, father's sister, mother's sister ".

Amendment of s. 5 of the principal Act—Right to compensation in certain cases.

4. Section 5 of the principal Act is amended by inserting at the end of paragraph (*b*) thereof the words " unless the injury results in the death or permanent total incapacity of the workman ".

Amendment of s. 16 of the principal Act—Increase of compensation on death.

5. Section 16 of the principal Act is amended by striking out the word "six" in the last line of subsection (1) thereof and inserting in lieu thereof the word "seven", and by inserting after the word "hundred" in the last line of subsection (1) thereof the words "and fifty".

Amendment of s. 18 of the principal Act—Increase of compensation for incapacity.

6. Section 18 of the principal Act is amended by striking out the word "seven" in the second line of subsection (3) thereof and inserting in lieu thereof the word "eight".

Amendment of s. 19 of the principal Act—Compensation for aged and infirm workers.

7. Section 19 of the principal Act is amended as follows:—

(*a*) The words "one hundred" in paragraph I. are struck out and the words "two hundred and fifty" inserted in lieu thereof:

(*b*) The words "twenty shillings" in paragraph II. are struck out and the words "one pound ten shillings" inserted in lieu thereof:

(*c*) The words "one hundred" in the last line are struck out and the words "three hundred" inserted in lieu thereof.

Amendment of s. 25 of the principal Act—Consequential amendment.

8. Section 25 of the principal Act is amended by inserting at the commencement thereof the words "Subject to section 34a".

Amendment of s. 26 of the principal Act—Fixed rates of compensation for certain injuries.

9. Section 26 of the principal Act is amended as follows:—

(*a*) The words "seven hundred" in subsection (5) and in the heading of the second column of the table at the end of section 26 are struck out and the words "eight hundred" are inserted in lieu thereof:

(*b*) The following subsection is added at the end of section 26:—

(7) Where a workman habitually uses his left hand and arm to perform work usually performed by a workman with his right hand and arm—

(*a*) the compensation payable to the workman for total loss of the left arm, or of the greater part of the left arm, or of the left hand, or of five fingers of the left hand, or of the lower part of the left arm, or of the thumb or forefinger of the left hand, shall be the amount which would have been payable under the table set out in this section for similar losses of or injuries to the right arm or hand or the fingers or thumb of the right hand; and

(*b*) the compensation payable to the workman for total loss of the right arm, or of the greater part of the right arm, or of the right hand, or of five fingers of the right hand, or of the lower part of the right arm, or of the thumb or forefinger of the right hand, shall be the amount which would have been payable under the said table for similar losses of or injuries to the left arm or hand or the fingers or thumb of the left hand.

Amendment of s. 31 of the principal Act—Workmen ceasing to reside in Australia.

10. Section 31 of the principal Act is amended by striking out the words "South Australia" in the second line thereof and by inserting in lieu thereof the words "the Commonwealth".

Enactment of s. 34a of principal Act—

11. The following section is enacted and inserted in the principal Act after section 34 thereof:—

Cost of medical and surgical treatment.

34a. If, during the period of his incapacity, a workman at the request of the employer receives medical or surgical treatment, the cost of and incidental to such treatment shall not be a payment, allowance or benefit within the meaning of subsection (1) of section 25 of this Act.

Amendment of s. 41 of principal Act—Powers of Supreme Court on appeal.

12. Section 41 of the principal Act is amended by inserting after the words "appealed from" in the third line of subsection (2) the words "or refer the case back to the arbitrator or the same or some other Special Magistrate for further hearing or re-hearing or reconsideration".

Enactment of s. 41a of principal Act—

13. The following section is hereby inserted in the principal Act after section 41 thereof:—

Power to state special case.

41a. (1) The arbitrator or Special Magistrate may at his discretion state a special case for the opinion of the Supreme Court on any question of law.

(2) The Supreme Court shall deal with every such special case according to the practice of the Supreme Court on special cases and may make such order thereon as to the Supreme Court seems just.

(3) The Supreme Court may send any such special case back for amendment, or may itself amend the same.

(4) The arbitrator or Special Magistrate shall give his decision in accordance with the opinion of the Supreme Court.

Amendment of s. 94h of the principal Act—

Amending Schemes.

14. Section 94h of the principal Act is amended by adding at the end thereof the following passage:—

Such subsequent scheme need only set out the extensions or variations of the scheme which it extends or varies.

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

C. M. BARCLAY-HARVEY, Governor.

ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

***

Interpretation.

2. In this Act, unless the context or subject matter otherwise requires—

"The Association" means The Boy Scouts Association incorporated in the United Kingdom by Royal Charter dated the fourth day of January, One thousand nine hundred and twelve.

"The Branch" means "The Corporation".

"The Constitution" means the instrument by which powers are delegated by the Association to the Branch and includes the present Constitution and Rules of the Branch and any amendments thereof for the time being in force, and also includes the rules and regulations of the Branch approved by the Association and under which the Branch acts for the time being.

"The Corporation" means the body incorporated by this Act.

"Controlled group" means a group registered with the Corporation as a controlled group by any organization approved by the Association or the Corporation.

"Controlling authority" means the person or committee appointed by the body concerned to exercise its functions in respect of a group registered as a controlled group.

Incorporation.

3. Without further or other authority than this Act, the members at the commencement of this Act of the hereinbefore mentioned State Council of The Boy Scouts Association (Incorporated by Royal Charter) South Australian Branch shall upon the commencement of this Act become and the members for the time being of the said State Council shall thereafter be and continue a body corporate by the name of "The Boy Scouts Association, South Australian Branch" and by that name shall have perpetual succession and a common seal; and shall by that name be capable in law of suing and being sued and subject to this Act of purchasing taking holding selling mortgaging leasing taking on lease exchanging and disposing of real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Name.

The Corporation capable of holding and disposing of property.

Powers.

4. The Corporation shall control the Boy Scout Movement in South Australia and shall have power to do all things deemed necessary or requisite for providing and maintaining an efficient organization for the purposes of the Association in South Australia including and without restricting the generality of this

provision the performance and exercise of all such duties or powers as may be delegated to it by the Association under the provisions of the Royal Charter.

Unauthorised use of name.

5. Any person who without authority of the Corporation uses the name " The Boy Scouts Association " or " Boy Scout " or the name of any local branch of the Association or any name implying that any other society or body is the Association or a Branch of the Association or falsely pretends that he is connected with the Association shall be liable to a penalty not exceeding five pounds.

User of uniforms; Unauthorised sale, supply or distribution of emblems or badges.

6. (1) Any person who, except with the authority of the Corporation—

(*a*) wears or uses any uniform, emblem, badge, decoration, descriptive or designating mark or title used either before or after the commencement of this Act by the Association or any branch of the Association for carrying out the purposes of the Association in such manner as to suggest that the wearer or user is authorised by the Association or such branch or is connected with the operations thereof: or

(*b*) sells, supplies or distributes any such emblem or badge,

shall be liable to a penalty not exceeding five pounds.

(2) Subsection (1) of this section shall not extend to the sale, supply or distribution of any part of a boy scout's equipment other than an emblem or badge.

Transfer &c. of properties to the corporation.

7. (1) Any person—

(*a*) who at the commencement of this Act holds; or

(*b*) who hereafter acquires; or

(*c*) to whom is or has been given devised or bequeathed,

any real or personal property in South Australia upon trust for or on behalf of or for the benefit of the Association or any branch thereof or any county council local association group or body formed under the Policy Organization and Rules of the Association or any committee thereof in South Australia shall (if and when required by notice in writing from the Corporation so to do) transfer convey and assign unto the Corporation at its cost such real or personal property as aforesaid but subject to any conditions or trust upon which the same is held acquired given devised or bequeathed.

Notices.

(2) Any notice requiring the transfer conveyance or assignment of any such real or personal property—

(*a*) shall be signed by the general secretary or other authorised officer of the corporation; and

(*b*) shall be deemed to have been properly served upon and received by the person or persons to whom it is addressed at the expiration of three days after it has been forwarded by registered post addressed to such person or in the case of joint holders then to one of such joint holders at his usual or last known place of residence in South Australia.

Vesting of property.

(3) Upon service of any such notice as aforesaid the real or personal property in respect of which such notice has been given shall immediately vest in the Corporation but subject as aforesaid to any conditions and trusts upon which it is held and any person organization or controlling authority served with such notice shall be immediately divested of such real and personal property mentioned therein.

Provided that property vested in held by or on behalf of or which is given devised or bequeathed to any controlled group shall subject to any express trust affecting the same be held in trust for such purpose and be disposed of in such manner as the controlling authority of such group from time to time determines.

Application to Supreme Court.

(4) Any person organization or controlling authority served with any such notice as aforesaid may apply by summons to a judge of the Supreme Court for an order that any such transfer conveyance or assignment of any such real or personal property shall be subject to such terms and conditions as the judge may determine are just and equitable having regard to all the circumstances of the case.

Provision in case of refusal to transfer.

(5) In the event of the person organization or controlling authority holding as aforesaid any real or personal property (other than land under the Real Property Act 1886) the legal interest in which is transferable or assignable by deed or other document in writing after service upon him or it requiring him or it so to do refusing or neglecting to execute a conveyance or an assignment thereof to the Corporation or in the event of the whereabouts of any such person being unknown—

(*a*) the Corporation may apply by summons to a judge of the Supreme Court for an order directing the Master of the Supreme Court to execute for and on behalf of such person organization or controlling authority a conveyance or an assignment of such real or personal property to the Corporation: and

(*b*) upon proof to the satisfaction of such judge—

(i.) that such real or personal property is held by such person organization or controlling authority upon trust for or on behalf of or for the benefit of the Association or any branch thereof or any county council local association group or body as aforesaid or any committee thereof as aforesaid : and

(ii.) that notice as aforesaid requiring such person organization or controlling authority to convey or assign such real or personal property has been given in manner herein provided : and

(iii.) that such person organization or controlling authority refuses or neglects to execute such conveyance or assignment as aforesaid or that the whereabouts of such person is unknown—

the judge may make such order and the said Master shall thereupon do and perform all such acts and things as may be necessary to convey or assign such real or personal property to the Corporation but subject as to any real property to any charge mortgage lease or easement then affecting the same and to the trusts on which it was held by such person organization or controlling authority.

Person holding property acquired by using name of Association &c. to be deemed trustee for Association &c.

(6) Any person in South Australia who has at any time acquired real or personal property by using the name of the Association or of any branch thereof or of any county council local association group or body formed as aforesaid and who is in possession of or otherwise holds such real or personal property shall be deemed to be a person holding such real or personal property upon trust for or on behalf of or for the benefit of such Association or branch thereof county council local association group or body formed as aforesaid.

Liabilities.

(7) Any liabilities in respect of any real or personal property which may hereafter become vested in the Corporation by virtue of the provisions of this section may thereupon be enforced against the Corporation.

Rights, &c.

(8) Any rights accrued or accruing or to accrue to any person in South Australia on behalf of the Association are and shall be hereby vested in and may be enforced by the Corporation.

Mode of dealing with property.

8. The Corporation shall deal with or dispose of the real or personal property vested in the Corporation in such manner, subject to any special trust affecting same, as the Executive

Committee appointed under the Constitution shall think fit, but subject in the case of a mortgage or sale of real property to the following conditions, namely—

(*a*) Any proposed mortgage or sale of real property shall be submitted in the first instance to an ordinary meeting of the Executive Committee, and shall be specially mentioned in the notice convening the meeting.

(*b*) At the next ordinary meeting of the Executive Committee of which seven days' notice shall have been given, such proposed mortgage or sale of such real property, if approved by the previous meeting, shall be submitted to the meeting, and if approved of by not less than two-thirds of those present when the motion is put, may be carried into effect by the Executive Committee.

(*c*) A copy of the resolution of the Executive Committee directing the mortgage or sale if sealed with the seal of the Corporation shall be conclusive evidence in favour of any person claiming by, through or under such mortgage or sale that such resolution has been duly passed in compliance with the provisions of this Act, and of the Constitution.

(*d*) No purchaser or mortgagee shall be bound to see to the application of any moneys paid by him.

Powers and duties as to aid granted.

9. The Corporation shall receive all gifts, grants of money or contributions made by the Government of South Australia or by any municipality, district council, incorporated body, society or person to the Association or the Branch, and shall apply the same in accordance with the terms, provisions and conditions of such gifts, grants or contributions; or if there be none such, or on such terms, provisions or conditions becoming impossible of performance, then in accordance with the objects of the Association.

Certified copy to be evidence.

10. As soon as practicable after the commencement of this Act a copy of the Royal Charter of the fourth day of January One thousand nine hundred and twelve and a copy of the Constitution each certified under the seal of the Corporation, shall be lodged in the office of the Registrar of Companies who shall register the same under the provisions of the Associations Incorporation Act 1929-1935.

Any further Royal Charter or any instrument affecting a change in the Constitution shall be certified and registered in the like manner.

The production of a copy of any instrument registered, certified by the Registrar of Companies, shall be received in all courts as *prima facie* evidence of the contents of the instrument.

Common seal.

11. It shall be lawful for the Executive Committee appointed under the Constitution to design at any time and to change or alter the common seal of the Corporation; such seal shall be in the custody of the general secretary and shall not be affixed to any document except pursuant to a resolution of the Executive Committee.

The affixing of the said common seal to any document shall not be complete without the signature of three members of the Executive Committee.

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the Corporation of an attorney, solicitor or proctor in or for the prosecution or defence of any action, suit or other proceeding.

Service upon the body corporate.

12. Notice to or service upon the general secretary or acting general secretary of the Corporation shall be deemed to be a notice to or service upon the Corporation.

Recovery of penalties.

13. Any penalty imposed by this Act may be recovered summarily.

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

C. M. BARCLAY-HARVEY, Governor.

Act reprinted pursuant to the Amendments Incorporation Act, 1937.

BUILDING ACT, 1923-1940

With notes of judicial decisions affecting sections of the reprinted Act.

BUILDING ACT, 1923-1940.

BEING

BUILDING ACT, 1923, No. 1600 OF 1923 [ASSENTED TO 6TH DECEMBER, 1923.]

AS AMENDED BY

BUILDING ACT AMENDMENT ACT, 1929, No. 1919 OF 1929 [ASSENTED TO 27TH NOVEMBER, 1929.]

LOCAL GOVERNMENT ACT, 1934, No. 2156 OF 1934 [ASSENTED TO 25TH OCTOBER, 1934.]

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935 [ASSENTED TO 19TH DECEMBER, 1935.]

AND

BUILDING ACT AMENDMENT ACT, 1940, No. 53 OF 1940 [ASSENTED TO 5TH DECEMBER, 1940.]

An Act to consolidate and amend the law relating to buildings in the City of Adelaide and other municipalities and districts, and for other purposes.

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

PART I.

PART I.

INTRODUCTORY.

1. This Act may be cited as the "Building Act, 1923-1940." Short title. Cf. U.K., 20 & 21, Geo. 5, c.clviii.

2. The provisions of this Act are arranged as follows:— Arrangement of Act.

PART I.—Introductory:

PART II.—Builders to furnish Plans and to comply with certain requirements: Amended by 53, 1940, ss. 16 (2), 35.

PART III.—Preventing Obstruction of Streets by Building:

Commencement: The Local Government Act, 1934, was proclaimed to commence on 2nd November, 1934: *Gazette* 25th October, 1934, p. 845.

PART IV.—Special and Temporary Buildings and Structures:

PART V.—Rights of Building and Adjoining Owners:

PART VI.—Dangerous and Neglected Structures:

PART VII.—Surveyors:

PART VIII.—Building Referees:

PART IX.—By-Laws and Regulations:

PART X.—Legal Proceedings:

PART XI.—Miscellaneous:

PART XII.—Architectural Standards:

PART XIII.—Balconies and Verandahs.

Application of Act.

3. (1) This Act shall apply to all places within—

(*a*) the municipality of the City of Adelaide;

(*b*) every municipality and every district to which the Governor before the passing of this Act has, by proclamation made under the Building Act, 1881, or the District Councils Act, 1914, or any Act thereby repealed, directed the Building Act, 1881, to apply, or declared that the provisions of that Act and any amendments thereof shall apply; and

(*c*) every municipality and every district within which the Governor, after receipt of a petition from the council of such municipality or district declares, by proclamation, that this Act shall apply.

(2) Notwithstanding anything in subsection (1) hereof the Governor may, by any proclamation thereunder, if so prayed by such petition as aforesaid, declare—

(*a*) that this Act shall apply within such portion of a municipality or district as is specified in the proclamation; or

(*b*) that such portions of this Act as are so specified shall apply within the municipality or district or the specified portion thereof,

and in such case this Act shall apply only to the extent so declared.

Inserted by 53, 1940, s. 2.

(3) The Governor may by proclamation declare that this Act, or any specified portion of this Act, shall cease to apply within any municipality or district or portion of a municipal-

ity or district and thereupon this Act, or the specified portion thereof, shall cease to apply within that municipality or district or portion thereof, as the case may be.

Commencement of Act.

4. This Act shall come into force—

(*a*) within the municipality of the City of Adelaide, and the municipalities and districts referred to in subsection (*b*) of subsection (1) of section 3, on the first day of July, nineteen hundred and twenty-four; and

(*b*) within any other municipality or district or portion of a municipality or district, on the day fixed in that behalf by the proclamation whereby it is declared that this Act shall apply therein.

Interpretation.

Cf. U.K., 20 & 21. Geo. 5. c. clviii., s. 5.

5. In this Act, unless inconsistent with the context or subject matter, or some other meaning is clearly intended—

"adjoining occupier" means the occupier, or one of the occupiers, of land, buildings, storeys, or rooms adjoining those of the building owner:

"adjoining owner" means the owner, or one of the owners, of land, buildings, storeys, or rooms adjoining those of the building owner:

"area" applied to a building means the superficies of a horizontal section thereof made at the point of its greatest surface inclusive of the external walls and of such portions of the party walls as belong to the building:

"base," as applied to a wall, means the underside of the course immediately above the footings (if any), or, in the case of a wall carried on a bressummer, above such bressummer:

"basement storey" means any storey of a building which is under the ground storey:

Inserted by 53, 1940, s. 3 (1).

"bearing wall" means a wall which provides support for any dead load or live load in addition to its own weight:

Inserted by 53, 1940, s. 3 (1).

"boarding house" means any building, permanent or otherwise, and any part thereof (other than premises licensed under the Licensing Act, 1932-1936) in which more than five persons, exclusive of the family of the proprietor thereof, are lodged and boarded for hire or reward:

"builder" means the master buider or other person employed to build or to execute any work on a building or structure, or if there is no master builder or other person so employed, or if such master builder or other person is unknown or cannot be found, then the owner of the building or other person for whom or by whose order such work is to be done or has been done:

Inserted by 53, 1940, s. 3 (2).

"building" includes shed, outbuilding, stable, workshop, garage, privy, and any other building of any kind whether used for human habitation or not:

Inserted by 53, 1940, s. 3 (2).

"building of the domestic class" means—

(*a*) a dwelling-house, office, hotel, boarding-house, hospital, or club;

(*b*) a shop and dwelling-house or shop and office in which, in either case, the portion used as a shop does not exceed twenty thousand cubic feet in cubical extent;

(*c*) a stable, workshop, or outbuilding used in connection with any building of any kind hereinbefore mentioned;

(*d*) any other building not being a public building or a building of the warehouse class:

Substituted by 53, 1940, s. 3 (3).

"building of the warehouse class" means a warehouse, factory, shop (other than a shop and dwelling-house or shop and office which is a building of the domestic class), workshop, manufactory, brewery, distillery, livery stable, garage (other than a garage appurtenant to a dwelling-house), or any other building which is used or constructed or adapted to be used for any like purpose:

"building owner" means such one of the owners of adjoining lands as builds or is desirous of building, or such one of the owners of buildings, storeys, or rooms separated from one another by a party wall or party structure as does, or is desirous of doing, a work affecting that party wall or party structure:

"by-law" means a by-law made under this Act by the particular council:

"clerk" means the town clerk of the particular municipality or the district clerk of the particular district:

"commencement of this Act" means, with respect to any particular municipality or district or portion of a municipality or district, the day on which this Act comes into force therein:

"council" means the council of the particular municipality or district:

"cross wall" means any internal wall built in connection with external or party walls, and bonding them together: Amended by 53, 1940, s. 3 (4).

"cubical extent" applied to the measurements of a building means the space contained within the external surfaces of its walls and the upper surface of the floor of its lowest storey and the topmost ceiling, or the level of the top of the roof plate when there is no ceiling:

"dead load" of a building means the actual weight of all permanent construction comprised in the building: Inserted by 53, 1940, s. 3 (5).

"district" means a district as defined by the Local Government Act, 1934: Amended by S.L.R. Act, 1935.

"divisional wall" means any wall (other than an external or party wall) subdividing any floor of a building and carrying any load in addition to its own weight:

* * * * * * * * * * * Definition of "domestic building" repealed by 53, 1940, s. 3 (6).

"dwelling-house" means a building used, or constructed or adapted to be used, wholly or principally for human habitation:

"external wall" means an outer wall or vertical enclosure of any building, not being a party wall:

"fire resisting," used with reference to materials, means any of the materials which, by the seventh schedule, it is provided shall be deemed to be fire-resisting materials for the purposes of this Act:

"first storey" means that storey of a building which is next above the ground storey, the successive storeys above the first storey being the second storey, the third story, and so on to the topmost storey:

"footing" means the construction whereby the weight of the building or structure is transferred to the foundations: Substituted by 53, 1940, s. 3 (7).

"foundation" applied to a wall means the solid ground or artificially formed support:

"frame construction" means a form of construction in which the design provides that the vertical forces due to the weight of the building or structure and the live load are carried down to the foundation by means of columns in such a manner that the walls are not required to assist in supporting those forces and loads: Substituted by 53, 1940, s. 3 (8).

Definition of "gallery" inserted by 1919, 1929, s. 3 (a) and repealed by 53, 1940, s. 3 (9).

* * * * * * * * * * *

"ground storey" means that storey of a building to which there is the principal entrance from the outside on or near the level of the ground, and where there are two such storeys, then the higher of the two, but no storey of which the upper surface of the floor is more than six feet below the level of the adjoining pavement shall be deemed to be the ground storey:

Inserted by 53, 1940, s. 3 (10).

"habitable room" includes a living room and a room in a building of a domestic class which is used or in respect of which there is a probable presumption (until the contrary is proved) that it is used for the purpose of sleeping or eating or the cooking of food; and "inhabited" and "habitation" have corresponding interpretations:

Inserted by 53, 1940, s. 3 (10).

"hardwood" means jarrah, red gum, or any other timber approved by the surveyor as a hardwood:

Amended by 53, 1940, s. 3 (11).

"height," in relation to any building, means the measurement taken from the level of the footway (if any) immediately in front of the centre of the face of the building, or, where there is no such footway, from the level of the ground to the level of the underside of the ceiling of the topmost storey:

Definition repealed by 1919, 1929, s. 3 (b) and inserted by 53, 1940, s. 3 (12).

"height," in relation to a storey means—

(*a*) in the case of the topmost storey the measurement between the floor and the ceiling thereof, or between the floor and the under surface of the collar tie of the roof, or, if there is no collar tie, then up to the level of half the vertical height of the rafters, or other support of the roof;

(*b*) in the case of every storey other than the topmost, the measurement between the floor and the floor above:

Definition of "inhabited" repealed by 53, 1940, s. 3 (13).

* * * * * * * * * * *

"level of the ground" means the level of the ground as determined by the surveyor:

Inserted by 53, 1940, s. 3 (14).

"live load" means all load other than dead load:

"mezzanine" and "mezzanine floor" mean an intermediate floor placed in any storey or room the area of which does not exceed one-half of the area of the floor of that storey or room: Inserted by 53, 1940, s. 3 (14).

"municipality" means a municipality as defined by the Local Government Act, 1934: Amended by S.L.R. Act, 1935.

"new building" includes—

(*a*) any building erected after the commencement of this Act;

(*b*) any building which has been taken down entirely or for more than one-half of its cubical extent, and has been re-erected, or commenced to be re-erected, wholly or partially on the same site, after the commencement of this Act; and

(*c*) any space between walls and buildings which is roofed, or commenced to be roofed, after the commencement of this Act:

"occupier" means any person who, either jointly or alone, has the actual physical possession of any land or tenement to the substantial exclusion of all other persons from participating in the enjoyment thereof: Substituted by 53, 1940, s. 3 (15).

"ordinary construction" means a form of construction in which the design provides that the vertical forces due to the weight of the structure itself and the live load are carried down to the foundations wholly by the walls or partly by the walls and partly by internal columns: Inserted by 53, 1940, s. 3 (15).

"owner" includes any person in possession or receipt either of the whole or any part of the rents or profits of any land or tenement, or in the occupation of any land or tenement otherwise than as a tenant from year to year, or for any less term, or as a tenant at will:

"partition wall" means an internal vertical structure employed solely for the purpose of subdividing any storey of a building into sections, and which supports no load other than its own weight: Inserted by 53, 1940, s. 3 (16).

"party fence wall" means a wall used or constructed to be used as a separation of adjoining lands of different owners, and standing on land of different owners and not being part of a building, but does not include a wall constructed on the land of one owner, the footings of which project into the land of another owner:

Substituted by 53, 1940, s. 3 (17).

"party structure" means any floor of fire-resisting construction or any arch of fire-resisting construction or any wall of fire-resisting construction which separates from the remaining portion of a building a separate occupation or tenement:

"party wall" means a wall built to be used as a separation of two or more buildings, or a wall forming part of a building built upon the dividing line between adjoining premises for their common use:

"public building" means a building or any part thereof either permanently or occasionally used for the assemblage of persons in large numbers or used, or constructed or adapted to be used, as a public theatre, public hall, public concert-room, public ball-room, public lecture-room, public library, or public exhibition-room, or as a public place of assembly, or used, or constructed or adapted to be used, for any like purpose:

"reinforced concrete" means a concrete in which steel is embodied in such a manner that the two act in unison in resisting stresses:

"roadway" in relation to any street or way, means and includes the whole space open for traffic, whether carriage traffic and foot traffic, or carriage or foot traffic only:

Amended by 53, 1940, s. 3 (18).

"shop front" means such portion of the structure of a shop as abuts or faces a street or way, and is not in the nature of a wall supporting a wall or portion of a wall above:

Inserted by 1919, 1929, s. 3 (c).

"sky-sign" means any model, sign, lettering, or device in the nature of an advertisement, announcement, or direction supported on or attached to any post, pole, standard, framework, or other support so that any part of the sky-sign is visible against the sky from some point in any street or way: the term does not include any flag, flagstaff, pole, vane, weathercock, cresting, or balustrade:

Inserted by 53, 1940, s. 3 (19).

"softwood" means oregon, pine, spruce, and any other timber approved by the surveyor as a softwood:

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

Substituted by 1919, 1929, s. 3 (e), and amended by 53, 1940, s. 3 (20).

"storey" means the space or distance or portion of a building included between the underside of a concrete or fire-resisting floor or the floor-joists of any other

floor and the underside of the concrete or fire-resisting floor or floor-joists next above it, or the underside of the tie beam, or collar tie, or half the vertical height of the rafters above, as the case may be; but a mezzanine shall not be deemed to divide a wall or building into storeys:

"street" means— Substituted by 1919, 1929, s. 3 (d).

(*a*) any public street or public road:

(*b*) any private street or private road which is dedicated to the public or which is vested in or under the control of any municipal corporation or district council:

(*c*) any street, road, lane, footway, square, court or alley—

I. to or over which the public has the right of access or user; or

II. over which there has been uninterrupted user by the public for at least five years and over which the public are permitted to have access:

"street alignment" means the line of demarcation between any street or way or part thereof and any land abutting thereon:

"surveyor" means any building surveyor appointed by the council and includes any deputy surveyor appointed by the council:

"timber frame building" means any building in which the framework of the external walls is of timber, whether the frame work is covered with timber, iron, or other materials: Inserted by 53, 1940, s. 3 (21).

"this Act" includes regulations in the schedules to this Act and regulations made under this Act, and also includes any by-laws made under this Act which are in force in the particular locality: Amended by 53, 1940, s. 3 (22).

"topmost storey" means the uppermost storey in a building whether constructed wholly or partly in the roof or not and in the case of a building of one storey only means that storey: Amended by 53, 1940, s. 3 (23).

"total floor area" applied to a building, means the sum of the superficies of horizontal sections thereof made at the level of each floor exclusive of the external walls and of such portions of the party walls as belong to the building: Substituted by 53, 1940, s. 3 (24).

"way" includes any public roadway or footpath not being a street, and any private roadway or footpath which it is proposed to convert into a highway or to form, lay out, or adapt as a street.

Repeal of enactments.

Subsec. (1) substituted by 53, 1940, s. 4.

6. (1) The Acts mentioned in the first schedule to this Act are repealed.

(2) All by-laws and regulations not inconsistent with this Act, and all orders, consents, conditions, and notices duly made, given, imposed, or issued under any enactment so repealed shall, so far as applicable for the purpose of this Act, be of the same validity and effect as if they had been made, given, imposed, or issued under this Act; and all such by-laws and regulations shall remain in force until the same are revoked, altered, or varied by by-laws or regulations duly made under the provisions of this Act: Provided that any such by-laws or regulations shall be deemed to be revoked by any by-laws or regulations inconsistent therewith duly made under the provisions of this Act.

(3) Officers appointed under any enactment so repealed shall continue in office in like manner as if this Act had not been passed subject, however, to the same powers of dismissal as if they had been appointed under this Act.

(4) Where in any Act or document any enactment so repealed or any provision thereof, is mentioned or referred to, such Act or document shall, with any necessary modifications, and so far only as the circumstances of the case permit, be read as if this Act or the corresponding provision of this Act were therein mentioned or referred to instead of such repealed Act or such provision thereof.

S. 7 repealed by 2156, 1934, s. 898 (1).

* * * * * * * * * * *

PART II.

DUTY TO FURNISH PLANS AND COMPLY WITH CERTAIN REQUIREMENTS.

Heading substituted by 1919, 1929, s. 4.

8. (1) Every person who intends to erect, construct, add to, or alter any building on land of which he is the owner or to underpin any building erected on land adjoining any such land as first mentioned, shall before commencing such erection, construction, addition, alteration, or underpinning, give to the council notice in writing of the said intention which shall be delivered or sent to the surveyor at his office, and shall at the same time deliver or send to the surveyor at his office one complete set of plans and working drawings of the erection, construction, addition, alteration, or underpinning of the said building which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, elevation, form, and dimensions of the building and the several parts thereof, or of any addition or alteration therto, or underpinning thereof, and of every water closet and all other appurtenances.

Duty to furnish plans.

Cf. U.K., 26 Geo. 5, and 1 Edw. 8, c. 49, s. 64.

Substituted by 1919, 1929, s. 5.

Subsec. (1) amended by 53, 1940, s. 5 (a), (b).

The said person may deliver or send to the surveyor as aforesaid an additional set of plans and working drawings to be returned to him by the surveyor indorsed by the surveyor after consideration thereof as provided by section 9.

(2) In the case of any iron or steel skeleton frame building or of any reinforced concrete building, there shall be supplied as aforesaid with the said plans or working drawings any calculations of the stresses required in writing by the surveyor to be supplied; and in any case with respect to a building of any kind where, in the opinion of the surveyor, there is any reasonable cause for doubt as to the strength of any part of the structure or work, there shall be supplied as aforesaid on request in writing by the surveyor complete calculations relating to the said part.

(3) The said person shall at the same time deliver or send to the surveyor at his office a statement in writing signed by him setting out the purpose or purposes for which the said building to be erected, constructed, added to, or altered as aforesaid, and the said lands are intended to be used, and the said building and lands shall not, without the written consent of the council first had and received and subject to any conditions or provisions imposed by the council when granting the said consent being fully complied with, be used for any other purpose.

Amended by 53, 1940, s. 5 (c), (d).

(4) The said person shall at the same time deliver or send to the surveyor at his office one copy in writing of the specifications for the erection, construction, or alteration of or addition to the said building and for the underpinning of any adjoining building as aforesaid, and of the materials which it is intended to use in the said erection, construction, addition, alteration, or underpinning, and of the intended mode of drainage, and the said person shall also deliver or send as aforesaid a written statement of the probable cost of the work and, if known to him, the name and address of the builder.

The said person may deliver or send to the surveyor as aforesaid an additional copy of the said specifications to be returned to him by the surveyor indorsed by the surveyor after consideration thereof as provided by section 9.

(5) The said person shall at the same time deliver or send to the surveyor at his office a block plan drawn to a scale of not less than one inch to every forty feet—

(*a*) showing the land upon which the building is proposed to be erected, constructed, added to, or altered, or, in the case of a building already erected, of the land upon which the same is erected:

(*b*) giving the Lands Titles Office reference to the said land or otherwise sufficiently identifying the said land:

(*c*) showing the land intended to be used in connection with the said building:

(*d*) showing the position of the buildings and appurtenances on the land immediately adjoining the land first-mentioned in this subsection:

(*e*) showing the width of all streets and ways adjoining the said first-mentioned land and building and the relative level of the lowest floor of the said building with respect to all of such streets and ways:

(*f*) in the case of the underpinning of any building, showing the land upon which the said building is erected.

(6) The said person shall forthwith upon entering into any contract for the erection, construction, addition to, alteration, or underpinning of any building as aforesaid, deliver or send to the surveyor at his office a statement in writing setting forth the contract price for the said work and the name and address of the builder.

(7) A complete copy of all such plans, working drawings, and specifications shall be filed by the surveyor for permanent record. Amended by 53, 1940, s. 5 (e).

If any such plans, working drawings, or specifications have been filed by the surveyor for more than five years (whether or not the whole or any part of the said period was before the passing of the Building Act Amendment Act, 1940), he may, notwithstanding the provisions of Part III. of the Libraries and Institutes Act, 1939, cause the same to be destroyed.

(8) No person shall commence to erect, construct, add to, alter, or underpin any building, or shall erect, construct, add to, alter, or underpin any building, until plans, drawings, and specifications in respect of the erection, construction, addition, alteration, or underpinning have been approved in writing by the council: Provided that the council may, pending the approval of any such plans, drawings, or specifications, consent in writing (subject to any conditions fixed by the council) to the commencement or carrying out by any such person of any such work as aforesaid, in which case the provisions of this subsection shall, subject to any conditions fixed as aforesaid, not apply to any such person. Amended by 53, 1940, s. 5 (f).

(9) No person shall, without the written consent of the council, erect, construct, add to, alter, or underpin any building the plans, drawings, and specifications in respect of which have been approved by the council except in accordance with the plans, drawings, and specifications as so approved.

(10) In any case where in the opinion of the council it is desirable so to do, the council may, in the discretion of the council, by notice in writing exempt the person required by this section to deliver or send any plans, drawings, specifications, or statement from any particular requirement of this section or may, if the case so requires, accept in lieu of any such plans, drawings, or specifications a written description of the work in question.

(11) Where any person proposes to erect, construct, add to, or alter any building in accordance with an order of the Central Board of Health or of a local board of health, or to erect a building to be used exclusively as a greenhouse, conservatory, summerhouse, fuel shed, tool house, cycle shed, aviary, or for some similar purpose, the council may, in the discretion of the council, by notice in writing exempt that person from the obligation to comply with this section.

(12) The council may from time to time by resolution declare that all persons proposing to erect, construct, add to or alter any building in any manner or for any purpose Inserted by 53, 1940, s. 5 (g).

referred to in subsection (11) shall be exempt from the obligation to comply with this section. The council may revoke any such resolution.

Duty of council with regard to plans.

Substituted by 1919, 1929, s. 6.

Subsec. (1) amended by 53, 1940, s. 6 (a).

9. (1) The surveyor shall examine all plans, drawings, and specifications delivered to him under the next preceding section and report to the council whether or not the plans, drawings, and specifications comply with the provisions of this Act. If, however, any such plans, drawings, or specifications in the opinion of the surveyor are not clear or not easily legible or do not contain sufficient information, the surveyor may, within fourteen days of their delivery to him, return them to the owner for amendment without reporting to the council.

Subsec. (2) substituted by 53, 1940, s. 6 (b).

(2) The council shall consider the plans, drawings, and specifications, together with the surveyor's report thereon, and if the council is satisfied that the same comply with this Act the council shall, except in the circumstances mentioned in section 9a, approve the same. If the council is not so satisfied, the council may disapprove of the plans, drawings, and specifications or may, subject to the provisions of this Act and where so authorized by this Act, approve the same, with or without conditions. Notwithstanding the provisions of this subsection, if any plans, drawings, and specifications relating to a timber frame building or wooden building are considered by the council before the first day of January, nineteen hundred and forty-two, the council may disapprove thereof, notwithstanding that the same comply with the provisions of this Act.

(3) If the council approves the plans, drawings, and specifications the approval shall be signified by a statement thereof in writing signed by the clerk and countersigned by the surveyor and indorsed upon the plans, drawings, and specifications, or written upon a document attached thereto.

(4) The council may, upon application made, approve any modification of any plans, drawings and specifications approved under this Act. Unless so approved, such a modification shall be of no effect.

Cf. U.K., 26 Geo. 5. and 1 Edw. 8. c. 49, s. 64 (2).

Amended by 53, 1940, s. 6 (c).

(5) If the council disapproves of any plan, drawing, or specification it shall give notice in writing thereof to the owner stating the reasons for disapproval: Provided that it shall not be obligatory upon the council to state every particular in which the plan, drawing, or specification does not comply with this Act.

(6) The approval of the council to any plans, drawings, or specifications shall become void if the erection, construction, addition to, alteration, or underpinning, as the case may be, of the building is not substantially commenced within one year of the date of the approval: Provided that at any time after the expiration of the said period the approval of the council to the erection, construction, addition to, alteration, or underpinning, as the case may be, of the building may be obtained without payment of any further fees or (unless the council otherwise requires) the lodging of any further plans, drawings, or specifications. Cf. U.K., 26 Geo. 5, and 1 Edw. 8, c. 49, s. 66.

Power to disapprove plans. Inserted by 53, 1940, s. 7.

9a. (1) If the council is satisfied that the plans, drawings and specifications delivered as aforesaid comply with this Act but the council is of opinion that it is undesirable that the building be erected or constructed on the land upon which it is proposed to be erected or constructed or, as the case may be, it is undesirable that the building be added to or altered, the council may give notice in writing to the owner of its intention to refer the plans, drawings, and specifications to the surveyor and the referees.

(2) The council may thereupon in manner provided by Part VIII. and in accordance with the provisions of the said Part refer the matter to the surveyor and the referees. For the purpose of section 79 the council shall be deemed to be the party making, lodging, or demanding the reference.

(3) If any two or more of the surveyors and the referees are satisfied that the erection, construction, addition to, or alteration of the building is undesirable by reason of the effect it would have upon the development, health, or amenities of the neighbourhood, they may declare that the council may disapprove of the plans, drawings, and specifications and the council may disapprove the same accordingly.

* * * * * * * * * * * S. 10 repealed by 1919, 1929, s. 7.

Bathroom to be provided in dwelling-house.

11. (1) Every person who erects any building for use as a dwelling-house, or alters any building for use as a dwelling-house, shall provide therein a bathroom in which there shall be a bath not less than five feet in length.

Subsecs. (2) and (3) inserted by 53, 1940, s. 8.

(2) Every such bath shall be connected with a drainage system for the adequate disposal of waste water from the bath and, unless otherwise approved in writing by the council, such fittings shall be provided as are adequate to provide a supply of running water for the bath.

(3) With the consent in writing of the council, any such person, in lieu of providing a bath as aforesaid, may provide other bathing facilities approved by the council together with provision for the matters required pusuant to subsection (2).

Stable not to be erected near dwelling-house.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 56.
Amended by 1919, 1929, s. 8, and by 53, 1940, s. 9.

12. No person shall, without the consent of the council, erect or construct any stable, or alter or convert any building for the purpose of the same being used as a stable, and no such consent shall be given unless the stable is distant at least twenty-five feet from every dwelling-house, and unless the same is constructed of brick, stone, or concrete or is constructed of some other material approved by the council.

Duty to comply with Act.
Substituted by 53, 1940, s. 10.

13. Except as otherwise authorized by this Act, every person who erects, constructs, adds to, alters, underpins, converts, or reconverts any building or any part thereof shall, in carrying out such erection, construction, addition, alteration, underpinning, conversion or reconversion, comply with the requirements of this Act.

Persons demolishing or removing buildings to give notice.

14. Every person who intends to demolish or remove any building or any substantial part thereof shall give the council notice in writing of such intention, which shall be delivered or sent to the surveyor at his office, and shall afford the surveyor free access to such work for the purpose of inspection.

Requirements to be complied with by persons demolishing or removing building.
Para. (1) amended by 1919, 1929, s. 10.
Inserted by 53, 1940, s. 11.

15. Every person demolishing or removing any building or any part thereof shall comply with the following requirements:—

(1) He shall demolish or remove storey after storey unless otherwise directed by the surveyor, in which case he shall comply with any such direction:

(1a) He shall not use or cause to be used any cutting torch or machine for the purpose of flame cutting any portion of the building except with the approval of the surveyor and in accordance with the directions (if any) given by the surveyor:

(2) He shall not place any material upon the floor or floors of such building, in such manner or in such quantity as to endanger the safety of the building:

(3) He shall lower all material to the ground immediately upon displacement, unless otherwise permitted by the surveyor:

(4) He shall not demolish or remove or pull down any external wall or any part thereof abutting on any street between the hours of eight o'clock in the morning and six o'clock in the evening, unless permitted so to do by the surveyor:

(5) He shall, for the purpose of preventing or lessening the diffusion of dust, play water by means of a hose or other reasonable means upon all displaced material.

Alteration of buildings.

Substituted by 53, 1940, s. 12.

16. A building shall not be altered in such a manner that, when so altered, it will, by reason of the alterations, not be in conformity with the provisions of this Act applicable to new buildings.

Provision where building demolished.

Inserted by 53, 1940, s. 13.

16a. Except as otherwise specifically provided by this Act, if any building is demolished, destroyed, or taken down for more than one-half of its cubical extent, the building shall not be reconstructed, erected, or repaired except in accordance with the provisions of this Act.

When remainder of party or external wall to be taken down.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 231.

17. Where a party or external wall not in conformity with this Act has been taken down, burnt, or destroyed to the extent of one-half thereof or more (measured in superficial feet), every remaining portion of the old wall not in conformity with this Act shall either be made to conform therewith or be taken down before the rebuilding thereof.

Additions to and alterations of buildings.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 232.

Amended by 1919, 1929, s. 11.

18. Every addition to or alteration of a building and any other work made or done for any purpose in, to, or upon a building (except that of necessary repair not affecting the construction of any external or party wall) shall, so far as regards such addition or alteration or other work, be subject to the provisions of this Act relating to new buildings: Provided that in any case where in the opinion of the council the general safety of the building is not thereby impaired, the council may consent in writing thereto and the said work may thereupon be carried out in a manner so that the standard of the work complies with the standard of work in the existing building.

Rules as to conversion of buildings.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 234.

Amended by 1919, 1929, s. 12.

19. (1) Until the approval of the council has been obtained, no person shall—

(*a*) convert into or use as a dwelling-house any building or part of a building not originally constructed for human habitation;

(*b*) convert into one dwelling-house two or more dwelling-houses constructed originally as separate dwelling-houses;

(*c*) convert into or use as two or more dwelling-houses any building constructed originally as one dwelling-house;

(*d*) convert a building, which when originally erected was exempt from the operation of any building enactments or by-laws in force within the municipality or district, into a building which, if it had been originally erected in its converted form, would have been within the operation of those enactments or by-laws;

(*e*) reconvert into or use as a dwelling-house any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house;

(*f*) convert into or use as a dwelling-room or part of a dwelling-room any room or part of a room used as a shop;

(*g*) convert a dwelling-house or any part of a dwelling-house into a shop; or

(*h*) convert a balcony into a verandah, or a verandah into a balcony.

Substituted by 53, 1940, s. 14.

(2) Unless otherwise sanctioned by the council, any person converting a building of one class into a building of another class, or converting a building of one kind into a building of another kind but of the same class, or using a building of one class as a building of another class, or using a building of one kind as a building of another kind but of the same class, shall comply with all the conditions prescribed for such other class or kind, as the case may be.

PART III. PART III.

PREVENTING OBSTRUCTION OF STREETS BY BUILDING.

Preventing obstructions in streets.

20. (1) No person shall—

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 221.

(*a*) unless lawfully authorized, erect or place, or cause to be erected or placed, any post, rail, fence, wire, bar, obstruction, or encroachment whatsoever in, upon, over, or under any street or way in any manner, or alter or interfere with any street or way in such a manner as to reduce the width thereof, or impede or hinder the traffic for which such street was formed or laid out from passing over the same:

Amended by 1919, 1929, s. 13 (a).

(*b*) erect any new building, structure, wall-fence, or fence in lieu of any building, structure, wall-fence, or fence which may encroach or project on any street or way without showing on the plan to be submitted for the approval of the council such new building, wall-fence, or fence proposed to be built or erected, and the position thereof as regards the street or way, nor until such plan has been approved by the council, nor unless such building, wall-fence, or fence is placed clear of and beyond the distance defined for the breadth of such street or way:

Amended by 1919, 1929, s. 13 (b) and by 53, 1940, s. 15 (a).

(*c*) erect any balcony over the street or way in front or at the side of his building, unless the same is constructed in accordance with, and of the materials required by, the by-law for the time being of the council made in that behalf under this Act, or, if there is no such by-law, unless the work is done to the satisfaction of the council, nor, in either case, until a plan thereof has been submitted to and approved by the council and the council has granted its licence in writing for such erection:

(*d*) use any balcony heretofore or hereafter erected over any street or way for any purpose of trade, or for storing or exposing goods, or hanging or suspending clothes, or as a place of habitation: Provided that nothing herein contained shall prevent any person from serving any refreshments upon any such balcony:

Amended by 1919, 1929, s. 13 (c) and by 53, 1940, s. 15 (b).

(*e*) erect any awning, portico, or verandah over the street or way in front or at the side of his building, unless the same is constructed in accordance with the conditions set out in the fourth schedule, and the work is done to the satisfaction of the council, nor until a plan of such awning, portico, or verandah has been submitted to and approved by the council and the council has granted its licence in writing for such erection.

(2) If anything is done contrary to the provisions of subsection (1) hereof, the council may give notice in writing to the builder or the owner or occupier to demolish or remove the post, rail, fence, wire, bar, obstruction, or encroachment, or to reinstate or restore the street to its former condition, or to demolish or remove the new building, wall-fence, or fence, balcony, awning, or verandah (as the case may be) erected contrary to the provisions of the said subsection.

(3) If such notice is not complied with before the expiration of two days or such longer period as the council may allow, from the giving thereof, the council may demolish or remove such post, rail, fence, wire, bar, obstruction, encroachment, new building, wall-fence, or fence, balcony, awning, or verandah, and reinstate or restore such street to its former condition, and recover the expenses thereof from the person to whom the notice was given in a summary manner; and the council or its officers shall not be liable for any damage done or occasioned in performing these acts.

Subsecs. (4) and (5) added by 1919, 1929, s. 13 (d).

(4) The granting or refusal of any such licence shall be in the discretion of the council and any licence may be granted subject to such conditions as the council thinks fit.

(5) In any case where, but for this section, it would be lawful for a person to erect any building, structure, wall-fence, or fence so that it encroaches upon or projects over any street or way, then, notwithstanding the provisions of subsection (1) hereof, the said person may, with the consent in writing of the council (which said consent may be granted subject to any reasonable condition thought fit by the council), erect any such building, structure, wall-fence, or fence. If the council refuses to grant such consent as aforesaid or fails to grant such consent within one month after the making of an application to the council for such consent, or if the council in giving any such consent annexes any condition to the consent, the said person may apply by summons to a Judge of the Supreme Court who shall make such order as to him shall seem just in the circumstances.

Any such order may empower such person as aforesaid to erect any such building, structure, wall-fence, or fence or may direct that any consent given as aforesaid by any council to which any condition has been annexed by the council, shall be freed from any such condition.

Doors and gates not to open outward on to street.

21. (1) No person shall hang or construct any gate, door, window sash, or shutter to any building or premises so as to open outwards on to any street or way, unless the whole of such gate, door, sash, or shutter is at least ten feet above the level of the ground, or place any cellar-flap or make any entrance to any cellar or underground room on any street or way.

(2) For the purpose of this section a gate, door, window sash, or shutter shall not be deemed to open outwards unless, when open to its utmost extent, some part thereof projects beyond the external face of the wall wherein or whereon the same is hung or constructed.

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S. 22 repealed by 1919, 1929, s. 14.

Sky-signs.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., Part XIII.

Amended by 1919, 1929, s. 15.

23. No person shall erect or construct or place or cause to be placed any sky-sign upon any building or structure unless the design of the sky-sign and means of attachment thereof have been approved by the council.

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S. 24 repealed by 1919, 1929, s. 17.

Showcases.

Amended by 1919, 1929, s. 16.

25. No person shall erect or construct or place or cause or permit to be placed on the outside of any building abutting on any street or way any mirror or showcase, except subject to the conditions contained in the sixth schedule and unless complete plans thereof have first been submitted to and approved by the council and the council has granted its licence in writing for the erection, construction, or placing of the said show case. The granting or refusal of any such licence shall be in the discretion of the council and any licence may be granted subject to such conditions as the council thinks fit.

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S. 26 repealed by 1919, 1929, s. 17.

PART III.

Obligations of person making excavations alongside streets.

Amended by 1919, 1929, s. 18.

27. No person shall, for the purpose of providing any cellar or basement or underground room in connection with any building or proposed building, make any excavation within ten feet of the street alignment unless—

(*a*) he has, before commencing such excavation, given at least seven days' notice in writing of his intention to the surveyor; and

(*b*) he has taken such precautions, by shoring and otherwise, as the surveyor thinks proper to prevent the subsidence into such excavation of any portion of any street or way adjoining the same.

If in the opinion of the surveyor the person making the excavation has not taken any or sufficient precautions to prevent such subsidence as aforesaid, the surveyor may take such precautions or further precautions as he deems necessary for that purpose and recover the cost of so doing from the owner of the land on which the excavation is made, in the manner in which fees are recoverable under this Act.

PART IV.

PART IV.

SPECIAL AND TEMPORARY BUILDINGS AND STRUCTURES.

Heading amended by 53, 1940, s. 16 (1).

Application to council for buildings to which rules of Act are inapplicable.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 89.

Cf. 208, 1881, s. 53.

Amended by 1919, 1929, s. 19.

28. (1) Where any person is desirous of erecting on any land of which he is the owner any building or structure to which the general provisions of the second and third schedules are inapplicable, or, in the opinion of the council, inappropriate, having regard to the special purpose for which the building or structure is designed and to be actually used, he shall make an application to the council, accompanied by plans of the proposed building and a block plan of the site, with such particulars as to the construction of the building as are required by the council.

(2) The council, if satisfied with such plans and particulars, shall signify their approval of the same in writing, and thereupon the building may be constructed according to such plans and particulars.

(3) All expenses incurred in and about the obtaining of the approval of the council shall be paid by such person as aforesaid to the council and in default of payment may be recovered in a summary manner. Cf. 208, 1881, s. 57.

29. (1) Where an application is made to the council by any person stating his desire to erect in any place any building or structure of a temporary character to which the general provisions of the second and third schedules are inapplicable, the council shall, if they approve of the plans and particulars of the building or structure, limit the period during which it shall be allowed to remain in the place, and may make their approval subject to such conditions as to the removal of the building or structure, or otherwise, as they think fit. Control by council of certain temporary buildings. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 90.

(2) If at the expiration of the period so limited the building or structure is not removed in accordance with those conditions, the council may serve a notice on the occupier or owner of such building or structure requiring him to remove it within a reasonable time specified in the notice.

(3) If the owner or occupier fails to remove such building or structure within the time so specified, the council shall, notwithstanding the imposition and recovery of any penalty, cause complaint thereof to be made before a justice, who shall thereupon issue a summons requiring such occupier or owner to appear before a special magistrate or two or more justices to answer such complaint; and if the said complaint is proved to the satisfaction of the magistrate or justices, he or they may make an order, in writing, authorizing the council to enter upon the land upon which such building or structure is situated and to remove or take down the same and do whatever may be necessary for such purpose, and also to remove the materials of which the same is composed to a convenient place, and (unless the expenses of the council are paid to them within fourteen days after such removal) sell the same as they think proper.

* * * * * * * * * * * S. 30 repealed by 53, 1940. s. 17.

* * * * * * * * * * * S. 31 repealed by 1919, 1929. s. 21.

32. This Part of this Act shall not apply in the case of a pile, stack, or store of timber, not being a structure affixed or fastened to the ground. Piles of loose timber not regarded as structure. Cf. UK., 20 & 21, Geo. 5, c. clviii., s. 93.

PART V.

PART V.

RIGHTS OF BUILDING AND ADJOINING OWNERS.

Rights of owners of adjoining lands repecting erection of walls on line of junction.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 113 (part).

33. Where lands of different owners adjoin and are unbuilt on at the line of junction, and either owner is about to build on any part of the line of junction, the following provisions shall have effect:—

(1) If the building owner desires to build a party wall on the line of junction, he may serve notice thereof on the adjoining owner, describing the intended wall:

(2) If the adjoining owner consents to the building of a party wall, the wall shall be built half on the land of each of the two owners, or in such other position as is agreed between the two owners:

(3) The expense of the building of the party wall shall be from time to time defrayed by the two owners in due proportion, regard being had to the use made and which may be made of the wall by the two owners respectively:

(4) If the adjoining owner does not consent to the building of a party wall, the building owner shall not build the wall otherwise than as an external wall placed wholly on his own land:

(5) In any case where a party wall is built in pursuance of the provisions of this Part of this Act, the owner of any land so built upon shall grant an easement of support in respect of such wall over the last-mentioned land and appurtenant to the other land upon which the party wall is built, and shall cause such easement to be registered upon the folium of the register book relating to his said land, if the land is under the provisions of The Real Property Act, 1886, or shall cause such easement to be registered in the General Registry Office, if the land is not under such provisions, and the building owner shall bear the expenses of and incidental thereto.

Right to acquire easement for party wall.

Inserted by 1919, 1929, s. 22.

33a. When lands of different owners adjoin and a party wall was at the time of the commencement of this Act on any part of the line of junction and either owner is about to build and use the said wall, the owner of the land upon which the party wall is erected, shall grant an easement of support in respect of the said wall over the said land and appurtenant

to the other land upon which the party wall is built, and shall cause the said easement to be registered upon the folium of the register book relating to the said land, if the land is under the provisions of The Real Property Act, 1886, or shall cause the easement to be registered in the General Registry Office, if the land is not under the said provisions. The building owner shall bear the expenses of registering the said easement and any other expenses incidental thereto.

34. The building owner shall have the following rights, in addition to and without prejudice to any rights he may have under any other Act or at common law, that is to say:—

Rights of building owner.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 114.
Cf. 208, 1881, s. 70.

(1) A right to make good, underpin, or repair any party wall which is defective or out of repair:

(2) A right to pull down and rebuild any party wall which is so far defective or out of repair as to make it necessary or desirable to pull it down:

(3) A right to pull down any timber or other partition which divides any buildings and is not conformable with the provisions of this Act, and to build instead a party wall conformable thereto:

(4) A right to raise and underpin any party wall permitted by this Act to be raised or underpinned, upon condition of making good all damage occasioned thereby to the adjoining premises or to the finishings and decorations thereof, and of carrying up to the requisite height all flues and chimney stacks belonging to the adjoining owner on or against such party wall:

(5) A right to pull down any party wall which is of insufficient strength for any building intended to be built, and to rebuild the same of sufficient strength for that purpose, upon condition of making good all damage occasioned thereby to the adjoining premises or to the finishings and decorations thereof:

(6) A right to cut into any party wall upon condition of making good all damage occasioned to the adjoining premises by such operation:

(7) A right to cut away any footing or any chimney breasts, jambs, or flues projecting, or other projections, from any party wall in order to erect an external wall against such party wall or

external wall, or for any other purpose, upon condition of making good all damage occasioned to the adjoining premises by such operation:

(8) A right to cut away or take down such parts of any wall or building of an adjoining owner as may be necessary in consequence of such wall or building overhanging or encroaching upon the ground of the building owner, in order to erect an upright wall against the same, on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down:

(9) A right to perform any other necessary works incident to the connection of a party wall with the premises adjoining thereto:

But the above rights, numbered (1) to (9) inclusive, shall be subject to this qualification, that any building which has been erected previously to the date of the commencement of this Act shall be deemed to be conformable to the provisions of this Act, if it is conformable with the provisions of the Acts of Parliament regulating buildings in the said State at the time such building was erected:

(10) A right to raise a party fence wall or to pull the same down and rebuild it as a party wall.

Rights of adjoining owner.
Cf. U.K., 20 & 21. Geo. 5. c. clviii., s. 115. Cf. 208, 1881, s. 72.

35. (1) Where a building owner proposes to exercise any of the foregoing rights with respect to party walls, the adjoining owner may by notice require the building owner to build on any such party wall such chimney copings, jambs, or breasts or flues, or such piers or recesses, or any other like works, as may fairly be required for the convenience of such adjoining owner, and are specified in the notice, and it shall be the duty of the building owner to comply with such requisition in all cases where the execution of the required works will not be injurious to the building owner, or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his right.

(2) Any difference that arises between a building owner and an adjoining owner in respect of the execution of any such works shall be determined in the manner in which differences between building owners and adjoining owners are hereinafter directed to be determined.

Rules as to exercise of rights by building and adjoining owners. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 116. Cf. 208, 1881, s. 73.

36. (1) A building owner shall not, except with the consent in writing of the adjoining owner and of the adjoining occupiers, or, in cases where any party wall is dangerous (in which case the provisions of Part VI. of this Act shall apply), exercise any of his rights under this Part of this Act in relation to any party wall, or party fence wall, unless at least six weeks before doing so he has served on the adjoining owner a party wall notice stating the nature and particulars of the proposed work, and the time at which the work is proposed to be commenced.

(2) When a building owner in the exercise of any of his rights under this Part of this Act lays open any part of the adjoining land or building, he shall, at his own expense, make and maintain for a proper time a proper hoarding and shoring or temporary construction for the protection of the adjoining land or building and the security of the adjoining occupier.

(3) A building owner shall not exercise any right by this Act given to him in such manner or at such a time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier.

(4) A party wall notice shall not be available for the exercise of any right unless the work to which the notice relates is begun within six months after the service thereof, and is prosecuted with due diligence.

(5) Within fourteen days after the receipt of such notice, or at any time before building operations are commenced, the adjoining owner may serve on the building owner a notice requiring him to build on such party structure any works to the construction of which he is entitled under section 35.

(6) The last-mentioned notice shall specify the works required by the adjoining owner for his convenience, and shall, if necessary, be accompanied by explanatory plans and drawings.

(7) If either owner does not within fourteen days after the service on him of any notice express his consent thereto, he shall be considered as having dissented therefrom, and thereupon a difference shall be deemed to have arisen between the building owner and the adjoining owner.

Settlement of difference between building and adjoining owners. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 117.

37. In all cases not specially provided for by this Act, where a difference arises between a building owner and an adjoining owner in respect of any matter arising with reference to any work to which any notice given under this Part of this Act relates, such difference shall be referred for decision to the referees referred to in Part VIII. of this

Act, with power, by their award, to determine the right to do and the time and manner of doing any work, and generally any other matter arising out of or incidental to such difference; but any time appointed for doing any work shall not, unless otherwise agreed, commence until after the expiration of the period by this Part of this Act prescribed for the notice in the particular case.

Power for building owner to enter premises.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 118.
Cf. 208, 1881, s. 74.

38. A building owner, his servants, agents, and workmen, at all usual times of working, may enter and remain on any premises for the purpose of executing, and may execute, any work which he has become entitled to or is required in pursuance of this Act to execute, removing any furniture, or doing any other thing which may be necessary; and if the premises are closed, he and they may, accompanied by a constable or other peace officer, break open any fences or doors in order to effect such entry: Provided that before entering on any premises for the purposes of this section the building owner shall, except in the case of emergency, give fourteen days notice of his intention so to do to the occupier and owner, and in case of emergency shall give such (if any) notice as may be practicable.

Building owner to underpin adjoining owner's building.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 119.
Cf. 208, 1881, s. 71.

39. Where a building owner intends to erect within ten feet of a building belonging to an adjoining owner a building or structure any part of which within such ten feet extends to a lower level than the foundations of the building belonging to the adjoining owner, he may, and, if required by the adjoining owner, shall (subject as hereinafter provided) underpin or otherwise strengthen the foundations of the last-mentioned building so far as may be necessary, and the following provisions shall have effect:—

(1) At least one month's notice in writing shall be given by the building owner to the adjoining owner, stating his intention to build, and whether he proposes to underpin or otherwise strengthen the foundations of the said last-mentioned building, and such notice shall be accompanied by a plan and sections showing the site of the proposed building and the depth to which he proposes to excavate:

(2) If the adjoining owner within fourteen days after being served with such notice, gives a counter

s. 39. THE CORPORATION OF THE CITY OF ADELAIDE v. THE ATTORNEY-GENERAL FOR SOUTH AUSTRALIA AND OTHERS (1931) 45 C.L.R. 517; 38 A.L.R. 66.; 3 Austn. Digest 62. The council is not a building owner by virtue of its ownership of the fee simple in a street.

notice in writing that he disputes the necessity of or that he requires such underpinning or strengthening, a difference shall be deemed to have arisen between the building owner and the adjoining owner:

(3) The building owner shall be liable to compensate the adjoining owner and occupier for any inconvenience, loss, or damage which may result to them by reason of the exercise of the powers conferred by this section:

(4) Nothing in this section contained shall relieve the building owner from any liability to which he would otherwise be subject in case of injury caused by his building operations to the adjoining owner.

Security to be given by building and adjoining owners. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 121. Cf. 208, 1881, s. 75.

40. (1) An adjoining owner may, if he thinks fit, by notice in writing, require the building owner (before commencing any work which he may be authorised by this Part of this Act to execute) to give such security as is agreed upon or, in case of difference, is settled by the local court of full jurisdiction nearest to the site of the proposed work, for the payment of all such expenses, costs, and compensation in respect of the work as may be payable by the building owner.

(2) The building owner may, if he thinks fit, at any time after service on him of a party wall requisition by the adjoining owner, and before beginning a work to which the requisition relates, but not afterwards, serve a counter-requisition on the adjoining owner requiring him to give such security for payment of the expenses, costs, and compensation for which he is, or will be liable, as may be agreed upon, or in the case of difference, may be settled as mentioned in subsection (1) hereof.

(3) If the adjoining owner does not within one month after service of such counter-requisition give security accordingly, he shall at the end of that month be deemed to have ceased to be entitled to compliance with his party wall requisition, and the building owner may proceed as if no party wall requisition had been served on him by the adjoining owner.

Rules as to expense in respect of party walls. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 120. Cf. 208, 1881, s. 76.

41. (1) As to expenses to be borne jointly by the building owner and the adjoining owner—

(*a*) if any party wall is defective or out of repair, the expense of making good, underpinning, or repairing the same shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of the structure:

(*b*) if any party wall is pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull it down, the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner may make of the structure:

(*c*) if any timber or other party wall dividing a building is pulled down in the exercise of the right by this Part of this Act vested in a building owner, and a party wall is built instead thereof, the expense of such pulling down and of building such party wall, and also of building any additional party walls that may be required by reason of the partition having been pulled down, shall be borne by the building owner and the adjoining owner in due proportion, regard being had to the use that each owner may make of the party wall and to the thickness required for support of the respective buildings parted thereby.

(2) As to expenses to be borne by the building owner—

(*a*) if any party wall, or any external wall built against another external wall, is raised or underpinned in pursuance of the power by this Part of this Act vested in a building owner, the expense of raising or underpinning the same, and of making good all damage occasioned thereby, and of carrying up to the requisite height all such flues and chimney stacks belonging to the adjoining owner on or against any such party wall or external wall as are by this Part of this Act required to be made good and carried up, shall be borne by the building owner:

(*b*) if any party wall which is of proper materials and sound, or not so far defective or out of repair as to make it necessary or desirable to pull it down, is pulled down and rebuilt by the building owner, the expense of pulling down and rebuilding the same, and of making good any damage by this Part of this Act required to be made good, and a fair allowance in respect of the disturbance and inconvenience caused to the adjoining owner, shall be borne by the building owner:

(*c*) if any party wall is cut into by the building owner, the expense of cutting into the same and of making good any damage by this Part of this Act required to be made good shall be borne by such building owner:

(*d*) if any footing, chimney breast, jamb, or floor or any projection is cut away in pursuance of the powers by this Part of this Act vested in any building owner, the expense of such cutting away and of making good any damage by this Part of this Act required to be made good shall be borne by the building owner: Amended by 1919, 1929, s. 23 (a).

(*e*) if any party fence wall is raised for a building, the expense of raising such wall shall be borne by the building owner:

(*f*) if any party fence wall is pulled down and built as a party wall the expense of pulling down such party fence wall and building the same as a party wall shall be borne by the building owner:

Provided that if at any time the adjoining owner makes use of any party wall (or any part thereof) raised or underpinned as aforesaid, or of any party fence wall pulled down and built as a party wall (or any part thereof), beyond the use thereof made by him before the alteration, there shall be borne by the adjoining owner from time to time a due proportion of the expense (having regard to the use that the adjoining owner may make thereof)— Amended by 1919, 1929, s. 23 (b).

I. of raising or underpinning such party wall or external wall, and of making good all damage occasioned thereby to the adjoining owner, and of carrying up to the requisite height all such flues and chimney stacks belonging to the adjoining owner on or against any such party wall or external wall as are by this Part of this Act required to be made good and carried up:

II. of pulling down and building such party fence wall as a party wall.

42. Within one month after the completion of any work which a building owner is by this Part of this Act authorized or required to execute, and the expense of which is in whole or in part to be borne by an adjoining owner, the building owner shall deliver to the adjoining owner an account in writing of the particulars and expense of the work, specifying any deduction to which such adjoining owner or other Account of expenses to be delivered to adjoining owner. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 122, 208, 1881, s. 77.

person may be entitled in respect of old materials, or in other respects; and every such work shall be estimated and valued at fair average rates and prices, according to the nature of the work and the locality and the market price of materials and labour at the time.

Adjoining owner may object to account.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 123, 208, 1881, s. 78.

43. (1) At any time within one month after the delivery of the said account the adjoining owner, if dissatisfied therewith, may declare his dissatisfaction to the building owner by notice in writing, specifying his objection thereto, and thereupon a difference shall be deemed to have arisen between the parties, and such difference shall be determined in manner hereinbefore in this Part of this Act provided for the settlement of differences between building and adjoining owners.

Building owner may recover if no objection made.
Cf. U.K, 20 & 21, Geo. 5, c. clviii., s. 124, 208, 1881, s. 79.

(2) If within the said period of one month the adjoining owner does not declare in the said manner his dissatisfaction with the account, he shall be deemed to have accepted the same, and shall pay the same on demand to the party delivering the account, and if he fails to do so, the amount so due may be recovered as a debt.

Structure to belong to building owner until contribution paid.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 125, 208, 1881, s. 80.

44. Where the adjoining owner is liable to contribute to the expenses of building any party wall, then, until such contribution is paid, the building owner at whose expense the same was built shall stand possessed of the sole property in the structure.

Adjoining owner liable to expenses incurred on his requisition.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 126, 208, 1881, s. 81.

45. The adjoining owner shall be liable for all expenses incurred on his requisition by the building owner, and in default of payment thereof the same may be recovered from him as a debt.

Saving for lights in party walls, etc.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 127.

46. Nothing in this Act shall authorize any interference with an easement of light or other easement in or relating to a party wall, or take away, abridge, or prejudicially affect any right of any person to preserve or restore any light or other thing in or connected with a party wall in case of the party wall being pulled down or rebuilt.

PART VI.

DANGEROUS AND NEGLECTED STRUCTURES.

Heading amended by 53, 1940, s. 18 (1).

Meaning of "structure."

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 128.

47. (1) In this part of this Act the expression "structure" includes any building, wall, or other structure, and anything affixed to, against, or projecting from any building, wall, or other structure, and also includes any sky sign.

Amended and subsec. (2) inserted by 53, 1940, s. 19.

(2) The provisions of this Part shall apply to any structure whether erected before or after the commencement of this Act.

Heading inserted by 53, 1940, s. 18 (2).

Dangerous Structures.

Survey to be made of dangerous structures.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 129.

Cf. 208, 1881, s. 59.

Amended by 53, 1940, s. 20.

48. (1) In the case of any structure in a dangerous state, the surveyor shall, on it becoming known to him, make a survey of such structure.

(2) It shall be lawful for the surveyor, at any time, to enter into or upon any structure, or upon any land upon which any structure is situated, for the purpose of making a survey of such structure.

Notice by surveyor.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., ss. 131, 132.

Substituted by 53, 1940, s. 21.

49. (1) If after completing the survey, the surveyor is satisfied that the structure is in a dangerous state, he shall cause notice to be given to the owner or occupier of the structure requiring him to carry out any works specified in the notice, to the satisfaction of the surveyor, and within the time specified in the notice. The said notice may require the owner or occupier to carry out any one or more of the following, namely, to take down, to secure, to make safe, or to repair the structure.

(2) If the surveyor is of opinion that the structure is in a dangerous state by reason of the overloading of the structure, he shall cause notice to be served on the owner or occupier of the structure requiring him forthwith to remove the load or such portion thereof as is necessary to make safe the structure.

(3) If in the opinion of the surveyor any structure is in a dangerous state, the surveyor may, whether notice as aforesaid has been given to the owner or occupier or not, cause the structure to be shored up or otherwise secured, and a proper hoarding or fence to be put up for the protection of the public.

Proceedings to enforce compliance with notice.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 133.
Cf. 208, 1881, s. 62.
Amended by 53, 1940, s. 22.

50. If the owner or occupier on whom the notice is served fails to comply with the notice as speedily as the nature of the case permits or, if any time is specified in the notice, within the time so specified, the council may make complaint thereof before a justice, who shall thereupon issue a summons requiring such owner or occupier to appear before a special magistrate or two justices to answer such complaint, and if the said complaint is proved to the satisfaction of the magistrate or justices, he or they may order the owner to take down, repair, or otherwise secure to the satisfaction of the surveyor the structure or such part thereof as appears to the magistrate or justices to be in a dangerous state, within a time to be fixed by the order; and if the same is not taken down, repaired, or otherwise secured within the time so limited the council may, with all convenient speed, cause all or so much of the structure as is in a dangerous condition to be taken down, repaired, or otherwise secured in such manner as may be requisite:

Provided that if the owner of the structure disputes the necessity of any of the requisitions comprised in the notice he may, by notice in writing, within seven days from the service of the notice upon himself, require that the subject shall be referred for determination to the referees provided for in Part VIII. of this Act.

Court may make order notwithstanding arbitration.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 134.

51. Notwithstanding any such notice requiring arbitration as aforesaid, any special magistrate or two justices, on complaint by the council, may, if of opinion that the structure is in such a dangerous condition as to require immediate treatment, make any order which such magistrate or justices may think fit with respect to the taking down, repairing, or otherwise securing the structure.

Expenses.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 135.
Cf. 208, 1881, ss. 62, 67.

52. (1) All expenses incurred by the council in relation to the obtaining of any order as to a dangerous structure and carrying the same into effect under this Part of this Act, or carrying out any work under this Part of this Act, shall be paid by the owner of the structure, but without prejudice to his right to recover the same from any person liable to the expenses of repairs.

(2) If the owner cannot be found, or if on demand he refuses or fails to pay the said expenses, the council, after the expiration of three months from the service on him, in manner prescribed by section 97, of notice of their intention so to do, may, if in their discretion they think fit, sell the

structure; but they shall, after deducting from the proceeds of the sale the amount of all expenses incurred by them, pay the surplus (if any) to the owner, on demand.

Provision respecting sale of dangerous structures. U.K., 20 & 21, Geo. 5, c. clviii., s. 136.

53. Where under this Part of this Act any dangerous structure is sold for payment of the expenses incurred in respect thereof by the council the purchaser, his agents and servants, may enter upon the land whereon the structure is standing for the purpose of taking down the same and removing the materials of which it is constructed.

Recovery of expenses. U.K., 20 & 21, Geo. 5, c. clviii., s. 138.

54. If the materials are not sold by the council, or if the proceeds of the sale are insufficient to defray the said expenses, the council may recover the expenses or the balance thereof from the owner of the building, together with all costs in respect thereof, in a summary manner.

Power to remove inmates from dangerous structures. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 139. Cf. 208, 1881, s. 68.

55. Where a structure has been certified by the surveyor to be dangerous to its inmates, a justice may, if satisfied of the correctness of the certificate, upon the application of the council, by order, direct that any inmates of such structure be removed therefrom by a constable or other peace officer, and if they have no other abode he may require that they be received into the Destitute Asylum, or other place established for the reception of the destitute poor in the place in which the structure is situate.

Neglected Structures.

Removal of dilapidated and neglected buildings. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 140. Cf. U.K., 26 Geo. 5, and 1 Edw. 8, c. 49, s. 58.

56. (1) The surveyor may, for the purpose of this section, at all times in the day-time, enter into or upon any structure or upon any land upon which any structure is situated.

(2) If, after inspection of any structure, the surveyor is satisfied that any structure is—

(*a*) ruinous; or

(*b*) so far dilapidated as to have become unfit for use or occupation; or

(*c*) by reason of neglect or otherwise, in a bad state of repair,

Subsecs. (1) and (2) substituted and subsec. (2a) inserted by 53, 1940, s. 23.

the surveyor may cause notice to be given to the owner or occupier of the structure requiring him to carry out the works specified in the notice, to the satisfaction of the surveyor and within the time specified in the notice. The said notice may require the owner or occupier to carry out any one or more of the following, namely, to take down, to rebuild, or to repair the structure.

(2*a*) If the owner or occupier on whom the notice is served fails to comply with the notice, the council may make complaint thereof before a justice, who shall thereupon issue a summons requiring the owner or occupier to appear before a special magistrate or two justices to answer the complaint. If the said complaint is proved to the satisfaction of the magistrate or justices, he or they may order the owner to take down, rebuild, or repair, to the satisfaction of the surveyor, the structure within a time to be fixed by the order; and if the same is not taken down, rebuilt, or repaired, within the time so limited, the council may, with all convenient speed, cause the structure to be taken down, rebuilt, or repaired, as the case may be: Provided that if the owner of the structure disputes the necessity of any of the requisitions comprised in the notice he may, by notice in writing, within seven days from the service of the notice upon himself, require that the subject shall be referred for determination to the referees provided for in Part VIII. of this Act.

(3) Where the order directs the taking down of a neglected structure or any part thereof the council, in executing the order, may remove the materials to a convenient place, and (unless the expenses of the council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same, if and as they in their discretion think fit.

(4) All expense incurred by the council under this section in relation to a neglected structure may be deducted by the council out of the proceeds of the sale, and the surplus (if any) shall be paid by the council on demand to the owner of the structure; and if such neglected structure, or some part thereof, is not taken down, and such materials are not sold by the council, or if the proceeds of the sale are insufficient to defray the said expenses, the council may recover such expenses or the deficiency from the owner of the structure, together with all costs in respect thereof in a summary manner, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Supplemental as to Dangerous and Neglected Structures.

Further provision for enforcing repayment of expenses incurred by council.
U.K., 20 & 21 Geo. 5, c. clviii., s. 141.

57. (1) Where the council have incurred any expenses in respect of any dangerous or neglected structure, and have not been paid or have not recovered the same, any special magistrate or two justices, on complaint by the council, may make an order fixing the amount of such expenses and the costs of the proceedings before such magistrate or justices, and directing that no part of the land upon which such

dangerous or neglected structure stands, or stood, shall be built upon, or that no part of such dangerous or neglected structure, if repaired or rebuilt, shall be let for occupation, until after payment to the council of the said amount; and thereupon, and until payment to the council of the said amount, no part of such land shall be built upon, and no part of such dangerous or neglected structure so repaired or rebuilt shall be let for occupation.

(2) Every such order shall be made in duplicate, and one copy of such order shall be delivered to and shall be retained by the clerk of the local court nearest to the said structure, and the other copy shall be kept at the office of the surveyor.

(3) The surveyor shall keep in his office a register of all orders made under this section, and shall keep the same open for inspection by all persons at all reasonable times, and any such order not entered in such register within thirty days after the making thereof shall cease to be of any force. No property shall be affected by any such order unless and until such order is entered in such register.

PART VII.

SURVEYORS.

Power for council to appoint surveyors. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 152. Cf. 208, 1881, ss. 36 and 58.

58. (1) The council, for the purpose of aiding in the execution of this Act, shall appoint some fit person to be called the "building surveyor" (herein referred to as "the surveyor"), and may appoint such inspecting officers and such clerks as they think fit. All such appointments shall be during the pleasure of the council.

Amended by 53, 1940, s. 24.

(2) Such surveyor, inspecting officers, and clerks shall perform such duties as the council direct.

(3) There shall be paid to the surveyor, inspecting officers, and clerks such salaries or fees as the council direct.

(4) Subject to the foregoing provisions of this section, and to the council's power of dismissal, the persons who at the commencement of this Act hold office as the surveyor, inspecting officers, and clerks shall continue to be the surveyor, inspecting officers, and clerks respectively under this Act.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 160.

(5) If any building or structure is executed, or any work is done to, in, or upon any building or structure, by or under the superintendence of the surveyor, acting professionally or on his own private account, the surveyor shall not survey such building or structure for the purposes of this Act, or act as the surveyor in respect thereof, or in any matter connected therewith; but it shall be his duty to give notice to the council, who shall then appoint some other person to be the surveyor and to act in respect of the matter.

Buildings to be supervised by the surveyor.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 154.
Cf. 208, 1881, s. 35.

59. Subject to the provisions of this Act and to the exemptions in this Act mentioned, every building or structure and every work done to, in, or upon any building or structure, and all matters relating to open spaces about buildings shall be subject to the supervision of the surveyor.

Powers of council as to surveyor.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 155.

60. The council shall have the following powers with regard to the surveyor, inspecting officers, and clerks, that is to say:—

(*a*) They may dismiss or suspend the surveyor, or any inspecting officer or clerk, and in case of any suspension or during any vacancy may appoint a temporary substitute and pay him such remuneration as they think proper:

(*b*) On a vacancy occurring in the office of surveyor, inspecting officer, or clerk, they may appoint another qualified person in his place:

(*c*) Where, on account of the pressure of business or on any other account, the surveyor or any inspecting officer or clerk cannot discharge his duties promptly and efficiently, they may appoint some other person to assist in the performance of his duties and pay him such remuneration as they think proper.

Surveyor to have an office.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 157.

61. The council shall provide and maintain an office for the surveyor.

Power of entry to inspect buildings.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 166.
Cf. 208, 1881, s. 42.

62. The surveyor at all reasonable times during the progress and after the completion of any building, structure, or work affected by any of the provisions of this Act, or by any terms or conditions on which the observance of any such provisions may have been dispensed with, may enter and inspect such building, structure, or work, and any premises where it is situated.

In case of emergency works may be commenced without notice.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 167.
Cf. 208, 1881, s. 43.

63. Where, by reason of any emergency, any act or work is required to be done immediately or before notice can be given as required by this Act, such act or work may be done on condition that before the expiration of twenty-four hours after it has been begun, notice thereof is served on the surveyor.

Notice by surveyor in case of irregularity.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 169.
Cf. 208, 1881, ss. 44, 45.

64. In any of the following cases, that is to say—

(*a*) where, in erecting any building or structure, or in doing any work to, in, or upon any building, anything is done in contravention of this Act, or anything required by this Act is omitted to be done; or

(*b*) where the surveyor, on surveying or inspecting any building or work in respect of which notice has not been served as required by this Act, finds that the same is so far advanced that he cannot ascertain whether anything has been done in contravention of this Act, or whether anything required by this Act has been omitted to be done;

the surveyor may serve on the builder engaged in erecting such building or structure, or in doing such work, a notice (hereinafter referred to as a notice of irregularity) requiring him within forty-eight hours from the date of notice to cause anything done in contravention of this Act to be amended; or to do anything required to be done by this Act which has been omitted to be done; or to cause so much of any building, structure, or work as prevents the surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into, laid open, or pulled down.

Notice of irregularity after completion of building.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 170.

65. (1) Notwithstanding that a building or structure has ceased to be in charge of or under the control of the builder, a notice of irregularity to the effect stated in section 64 may, at any time during the erection of such building or structure, or within three months after the completion thereof, be served on the builder, or on the owner or occupier thereof, or other the person causing or directing or who has caused or directed the work, instead of or in addition to the builder (if any).

(2) When the owner of a building or structure does not allow the builder to comply with the requisition of a notice of irregularity served on the builder and the builder serves notice on the surveyor to that effect, a notice of irregularity to the effect above mentioned may, at any time within fourteen

days after service of the notice by the builder on the surveyor, be served on the owner or occupier of the building or structure, or other the person causing or directing or who has caused or directed the work.

Summary proceedings on non-compliance with notice.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 171.
Cf. 208, 1881, s. 46.

66. (1) If the person on whom a notice of irregularity is served makes default in complying with that notice within the period named therein, a special magistrate or two justices, on complaint by the surveyor, may make an order on such person, requiring him to comply with the notice, or with any requisitions therein which in the opinion of the magistrate or justices are authorised by this Act, within a time named in the order.

(2) If the order is not complied with, the surveyor may, after giving seven days' notice to such person, enter with a sufficient number of workmen upon the premises and do all such things as may be necessary for enforcing the order, and for bringing any building, structure, or work into conformity with the provisions of this Act, and all expenses incurred by the surveyor in so doing may be recovered in a summary way, either from the person on whom the order was made or from the owner of the premises.

Rights of owner preserved.
U.K., 20 & 21, Geo. 5, c. clviii., s. 170 (4).

67. Nothing in section 64, 65, or 66 shall prejudice any remedy of the owner or occupier of a building or structure or any other person against the builder of such building or structure.

Register to be kept.

68. A register shall be made up and kept in the surveyor's office of all plans submitted for the approval of the surveyor, and of all building notices received by the surveyor. Such register shall set out the description, locality, and contract price of all new buildings, alterations, or additions indicated on such plans, and the amount of fees chargeable thereon, and the date of receipt of such plans and building notices, and such other information as the council direct.

PART VIII.

BUILDING REFEREES.

Appointment of referees. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 196. Cf. Vic., 2847, 1916, s. 3.

69. (1) For the purposes of this Act two persons may be appointed as referees in respect of any municipality or district. One of such referees shall be appointed by the council and the other by the Minister.

(2) Every person so appointed—

Amended by 1919, 1929, s. 25.

(*a*) shall be an architect, civil engineer, or building surveyor of known ability; and

(*b*) shall not be a member or officer of the council.

(3) Subject to this Act, the council or the Minister (as the case may be) may remove any referee appointed under this section and appoint another qualified person in his place.

Inserted by 1919, 1929, s. 25.

(4) In any case where the Minister by notice in writing by post requires a council to appoint a referee under this section and within one month after the giving of the notice the council fails to appoint a referee, a referee appointed by the Minister for the municipality or district in question shall, until such time as the council appoints a referee, be the sole referee for that municipality or district and shall have and may exercise all the powers given by this Act to referees. Upon the council appointing a referee the referees appointed by the Minister and the council shall have and may exercise the powers given by this Act to referees.

Referee not to act when interested. Cf. Vic., 2847, 1916, s. 4.

70. (1) A referee shall not act as such with respect to any building of which he is the owner, architect, or builder, or in which he is in any manner, whether directly or indirectly, interested.

(2) In the event of any referee being so disqualified, the council or the Minister (as the case may be) shall appoint another qualified person to act in such matter instead of such referee.

Duties of referees. Cf. Vic., 2847, 1916, s. 5.

71. The referees—

(*a*) shall perform the several duties respectively imposed upon them, whether expressly by this Act or at the instance of any builder or owner who requires any matter to be referred to them as provided in this Act;

(*b*) subject to this Act, shall determine any matters arising for their determination; and

(*c*) subject to and for the purposes of this Act, shall have and may exercise the powers of arbitrators under the Arbitration Act, 1891.

Jurisdiction of referees defined.
Cf. U.K., 26 Geo. 5, and 1 Edw. 8, c. 49, s. 67. Vic., 2847, 1916, s. 6.

72. If any doubt, difference, or dissatisfaction in respect of any matter as to which provision is made by or under this Act arises between any parties concerned, or between any party and the surveyor, as to—

(*a*) any act done or to be done in pursuance of this Act;

(*b*) the effect of the provisions of this Act in any case;

(*c*) the mode in which the provisions and directions of this Act are or ought to be carried into effect;

(*d*) whether the requirements implied in terms of qualification applied to sites, to soils, to materials, or to workmanship or otherwise, and denoting good, sound, fire-proof, fit, proper, or sufficient, are fulfilled in certain cases;

(*e*) the expenses to be borne by the respective owners of premises parted by the same party walls or the proportions thereof;

(*f*) the proportions of the expense to be borne by the occupier or by the owner of premises in respect of any works executed; or

(*g*) any other matter whatever,

any party concerned may require the referees on appeal to determine such matter, upon a requisition by notice in writing to the clerk setting forth, either generally or otherwise, the matters in respect of which the determination of the referees is required.

Differences of opinion
Cf. Vic. 2847, 1916, s. 7.

73. (1) The determination of the referees shall be final and conclusive; but where the referees differ in opinion as to any matter, the same shall be referred by them to the final arbitrament and decision of an umpire, who shall be some qualified person appointed by the referees.

(2) For the purposes of this Act such umpire shall have and may exercise all or any of the powers of the referees, or either of them, and the provisions of this Act with regard to referees shall, so far as applicable and with such alterations, modifications, and substitutions as are necessary, extend and apply to any such umpire.

(3) No member or officer of the council shall be appointed an umpire.

Referee acting singly. Vic. 2847, 1916, s. 8.

74. (1) When any matter is by this Act required, directed, or permitted to be done by the referees, the same may be done by either of them with the assent of all the parties thereto unless express provision to the contrary is made; and if done by either of them with such assent it shall be as valid and effectual as if done by both of them.

(2) Subject to such restrictions and regulations as are made in that behalf by the council, the referees may appoint one of their number under their hands and the seal of the clerk to make any inquiry or any survey which appears to them either necessary or expedient in order to enable them to determine any matters in reference.

Power to modify building regulations in special cases. Vic. 2847, 1916, s. 9.

75. (1) Where in the case of any particular building proposed to be altered or erected the owner or builder or architect thereof lodges with the surveyor an objection in writing to the effect that with respect to that building any of the provisions of this Act, are inapplicable or will needlessly affect with injury the course and operation of business or will defeat the objects of this Act, and that by the adoption of a modification of such provisions such objects will be attained either better or as effectually, the objection shall be considered by the surveyor and the referees.

Amended by 53, 1940, s. 25.

(2) If after consideration of the objection by the surveyor and the referees, any two or more of those persons are of the opinion that the objection is well founded they may direct with respect to such building such modification of any such provision to be made as will give effect to the purposes of this Act.

Powers not revocable save by consent of parties. Cf. Vic. 2847, 1916, s. 10. Amended by S.L.R. Act, 1935.

76. The power and authority of the referees shall not be revocable by any party to any matter without the consent of all the parties thereto; and although any party does not attend upon the hearing of any matter, the referees may proceed with the same and make their award.

Referees to keep minutes, etc. Vic., 2847, 1916, s. 11.

77. The referees shall—

(*a*) keep proper minutes of all their proceedings; and

(*b*) lodge the same or true copies thereof certified under their hands with the clerk.

Awards. Vic. 2847, 1916, s. 12.

78. (1) Every award of the referees shall be given in writing and shall be signed by the referees and lodged with the clerk and shall be filed by him in the office of the council.

(2) Every such award—

(*a*) may by leave of the Supreme Court or a Judge thereof be enforced in the same manner as a judgment or order of the said court to the like effect; and

(*b*) shall, together with the costs, charges, and expenses of the reference, be binding and conclusive against the parties thereto and all persons whomsoever.

(3) Any person, on payment to the clerk of a fee of two shillings and sixpence, may inspect any such award and take a copy thereof or make any extracts therefrom.

(4) In any proceedings in any court or before any Judge or justice a copy of an award of the referees signed by the referees or sealed with the seal of the council shall be *prima facie* evidence of the matters therein contained.

Fees payable to referees.
Vic., 2847, 1916, s. 13.

79. (1) Every referee shall receive for his own use and benefit a fee of two guineas for his time and trouble in determining any reference, objection, or appeal made under this Act, whether in conjunction with the surveyor or not.

(2) Such fee shall be paid in the first instance by the party making, lodging, or demanding the reference, objection, or appeal before the same is entered upon, considered, or decided.

Declaration of referees.
Vic. 2847, 1916, s. 14.

80. Before any referee acts in pursuance of his appointment he shall make the following declaration, to be administered by a Judge of the Supreme Court or a special magistrate:—

I, A.B., do solemnly and sincerely declare that I will diligently, faithfully, and impartially execute the duties of a referee under the Building Act, 1923.

Duties of clerk of the council as to referees.
Vic., 2847, 1916, s. 15.

81. The clerk shall—

(*a*) keep a register of all matters referred to the referees or which come under their cognisance in pursuance of this Act;

(*b*) keep and preserve all documents connected with the duties of the referees; and

s. 78. (2). CORPORATION OF THE CITY OF ADELAIDE v. FOY AND GIBSON PROPRIETARY LIMITED (1930) S.A.S.R. 170; 3 Austn. Digest 39. Held that no order would be made for the enforcement of the terms of an award where the reference to the referees was a reference as to the effect of the Act in respect of works proposed to be done. As to the consequences of such an award.

(*c*) receive all notices provided for pursuant to this Act requiring any act to be done by the referees and file and number the same in the order in which they are received.

PART IX.

PART IX.

BY-LAWS AND REGULATIONS.

DIVISION I.

DIVISION I.—BY-LAWS.

Power to council to make by-laws. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 184.

82. (1) Subject to the provisions of this Act, the council may make such by-laws as they may think expedient for the better carrying into effect of the objects and powers of this Act with respect to the following matters or any of them, that is to say:—

(*a*) The prohibition or regulation of lamps, signs, signboards, advertisements, or (and) other structures or things overhanging or near the public street or way:

(*b*) The prohibition or regulation of the erection, repair, and removal of porticoes, verandahs, balconies, awnings, and similar structures over the public street or way, and the materials, height, and construction of the same:

(*c*) Compelling the owner or occupier of any building to which a balcony, portico, or verandah over the public street or way is attached to keep the same properly painted and repaired, and the floors and roof thereof watertight and free from rubbish, and providing in default thereof power for the council to do the work and to recover the cost from such owner or occupier:

(*d*) The regulation of the use of the roofs of such porticoes, verandahs, or balconies for viewing processions or sights in the public streets or ways:

(*e*) The prohibition or regulation of the use over or near the public street or way, in connection with the erection, repair, alteration, or removal of buildings and other structures, of cranes and hoists worked by steam, electric, hydraulic, or other power, and machines, boilers, and other apparatus and contrivances:

Amended by 1919, 1929, s. 26, and 2156, 1934, s. 898 (2).

(*f*) The prohibiting, within localities defined by such by-laws, of the erection, construction, or alteration of or addition to any buildings or structures, except buildings or structures of classes or descriptions permitted by such by-laws and in any case where any such by-law is made with respect to any locality, the prohibiting of the use of any land within the locality to which any such by-law applies in any manner or for any use prohibited by the by-law:

Amended by 1919, 1929, s. 26.

(*g*) The prohibiting of the erection, construction, or alteration of, or addition to buildings and structures of specified classes or descriptions, elsewhere than within localities permitted by such by-laws:

(*h*) The fixing of the building line for any class or classes of buildings with reference to the street alignment:

Inserted by 53, 1940, s. 26 (a).

(*h*1) For prescribing the minimum area of allotments of land upon which dwelling-houses of any specified class or description may be erected and the open spaces which shall be provided in respect of such dwelling-houses: Provided that no such minimum area or open space shall be less than the area or the open space which under the provisions of the second schedule is required to be provided in respect of such dwelling-houses:

Amended by 53, 1940, s. 26 (b).

(*i*) The fees to be paid to the council by the builder or by the owner or occupier of any building or structure to which this Act applies: Provided that the fees so prescribed in respect of any matter shall not exceed the fees prescribed for that matter by the eighth schedule:

(*j*) Any other matter or thing in respect of which it is by this Act provided or contemplated that the council shall or may make by-laws.

(2) Any by-law may impose for any breach thereof, or of any other by-law made by the council under this Act, a penalty not exceeding twenty pounds and a further penalty not exceeding two pounds for every day during which such offence continues after conviction; and such penalties may be recovered in a summary manner.

Inserted by 53, 1940, s. 26 (c).

(2*a*) If any by-law is made pursuant to paragraph (*f*) or (*g*) of subsection (1) and the Minister is of opinion that the effect or operation of the by-law will affect any municipality or district other than that of the council by which the by-law

is made, the Minister may, before submitting the by-law to the Governor, refer the by-law to the council of such other municipality or district. The Minister shall consider any representations made as to the by-law by such council.

(3) Any by-laws may be made to apply only to particular parts of the municipality or district.

(4) The council may provide by any by-law that, in any case in which the council think it expedient, they may dispense with the observance of any by-law on such terms and conditions (if any) as they think proper.

(5) All by-laws made pursuant to this section shall be made in manner prescribed by and be subject to the provisions of Division I. of Part XXXIX. of the Local Government Act, 1934. Substituted by 2156, 1934, s. 898 (2).

(6) The production of the *Government Gazette* purporting to contain a copy of any by-law shall be conclusive evidence of the contents and the due making of such by-law, and shall be *prima facie* evidence of the validity thereof.

DIVISION II.—REGULATIONS.

Governor may make regulations.

83. (1) The Govenor may make regulations prescribing all matters and things which may be necessary or convenient for giving effect to the provisions and objects of this Act, and in particular (without derogating from his general power) he may make regulations with respect to any or all of the following matters, that is to say:—

(*a*) The forms of notices, applications, and other documents to be used for the purposes of this Act, and other like matters of procedure:

(*b*) For regulating the plans and levels of sites for new buildings:

(*c*) Foundations and sites of buildings and other erections:

(*d*) The mode in which, and the materials with which such foundation and sites are to be made, excavated, filled up, prepared, and completed, for securing stability and for purposes of health:

(*e*) The protection of ironwork and other metal work used in the construction of buildings from the action of fire:

(*f*) Woodwork in external walls:

(*g*) The description and quality of the substances of which plastering may be made:

(*h*) The mode in which, and the materials with which, any excavation made within a line drawn outside the external walls of a house, building, or other erection, and at a uniform distance therefrom of three feet, shall be filled up:

(*i*) The procedure and forms for obtaining the approval of the council or the surveyor of plans and other matters:

Inserted by 53, 1940, s. 27 (a).

(*j*) Prescribing educational and professional qualifications for persons employed as building surveyors by councils; constituting and providing for the appointment of a committee or other body for the purpose of examining persons and granting certificates of competency to persons passing such examinations or who are otherwise qualified therefor; prescribing the mode of determining such qualifications and obtaining recognition therefor in other States of Australia; providing for the cancellation of such certificates and the grounds upon and the manner in which such cancellation may be effected; and providing that after a day fixed in the regulations no person shall be employed as a building surveyor who does not hold such a certificate which is in force: Provided that if at the day fixed as aforesaid, any person holds the office of building surveyor under any council, the regulations shall not in anywise affect the office of that person under that council: Provided further that the regulations may provide that any committee constituted pursuant to regulations made under the Local Government Act, 1934-1939, to examine and grant certificates of competency to engineers and surveyors employed by councils, shall be the body to conduct examinations and grant certificates pursuant to the regulations made under this Act.

Amended by 1919, 1929, s. 27, and by 53, 1940, s. 27 (b).

(2) The Governor may also make regulations revoking, altering or adding to any of the provisions contained in the second, third, fourth, sixth, seventh, or eighth schedules, and the said schedules shall be read as so amended.

(3) Any regulation made under this section may be limited to any specified municipality or district or to any specified part thereof or to any specified class of buildings therein.

(4) Any regulation may include a reference to any specification or code of the Standards Association of Australia or of any other association or body which is promulgated at the time of the making of the regulation, and may provide that anything to be done in connection with any building or structure shall be done in accordance with and shall comply with the provisions of any such specification or code.

Inserted by 53, 1940, s. 27 (c).

PART X.

PART X.

LEGAL PROCEEDINGS.

84. Every person shall, for every act or default contrary to any provision of this Act, be guilty of an offence and be liable to a penalty not exceeding fifty pounds and, where the offence is of a continuing nature, to a further penalty not exceeding two pounds for each day while such offence is continued after written notice in that behalf by the surveyor.

Penalty for non-compliance with requirements of Act.

Amended by 1919, 1929, s. 28.

85. (1) Notwithstanding the imposition or recovery of any penalty under this Act, if any building, wall, or other thing after the commencement of this Act is erected, constructed, or altered, or is used, kept, continued, or suffered to remain, wholly or partially contrary to any of the provisions of this Act, the surveyor may, by notice in writing under his hand, require the owner (or the occupier, if the owner is unknown or cannot be found) within a time to be limited in the notice to put the building, wall, or other thing in a state and condition conformable to this Act or else to pull down and remove the same.

Remedy in addition to penalty.

Cf. U.K., 26 Geo. 5, and 1 Edw. 8, c. 49, s. 65.

(2) If such owner or occupier does not, within the time limited by the said notice, make the building, wall, or other thing conformable to the provisions of this Act, or if no owner or occupier can be found on whom to serve such notice, the surveyor shall report the matter to the council, and the council may thereupon cause all or so much of the building, wall, or other thing as in its opinion is not conformable to the provisions of this Act to be taken down, rebuilt, or re-erected in such manner as may be requisite, and all the expenses of so doing shall be paid by the owner and may be recovered in any court of competent jurisdiction.

(3) If any building, wall, or other thing as aforesaid, or any part of the same, is taken down, rebuilt, or re-erected as aforesaid, the council may sell the materials thereof or so much of the same as has been taken down and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, wall, or other thing, and the council shall restore any overplus arising from such sale to the owner of the building, wall, or other thing on demand.

Penalty for obstructing fire doors.
Inserted by 1919, 1929, s. 29, and amended by 53, 1940, s. 28.

85a. Any person who obstructs or causes the obstruction of any fire door in any party-wall or other wall or of any door opening on to any fire escape shall be liable to a penalty not exceeding ten pounds.

Summary proceedings for offences, etc., and recovery of penalties.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 187.

86. (1) All offences, penalties, fees, costs, and expenses against or under this Act, directed to be prosecuted or recovered in a summary manner, or the prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered before any special magistrate or two or more justices in manner provided by the Justices Act, 1921, or any other Act for the time being in force regulating summary proceedings before justices.

(2) All convictions and orders made by any such magistrate or justices in such proceedings may be enforced as provided by the said Act or any other Act.

Application of penalties.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 190.

87. All fines and penalties imposed or inflicted for any offence against this Act shall be paid to the council of the municipality or district within which the offence was committed for the use of the municipality or district.

Local court and justices may make orders.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 189 (1). 208, 1881, s. 88.

88. Where jurisdiction is by this Act given to a local court, or to a magistrate or justice or justices, it, he, or they may settle the time and manner of executing any work, or of doing any other thing, and may put the parties to the case upon such terms with respect to the execution of the work as it, he, or they think fit. Such court, magistrate, justice, or justices shall also have power to award or refuse costs according to the circumstances, and to settle the amount thereof, and the amount of the costs awarded may exceed ten pounds.

Proceedings in local courts.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 89.

89. Proceedings in any local court in respect of any matter arising under this Act shall be conducted in the same manner as proceedings are conducted in any ordinary case within the jurisdiction of such court, or as near thereto as circumstances permit; and orders made by such courts shall for all

purposes be deemed to be judgments of the said court, and may be enforced by execution or otherwise in a similar manner to that in which the judgments of such court are ordinarily enforced; and in all cases where the judgment of such court is to do some act other than the payment of money, any neglect to perform such act within the time limited in such judgment shall subject the person ordered to do such act to a penalty of five pounds for every day until such act is performed.

Appeal from local court.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 189 (2). 208, 1881, s. 90.

90. In any case over which jurisdiction is by this Act given to a local court there shall be an appeal against any decision or order of such court to the Supreme Court, in the same manner and upon the same terms in and upon which there is an appeal from the decision of such court in any case within the ordinary jurisdiction of such court, or as near thereto as circumstances permit; but no such appeal shall be allowed unless the value of the matter in difference between the parties exceeds thirty pounds; and the opinion of the court before which the case is tried as to such value shall be conclusive.

Appeal from justices to Supreme Court.
208, 1881, s. 93.

91. In every case in which jurisdiction is by this Act given to a special magistrate or a justice or justices there shall be an appeal from any conviction, order of dismissal, or other order made by him or them to the Supreme Court.

Council not to be proceeded against until after notice.
Cf. 208, 1881, s. 95.

92. No writ or process shall be sued out against the council or the surveyor or other officer for anything done or intended to be done under the provisions of this Act until after the expiration of one month next after notice in writing has been delivered to the clerk on behalf of the council, or to the surveyor or other officer, or left at his office or usual place of abode, stating the cause of action and the name and place of abode of the intended plaintiff, or of his attorney or agent, in the cause; and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and not afterwards.

Council may demolish buildings and sell materials and recover expenses.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 191.

93. (1) Where any person has been convicted of any offence against this Act, by constructing, erecting, adapting, extending, raising, uniting, or separating any building or structure, or any part of any building or structure, in contravention of any provision of this Act, the council may give notice in writing to such person to bring such building or structure into conformity with the said provision.

(2) If such person fails to comply with such notice within fourteen days after the giving thereof, the council may, notwithstanding the imposition and recovery of any penalty, cause complaint of such conviction notice and default to be made before a justice, who shall thereupon issue a summons requiring such person to appear to answer such complaint before a special magistrate or two justices.

(3) If on the hearing of the said complaint the matter thereof is proved to the satisfaction of the magistrate or justices, he or they may make an order, in writing, authorising the council, and it shall thereupon be lawful for the council, or any person authorised by them, after expiry of fourteen days from the date of such order, to enter upon such building or structure with a sufficient number of workmen and to demolish or alter such building or structure, or any part thereof, so far as the same has been adjudged to be in contravention of this Act, and to do whatever other acts may be necessary for such purpose, and to remove the materials to some convenient place, and, if in their discretion they think fit, to sell the same in such manner as they think fit.

(4) All expenses incurred by the council in demolishing or altering such building or structure, or any part thereof, and in doing such other acts as aforesaid, or the balance of such expenses after deducting the proceeds of sale of the aforesaid materials (if the council sell the same), may be recovered from the person committing the offence aforesaid in a summary manner.

(5) If the proceeds of such sale are more than sufficient to defray such expenses the council shall restore the surplus of such proceeds, after deducting the amount of all such expenses, to the owner of the building or structure on demand.

Payment of surplus proceeds into Treasury.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 193.
Amended by S.L.R. Act, 1935.

94. Where, by any provisions of this Act, any surplus of the proceeds of the sale of any building, structure, or materials is made payable to any owner thereof, and no demand is made by any person entitled thereto within one year of the receipt of the proceeds by the council, then the same shall be paid to the Treasurer of the State, and shall be by him paid out to the owner upon the order of the Supreme Court or a Judge thereof, obtained on the application by petition or summons of the owner and proof of his title thereto.

Payment of expenses by owners.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 194.

95. Where it is by any provision of this Act declared that expenses are to be borne by or may be recovered from the owner of any premises (including under the term "owner" the adjoining and building owners, respectively), the follow-

ing rules shall be observed with respect to the payment of those expenses:—

(1) The owner immediately entitled in possession to the premises, or the occupier thereof, shall, in the first instance, pay the expenses—with this limitation, that an occupier shall not be liable to pay any sum exceeding in amount the rent due, or that will thereafter accrue due from him in respect of the premises, during the period of his occupancy:

(2) If there are successive owners, each of them shall be liable to contribute to such expenses in proportion to his interest:

(3) Any difference arising as to the amount of contribution shall be decided by arbitration:

(4) Any occupier of premises who has paid any such expenses may deduct the amount so paid from any rent payable by him to any owner of the said premises; and any owner who has paid more than his due proportion of any such expenses may deduct the amount so overpaid from any rent payable by him to any other owner of the same premises:

(5) If default is made by any person in payment of any expenses hereby made payable by him in the first instance, the same may be recovered in a summary way; and if default is made by any person in repaying to any other person any money recoverable under this section, such moneys may be recovered in the same manner as if the obligation to pay such moneys were a simple contract debt.

Evidentiary provisions.

Inserted by 1919, 1929, s. 30.

95a. (1) In any procedings for an offence against this Act, the allegation in the complaint that any act has been done without the sanction, consent, approval, or allowance of the council or the surveyor shall be *prima facie* evidence of the matter alleged.

(2) A document purporting to be a copy of any by-law made by any council by virtue of this Act, and purporting to be signed by the clerk thereof, shall, without any other proof, be received as *prima facie* evidence of the existence, contents, and validity of such by-law.

(3) A certificate in writing purporting to be signed by the clerk of a council or by the surveyor thereof and stating that any place within the municipality or district, as the case may be, of the council is a street or way within the meaning of this

Act shall, without any other proof, be received as *prima facie* evidence that such place is a street or way, as the case may be, within the meaning of this Act.

Notices.

Notices to be in writing.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 208.

96. (1) Notices, orders, and other such documents under this Act shall be in writing, and notices and documents other than orders, when issued by the council, shall be sufficiently authenticated if signed by their clerk, or by the officer by whom the same are given or served.

(2) Orders made by the council shall be under the seal of the council.

Service of notices.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 209.
Cf. 208, 1881, s. 87.

97. (1) Any notice, order, or other document required or authorised to be served under this Act may be served by delivering a copy thereof at, or by sending a copy thereof by post in a registered letter addressed to, the usual or last known residence in the State of the person to whom it is addressed; or by delivering the same to some person on the premises to which it relates; or, if no person is found on the premises, then by fixing a copy thereof on some conspicuous part of the premises to which it relates; or, in the case of a company, by delivering a copy thereof at the registered office of the company.

(2) Any notice, order, or other document to be served upon a builder shall be deemed to be sufficiently served if a copy thereof is posted in a registered letter, addressed to such builder at the place of address stated in his building notice (if any) or, in default thereof, at his office or any one of his principal offices, or if a copy thereof is fixed on some conspicuous part of the premises to which it relates.

(3) Any notice, order, or other document by this Act required to be given to or served on the owner or occupier of any premises, or a copy thereof, may be addressed by the description of the "owner" or "occupier" of the premises (naming the premises) in respect of which the notice is given or served, without further name or description.

(4) Any notice or other document by this Act required to be given to or served on the council may be given or served by post in a registered letter addressed to the council at its office, or by delivering the same to some person at its office.

(5) Any notice required by this Act to be served on the surveyor may be served on him by post in a registered letter addressed to him at his office, or by delivering the same to some person at his office.

98. Any notice served or given pursuant to this Act, and any publication therein contained, shall be deemed in any question relative to any building, structure, or work or relative to the ownership of any building, structure, or land, to be *prima facie* evidence, as against the person by whom the notice was given or served, of the nature of the building, structure, or work proposed to be built or done or as to the ownership of the building, structure, or land.

Notice to be evidence.

Substituted by 1919, 1929, s. 31.

PART XI.

PART XI.

MISCELLANEOUS.

98a. (1) There shall be an advisory committee for the purposes of this Act.

Advisory committee.

Inserted by 53, 1940, s. 29.

(2) The committee shall consist of five members to be appointed by the Governor from time to time on the recommendation of the Minister.

(3) One of the members shall from time to time be appointed by the Governor, on the recommendation of the Minister, as the chairman of the committee.

(4) The committee shall—

(*a*) from time to time report to the Minister as to matters upon which the committee is of opinion this Act or the regulations require alteration or do not make sufficient provision:

(*b*) report to the Minister upon any proposals for the amendment of this Act or the regulations which are referred to the committee by the Minister:

(*c*) perform and undertake such powers and duties as may be entrusted to the committee by the Minister:

(*d*) generally advise the Minister upon the administration of this Act.

(5) The Minister may, from time to time, fix fees to be paid to any member of the committee. The Minister may from moneys provided by Parliament pay any such fees to any member of the committee.

(6) The Minister may from moneys provided by Parliament pay to any member of the committee any travelling or other expenses incurred by the member in the exercise of his office.

(7) The Minister may, from time to time, direct that any persons submitting any matters for consideration by the committee shall pay to the Minister such fees or charges, or both, as are fixed from time to time by the Minister.

Expenses of administration.

Substituted by 53, 1940, s. 30.

99. (1) The fees received by the council for acts done or to be done under the provisions of this Act shall, to the extent necessary for the purpose, be applied by the council towards the expenses incurred by the council in carrying this Act into execution.

(2) In the statement required to be prepared annually by the council pursuant to section 296 of the Local Government Act, 1934-1939, there shall be shown, in respect of the financial year to which the statement relates, the amount of the fees received by the council as aforesaid and the amount of the expenses incurred by the council in carrying this Act into execution.

Fees.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 173.

Cf. 208, 1881, ss. 48 and 65.

100. (1) There shall be paid to the council by the builder employed in erecting any building or structure, or in doing any work, or, in his default, by the owner or occupier of the building or structure so erected or being erected, or in respect of which such work is done or is being done, the fees specified in the eighth schedule, or such other fees as are prescribed by the council by by-law in that behalf.

Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 177.

Cf. 208, 1881, s. 50.

Amended by 1919, 1929, s. 32.

(2) Subject to section 9 the fees to be paid under this section shall be due at the times following, that is to say:—

(*a*) When plans are submitted for approval, after notice from the council that the plans have been checked and are ready for approval or have been disapproved:

(*b*) If no plans are submitted, then at the time when such plans should have been submitted:

(*c*) As to any fees not ascertainable when the plans are submitted, at the expiration of three days after the completion of any work in respect of which such fees are payable.

(3) If any such builder, owner, or occupier refuses or fails to pay the said fees when the same are due, they may be recovered in a summary manner, or by action in any court of competent jurisdiction, on its being shown to the satisfaction of the magistrate or justices that a bill specifying the amount of the fees was delivered to him or sent to him in a registered letter, addressed to his place of business or last known residence.

Power for council to annex conditions. Cf. U.K., 20 & 21 Geo. 5, c. clviii., s. 212.

101. (1) In any case where the council are authorised under this Act to refuse their sanction, consent, or allowance to the doing or omission of any act or thing, the council may, if they think fit, instead of refusing such sanction, consent, or allowance, give the same subject to such terms and conditions in relation to the subject matter of such sanction, consent, or allowance as the council think fit.

Amended by 1919, 1929, s. 33.

(2) Any such term or condition shall be binding on the owner and occupier of the building, or structure, or ground to which the sanction, consent, or allowance relates; and if at any time any such term or condition is not observed or fulfilled, the owner or occupier in default shall be subject to a penalty not exceeding fifty pounds.

Inserted by 1919, 1929, s. 33 (d) and amended by 53, 1940, s. 31.

(3) In any case where any plans, working drawings, specifications, or proposed building does not or will not comply with any of the requirements of this Act relating to building construction, but the council is satisfied that the said plans, working drawings, specifications, or building, except in minor or unimportant respects, complies or will comply with the requirements of this Act, the council may, on the recommendation in writing of the surveyor, by notice in writing, approve of any such plans, working drawings, specifications, or building and thereupon the said plans, working drawings, specifications, or building shall be deemed to comply with this Act. Any such approval may be given subject to any conditions the council may think fit. If the council refuses to give any such approval in any particular case or if the council annexes any condition to any such approval, the decision of the council with respect thereof shall, notwithstanding the provisions of Part VIII., be final and conclusive.

Power of entry to owner, etc., to execute work. Cf. U.K., 20 & 21 Geo. 5, c. clviii., s. 214.

102. Any owner, builder, or other person, and his servants, workmen, and agents, may, for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of any building or structure, room or place, after giving seven days' notice to the occupier thereof, and on production of the first-mentioned notice or order, enter and from time to time without further notice re-enter such building or structure, room or place, and do all works and things therein, thereto, or in connection therewith which may be necessary for complying with such notice or order.

Limitation of time for proceedings when notice not given.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 215.
Amended by 1919, 1929, s. 34.

103. Where any building has been erected or work done without due notice having been given to the surveyor or the council (in accordance with this Act), the surveyor may, at any time within one month after he has discovered that such building has been erected or work done, enter the premises for the purpose of seeing that the provisions of this Act or any notice or order made under this Act have been complied with; and the time during which the surveyor or the council may take any proceedings, or do anything authorized or required by this Act to be done by the council or surveyor, as the case may be, in respect of such building or work, shall begin to run from the date of the discovery by the surveyor that such building has been erected or work done.

Plans and documents to be returned by council.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 216.
Amended by 1919, 1929, s. 35.

104. (1) Plans and other documents delivered at the office of the council, or to the surveyor, in pursuance of this Act, shall remain in the custody of the council or the surveyor until its or his written approval of such plans and documents (whether conditional or unconditional) has been given, or until such plans and documents have been disapproved, when one copy, if more than one copy has been so delivered, shall be returned to the person who so delivered them on payment of the proper fees.

Subsec. (2) repealed by 1919, 1929, s. 35 (d).

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Mode of giving approval of council.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 217.
Amended by 1919, 1929, s. 36, and by 53, 1940, s. 32.

105. The approval by the council of any matter or thing for which such approval is required by this Act shall unless otherwise by this Act provided be signified in writing, signed by the mayor or chairman, or the clerk.

Consent, how given on behalf of owners not to be found.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 218.

106. Where any consent is required to be given, any notice to be served, or any other thing to be done by, on, or to any owner in pursuance of this Act, if there is no owner, or if any such owner cannot be found, the special magistrate whose duty for the time being, it is to preside over the local court nearest to the site of the subject matter may give such consent, or do or cause to be done such thing, on such terms and conditions as he may think fit, and may dispense with the service of any notice which would otherwise require to be served.

Storing of wood or timber. Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 219. Amended by 1919, 1929, s. 37.

107. (1) It shall not be lawful for any person to erect or place a pile, stack, or store of cut or uncut timber, lathwood, firewood, casks, packing cases, or barrels, whether on or above the ground, within a less distance from a street or public way, or from a building or fence, than ten feet, unless separated therefrom by a sufficient fire-resisting wall to the satisfaction of the surveyor.

(2) It shall not be lawful for any person to pile, stack, or store cut or uncut timber, lathwood, firewood, casks, packing cases, or barrels in any yard or ground, or in any part of any premises, in which there is any furnace, except in the following cases:—

(*a*) Where the furnace is enclosed in a building or chamber constructed of fire-resisting material; or

(*b*) Where there is a distance of not less than ten feet between the furnace and the pile, stack, or store of timber, lathwood, firewood, casks, packing cases, or barrels.

Substituted by 1919, 1929, s. 37 (c).

(3) No person shall pile, stack, or store any cut or uncut timber, lathwood, firewood, casks, packing cases or barrels in such manner that the pile, stack, or store thereof exceeds twenty feet in height from the ground or floor level.

(4) It shall not be lawful to form in any pile, stack, or store of timber, lathwood, firewood, casks, packing cases, or barrels any room, or chamber, or space (other than a passage) to be used for any purpose whatsoever.

(5) Timber yards existing at the time of the commencement of this Act shall be made to comply with the provisions of this section within two years from the commencement of this Act.

(6) Nothing in this section shall apply to the storage of fuel to be used solely for his own domestic purposes, by the owner or occupier of any storage space.

Privies to be properly enclosed. Amended by 1919, 1929, s. 38, and by 53, 1940, s. 33.

108. (1) Every privy (whether built before or after the commencement of this Act) shall have a door and an adequate opening for light and ventilation. The door of every privy in any yard or on any flat roof, other than a privy in the yard of a private dwelling-house, shall be properly screened from view.

(2) If any privy does not comply with the requirements of this section, the owner thereof shall be guilty of an offence against this Act.

Adjoining owner may cover over space between external walls.

109. Where there are two external walls in close juxtaposition, belonging to separate owners, the owner of either one of such walls may roof over the space between such walls by flashing, so as to prevent rainwater or any other thing falling down between such walls.

Removal of roof not to affect proceedings.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 220.

110. Proceedings with respect to a building shall not be affected by the removal or falling in of the roof or covering of such building.

This Act not to excuse from compliance with other Acts.

111. (1) Compliance with the requirements of this Act shall not excuse any person from complying with the requirements of any Act or regulation with respect to buildings or structures of any particular class or kind, or used or intended to be used for any particular purpose, or with respect to buildings or structures within any particular locality; nor shall compliance with the requirements of any such Act or regulations excuse any person from complying with the requirements of this Act.

(2) In case of conflict between any provision of any such Act or regulations as mentioned in subsection (1) hereof and any provision of this Act, the first-mentioned provision shall prevail, but only to such extent as is necessary to overcome such conflict.

Delegation of powers of council.
Inserted by 1919, 1929, s. 39.

111a. The council may by resolution delegate to any committee of its members or to any of its officers such of its powers and duties under this Act as it thinks fit, and may, by resolution revoke or vary any such resolution.

Exemptions from the Act and modifications thereof.

Buildings exempt from Act.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 226.
Cf. 208, 1881, s. 7.

112. All buildings and structures the property of His Majesty the King shall be exempt from the operation of this Act.

Termination of exemption or privilege.
Cf. U.K., 20 & 21, Geo. 5, c. clviii., s. 229.

113. Any buildings, structure, or work in any respect exempt from the operation of this Act, or in any manner privileged in respect of any provision of this Act, shall remain so exempt or privileged so long only as it is used for the purpose or retains the character by reason whereof it is so exempt or privileged.

Application of Act to buildings erected before commencement of Act. Cf. U.K., 20 & 21 Geo. 5, c. clviii., s. 233.

114. A building, structure, or work erected or constructed before the commencement of this Act, to which no objection was taken under any law then in force, shall (subject to the provisions of this Act as to new buildings, or the alteration of buildings) be deemed to be erected or constructed in compliance with the provisions of this Act.

Buildings in progress.

115. Notwithstanding anything contained in this Act, any building, structure, or work which has been commenced before the commencement of this Act, or which is to be carried out under any contract entered into before the commencement of this Act, may be completed subject to and in accordance with the provisions of the Acts relating thereto in force immediately previous to the commencement of this Act.

PART XII.

ARCHITECTURAL STANDARDS.

Application of Part. Substituted by 53, 1940, s. 34.

116. (1) This Part shall apply within thirty feet of the alignment of the following streets within the municipality of the City of Adelaide, namely:—

(*a*) South Terrace:

(*b*) East Terrace, between Pirie Street and South Terrace:

(*c*) Barton Terrace:

(*d*) Strangways Terrace:

(*e*) Pennington Terrace:

(*f*) Mackinnon Parade:

(*g*) Mann Terrace:

(*h*) Kingston Terrace:

(*i*) Lefevre Terrace:

(*j*) Mills Terrace:

(*k*) Brougham Place:

(*l*) Palmer Place.

(2) This Part shall also apply within such portion of any municipality (including the municipality of the City of Adelaide) or district as is declared by proclamation.

(3) The Governor may by proclamation declare that this Part shall apply within any portion of any such municipality or district and may by proclamation revoke or vary any such proclamation.

PART XII.

Class of buildings which may be erected.

Substituted by 53, 1940, s. 34.

117. (1) No building which is not a public building or a building of the domestic class shall, unless with the specific consent of the council, be erected within any portion of any municipality or district to which this Part applies.

(2) For the purposes of this section, no shop or workshop, whether attached to any other building or not, shall be deemed to be a building of the domestic class.

(3) Nothing in this section shall be deemed to derogate from the powers of the council to make by-laws under paragraphs (*e*) to (*i*) inclusive of section 82.

Architectural standards.

Substituted by 53, 1940, s. 34.

118. Notwithstanding section 9, the council may refuse to approve of the plans of any building proposed to be erected, altered or added to within any portion of the municipality or district to which this Part applies which in the opinion of the council would, by reason of the architectural design or elevations, or the size, quality, or nature of the building, injuriously affect the value of the property in the vicinity of the proposed building.

PART XIII.

PART XIII.

BALCONIES AND VERANDAHS.

Application of Part.

Substituted by 53, 1940, s. 34.

119. (1) This Part shall apply within the Municipality of the City of Adelaide.

(2) This Part shall also apply within any municipality, or district, or portion thereof, as is declared by proclamation.

(3) The Governor may by proclamation declare that this Part shall apply within any municipality or district, or portion thereof, and may by proclamation revoke or vary any such proclamation.

Licences for balconies and verandahs.

Substituted by 53, 1940, s. 34.

120. (1) No licence granted by the council to erect a balcony or verandah over a street or way in front of or at the side of any building within any municipality or district, or portion thereof, to which this Part applies, shall have effect as a licence for a longer period than five years; and no length of user of any balcony or verandah erected over any street or way shall deprive the council of the right to have the same removed.

(2) The owner of the building to which any such balcony or verandah is attached shall after the expiration, by reason of subsection (1) of this section or otherwise, of the licence respecting the balcony or verandah, remove the same within six months after service on him of notice in writing by the council requiring him so to do.

(3) Any person who fails to remove any balcony or verandah as required by subsection (2) of this section shall be guilty of an offence and liable to a penalty not exceeding ten pounds and to a further penalty not exceeding one pound for every day after the first that he so fails to remove the balcony or verandah.

SCHEDULES.

THE FIRST SCHEDULE.

Sec. 6.

Short Title of Act.	Extent of Repeal.
The Building Act, 1881 (No. 208 of 1881)	The whole.
The Building Act Amendment Act, 1882 (No. 266 of 1882)	The whole.
The Building Act Amendment Act, 1883 (No. 283 of 1883-4)	The whole.

SCHED. II.

PART I.

Second schedule substituted by regulations, Gazette, 12th December, 1940, p. 1441.

THE SECOND SCHEDULE.

PART I.

PRELIMINARY.

Arrangement.

1. The provisions of this schedule are arranged in Parts as follows:—

PART I.	Preliminary (regulations 1 to 4).
PART II.	Sites, heights and loads of buildings (regulations 5 to 20).
PART III.	Materials (regulations 21 to 40).
PART IV.	Safe loads and tests of materials and construction (regulations 41 to 47).
PART V.	Foundations, footings, soils and excavations (regulations 48 to 59).
PART VI.	Walls (regulations 60 to 75).
PART VII.	Steel frame construction (regulations 76 to 150).
PART VIII.	Reinforced concrete construction (regulations 151 and 152).
PART IX.	Timber frame buildings (regulations 153 to 160).
PART X.	Single storey light metal frame buildings (regulations 161 to 165).
PART XI.	Brick veneer buildings (regulations 166 to 172).
PART XII.	Projections, recesses, openings and stairs (regulations 173 to 185).
PART XIII.	Joists and floors (regulations 186 to 192).
PART XIV.	Roofs (regulations 193 to 207).
PART XV.	Chimneys, flues, fireplaces and heating appliances (regulations 208 to 241).
PART XVI.	Light and ventilation (regulations 242 to 257).
PART XVII.	Privies and plumbing (regulations 258 to 260).
PART XVIII.	Domestic outbuildings, garages, bathrooms, laundries, sleepouts, sunporches, and conservatories (regulations 261 to 268).

PART XIX. Piers, pillars, columns, girders and structural steel (regulations 269 to 286).

PART XX. Fire protection and escapes (regulations 287 to 323).

PART XXI. Residential flat buildings and multiple dwellings (regulations 324 to 335).

Interpretation.

2. In this schedule "Australian Standard Specification" means a specification or code of the Standards Association of Australia.

Specification of Standards Association of Australia.

3. Any reference in this schedule to any specification or code of the Standards Association of Australia shall be deemed to refer to the specification or code promulgated at the time of the making of these regulations.

Application to Public Buildings.

4. The provisions of this schedule which apply to buildings of the domestic class shall apply to such part of any public building as is inhabited and the provisions of this schedule which apply to buildings of the warehouse class shall apply to all other portions of any public building.

SCHED. II. PART II.

PART II.

SITES, HEIGHTS AND LOADS OF BUILDINGS.

Site.

5. In cases required by the surveyor the ground surface of the site for a new building shall be properly asphalted, or shall be covered with a layer of good cement concrete at least 4in. thick, or other damp resisting covering approved by the surveyor. All floors to basements and cellars shall be so asphalted or covered.

Drainage.

6. The subsoil of the site for every new building shall be effectively drained to the satisfaction of the surveyor.

Limitation of Height.

7. (1) The following rules shall govern the height of any building to be erected on any land abutting any street or way:—

(1.) A point shall be ascertained on the street alignment on the opposite side of the street or way which said

point shall be on a line at a right angle to the proposed building line of the building at the centre of the site of the building:

(II.) Another point shall be ascertained above the centre of the site of the building and at a height vertically above the said centre so that the height is 3ft. for every foot from the said centre to the point ascertained as provided by subdivision (I.) of this paragraph:

(III.) Except where otherwise provided, no portion of the building shall intersect a plane the base of which is horizontal and in which both of the said points lie.

(2) The height of any building abutting on two streets or ways shall be governed by the wider street or way to a depth of not more than 160ft. from the wider street or way.

(3) Notwithstanding that, pursuant to paragraph (1), a building may be erected to a greater height, a building of steel frame or reinforced concrete shall not exceed 132ft. in height and a building of ordinary construction shall not exceed 110ft. in height: Provided that, subject to compliance with paragraph (1), any portion of any such building which contains a lift engine room, a water tower, or a roof not constructed for storage or occupation or which is constructed for decorative purposes only, may be constructed at a greater height than 132ft. or 110ft., as the case may be.

(4) This regulation shall not apply to any church or chapel or to any tower which does not contain any habitable room.

(5) The height of any dwelling-house at any part shall not exceed the horizontal measurement from that part of the building to the street alignment of the street or way to which it fronts and directly opposite thereto.

(6) In the event of the destruction by fire of any building, erected prior to the commencement of this Act, which exceeded the maximum height permitted, the building may be re-erected to its original height, and with its original provision for light, subject to its construction being in all other respects in accordance with this Act.

(7) In addition to complying with the provisions of this regulation, every building shall comply with the provisions of regulation 250 of this schedule.

Loads.

8. (1) Every building, together with the walls and floors thereof, shall be capable of safely and independently sustain-

ing the whole dead load and the whole live or other load superimposed or bearing thereon, less the allowances hereinafter specified.

(2) For the purpose of calculating the loads on pillars, walls, floor systems and foundations in buildings, the live load on floors shall be estimated as not less than the following dead load:—

(*a*) In buildings of the domestic class (other than mentioned in succeeding subdivisions of this paragraph), including asylum wards, boarding-house bedrooms, hospital wards, hotel bedrooms, hotel private rooms, hotel private corridors, work-house wards, and other similar buildings, 40lb. per square foot:

(*b*) In school classrooms, offices, banks and other similar buildings, except in rooms used for strongrooms, 60lb. per square foot:

(*c*) In reading rooms, 75lb. per square foot:

(*d*) In art galleries, museums, churches, chapels, lecture rooms, meeting rooms, music halls, public assembly rooms, public concert rooms, dance halls, ball rooms, theatres, and other similar buildings or places of public assembly, retail shops, light factories, light workshops, garages and strongrooms, 100lb. per square foot:

(*e*) In drill rooms and for similar floors subject to vibration unless otherwise provided for, 150lb. per square foot:

(*f*) In book shops and book stores, stack rooms in libraries, 200lb. per square foot:

(*g*) For every floor in a building of the warehouse class, except such floors as are intended to be used for any of the purposes aforesaid, not less than 150lb. per square foot, but in heavy factories, hardware, machinery and paper stores and printeries, the actual floor loads:

(*h*) In all buildings of a composite class, or buildings for special purposes, the live load on each floor shall be calculated with due regard to the use to which the floor shall be put.

9. The occupier of any building of the warehouse class shall cause to be permanently displayed on every floor of the building near the main staircase or entrance a notice specifying the load which may be placed on that floor. No person shall

place or cause to be placed on any floor of any building of the warehouse class any load in excess of the live load specified in the notice displayed in respect of that floor.

10. The live load on verandahs and roofs subject to wind pressure only, and inclined at an angle of not more than 20° to the horizontal shall be 20lb. per superficial foot measured on all the surface of the verandah or roof. The live load on flat roofs available for traffic or resort shall be not less than 60lb. per superficial foot and the roof space shall not be used for any purpose for which under any other regulation a heavier loading must be allowed. The live load on all portions of roofs inclined at an angle of 20° and upwards to the horizontal shall be calculated from the following Duchemin formula:—

$$Pn = \frac{P \times 2 \sin \theta}{1 + \sin^2 \theta}$$

Where P = intensity of pressure on a plane normal to the direction of the wind.

Pn = intensity of normal pressure on a plane inclined at an angle θ to the horizontal.

θ = angle of inclination to the horizontal of roof surface.

The intensity of pressure on a cylindrical surface shall be two-thirds that of a plane surface. For sections of cylinders intermediate values shall be used.

11. A live load of 20lb. per superficial foot of surface shall be allowed for in flat ceilings of concrete construction.

12. The live loads on hoardings, signs and similar structures, shall be taken at not less than 20lb. per square foot of surface which may be exposed to a wind.

13. The minimum live load intensity for street awnings shall be 30lb. per square foot.

14. The live load on public footpaths shall be taken at 200lb. per square foot.

15. Retaining walls shall be designed to support adequately earth pressures and surcharges.

16. The upwards wind pressure under cantilever verandahs or supported awnings shall be provided for as if equal to a live load of 10lb. per square foot.

17. The live loads on fire escapes, stairs and landings (other than in dwelling houses) shall be 100lb. per square foot and the live load on stairs and landings in dwelling houses shall be 60lb. per square foot.

Live Load Reductions.

18. For the purpose of determining the extreme load to be carried on pillars, walls and foundations in buildings of the warehouse class more than two storeys in height, including book stores, libraries, museums, retail shops, and in buildings of the domestic class, a reduction of the live loads shall be allowed as follows:—

Portion of Building.	Type of Building.		
	Warehouses and Bulk Stores.	Manufacturing Retail Stores.	All Others.
	Reduction of Floor Live Load. Per Cent.	Reduction of Floor Live Load. Per Cent.	Reduction of Floor Live Load. Per Cent.
Columns carrying—			
The roof	0	0	0
Next storey below topmost storey	0	0	0
Next storey below	5	10	10
Next storey below	10	20	20
Next storey below	15	30	30
Next storey below	20	30	40
Next storey below	25	30	50
All succeeding storeys	25	30	50
Beams and girders carrying 300 sq. ft. and over of floor area	0	15	15

19. In the case of buildings subject to heavy shocks the live load shall be calculated in such manner as the surveyor determines.

Wind Loading.

20. (1) All buildings or parts of buildings exposed to wind pressure shall be designed to resist safely all wind loads both during erection and after completion, in accordance with the following:—

I. For portions of buildings above 100ft. level, and all towers, tanks, parapets and erections on or above the roof the maximum pressure shall be assumed in the design of the section above the 100ft. level, and in design of all towers, tanks and parapets above the roof level of a building of any height, except that a pressure of less than 20lb. per square foot shall not be used:

II. The pressure to be assumed on portions of a building between its 100ft. and 50ft. levels shall not be less than 75 per cent. of the maximum except that a pressure of less than 15lb. per square foot shall not be used:

III. The pressure to be assumed on portions of a building between its 50ft. level and the ground level shall not be less than 50 per cent. of the maximum, except that a pressure of less than 10lb. per square foot shall not be used.

The maximum wind pressure on any building shall, unless otherwise stated, be deduced from the formula:—

$$P = \frac{V^2}{300}$$

Where P = pressure in lb. per sq. ft.

V = the maximum velocity of wind in miles per hour at the centre where the building or structure is to be erected.

(2) Light structural steel buildings of the machine shop class with large openings in one or more elevations shall be designed to resist the stresses due to internal wind pressure and suction on the leeward elevation in addition to those due to the external wind pressure on the windward elevation.

(3) For members carrying combined stress due to wind and other loads, and for members carrying wind only in addition to their own dead load, the working stress may be increased 33⅓ per cent., provided the section thus found is not less than that required for all loads other than those due to wind.

(4) The values of wind velocity to be assumed in calculating pressure shall be taken as 80 miles per hour in Adelaide, or based upon data of maximum wind velocities in other localities.

SCHED. II. PART III.

PART III.

MATERIALS.

21. Materials of good quality shall be used.

Bricks.

22. Bricks shall be good, hard and well burnt.

23. Old bricks shall be thoroughly cleaned and be free from salt damp before use in any building.

24. Bricks shall be thoroughly soaked with water before use in any building.

25. Blocks or bricks of sand, lime, cement or other material shall not be used in the construction, erection, or alteration of any building without the written sanction of the surveyor.

Sand.

26. Sand used for any purpose within the scope of this Act shall be in accordance with the Australian Standard Specification (No. CA. 2.).

Lime.

27. Lime shall be thoroughly and freshly burnt, of good quality, and, unless ground, properly slaked before it is mixed with the sand or aggregate.

Lime Mortar.

28. Lime mortar shall be made of one part of lime and not more than three parts of sand measured dry by volume. Mortar gauged one part of cement to five or less parts of sand measured dry by volume may be substituted for lime mortar.

Portland Cement.

29. Portland cement shall comply with the Australian Standard Specification (No. A. 2).

Cement Mortar.

30. Cement mortar shall be made of cement and sand in the proportion of one part of cement and not more than three parts of sand and shall be used before initial setting has commenced. The cement and sand shall be measured dry by volume and thoroughly mixed before adding water. Wherever the term "cement mortar" is used in this schedule it shall mean mortar made and used in accordance with the requirements of this regulation.

Concrete.

31. (1) Concrete for use as reinforced concrete shall be as provided by the Australian Standard Specification for concrete in building (No. CA. 2).

(2) Concrete for foundations, footings, or solid walls not less than 9in. thick, or for any massed work not subject to stresses other than compressive, and in which reinforcements are not necessary for stability, shall be composed of one part of cement, not more than three parts of sand, and not more than five parts of other aggregate approved by the surveyor of gauge dimensions not exceeding 2in.

(3) Concrete for any purpose not otherwise specified, such as backings of walls or floors on top of filling, shall be composed of one part of cement, not more than three parts of sand and not more than four parts of other aggregate approved by the surveyor of gauge dimensions not exceeding $\frac{3}{4}$in.

Lime Concrete.

32. Lime concrete may be used for foundations of buildings of the domestic class of two storeys or less in height. The lime concrete shall be composed of one part by measure of hydraulic lime, not more than two parts of sand and not more than four parts of other aggregate approved by the surveyor of gauge dimensions not exceeding 2in.

Concrete Used as Fireproofing.

33. Concrete used as fireproofing shall be composed as provided by the Australian Standard Specification (No. CA. 1, Appendix G).

Timber.

34. All structural timber used in any building shall be of good sound seasoned material free from rot, large and loose knots, shakes, or any imperfection whereby the strength might be impaired.

Steel.

35. All structural steel used in members subject to stress, or as reinforcements in concrete, shall comply with the Australian Standard Specification (No. A. 1).

Rivet Steel.

36. Rivet steel shall comply with the Australian Standard Specification (No. A. 1).

Cast Steel.

37. All steel castings shall comply with the Australian Standard Specification (No. B. 27).

Cast Iron.

38. Cast iron shall comply with the Australian Standard Specification (No. B. 26).

Wrought Iron.

39. All wrought iron shall be uniform and fibrous. It shall have an ultimate tensile resistance of not less than 42,000lb. per sq. inch, and an elongation of 18 per centum in 8in. when tested in small test pieces.

New Materials and Methods of Construction.

40. Any new materials or methods of construction, which may be approved by the surveyor as being equal or superior to those provided, may be permitted.

PART IV.

SAFE LOADS AND TESTS OF MATERIALS AND CONSTRUCTION.

Safe Loads, Etc.

41. (1) Safe loads for soils and for piles shall be as specified in Part V. of this schedule.

(2) The safe bearing load for brickwork and masonry, other than in isolated piers, shall be taken at 8 tons per sq. ft. when lime mortar is used and at 13 tons per sq. ft. when cement mortar is used. The above pressures may be exceeded by an amount up to 20 per cent. in all cases where the increased pressure is only of a local nature, as at girder bearings.

(3) The safe bearing load for ashlar masonry shall be taken at 8 tons per sq. ft. when lime mortar is used; and 15 tons per sq. ft. when cement mortar is used; in the case of granite or basalt, 22 tons per sq. ft. when cement mortar is used.

(4) In isolated brick piers without proper lateral supports the stresses mentioned in paragraph (3) may be allowed in piers of a slenderness ratio

$$\frac{\text{height L}}{\text{Least dimension D}}$$

not exceeding 6. For higher slenderness ratios the stresses shall be reduced as set out hereunder:—

Value of $\frac{L}{D}$	Percentage Reduction in Stress from that given above.
8	20
10	40
12	60

An isolated brick or masonry pier if in cement mortar shall not have a slenderness ratio higher than 12 or be of a less width than 9in., and if in lime mortar shall not have a slenderness ratio higher than 8 or be of less width than 9in.

(5) The safe bearing load for concrete in foundations, when cement is used, shall be taken at 15 tons per sq. ft. The bearing load for concrete shall be taken as 20 tons per sq. ft., when the proportions are one part of cement, two parts of sand, and four parts of broken stone or other aggregate not exceeding 2in. approved by the surveyor.

(6) The safe bearing load for lime concrete shall be taken at 6 tons per sq. ft.

(7) The safe bearing load for rolled steel beams without wall plates shall be 250lb. per sq. in. of bearing surface on cement concrete. The safe bearing load for rolled steel beams, and for columns with properly-designed bearing plates, shall be 500lb. per sq. in. of bearing surface on cement concrete. In cases where the strength of the base plate is not sufficient to withstand safely the maximum value allowed, then the maximum value of 500lb. per sq. in. may be taken over the cross-sectional area of the steel column, and a lesser value over the remaining area of the base depending on the thickness and strength of the plates used.

(8) The actual working stress of iron and steel (except in the cases of pillars set out in Part XIX. of this schedule) shall not exceed in tons per square inch that given in the following table:—

	Tension.	Compression.	Shearing.	Bearing.
	Tons.	Tons.	Tons.	Tons.
Cast iron	1½	6	1½	8
Wrought iron	5	5	4½	8
Mild steel	8	8	6½	10
Cast steel	6	10	6	10

(9) Allowable stresses in timbers shall be as follows:—

	Lb. per Square Inch.	
	Oregon.	Jarrah.
Bending—		
Extreme fibre	1,400	2,000
Shearing—		
Parallel to grain	170	200
Longitudinal shear in beams	110	130
Compression—		
Perpendicular to grain	310	400
Parallel to grain	1,200	1,500

Allowable stresses in other timbers shall be as approved by the surveyor.

Factors of Safety.

42. Where the unit stress for any material is not prescribed in these regulations, the relation of maximum allowable unit stress to ultimate stress shall be as 1 to 3·5 for mild or structural steel subjected to tension or transverse stress, as 1 to 6 for cast iron other than that in columns, as 1 to 8 for cast iron in columns and as 1 to 5 for timbers. Factors of safety for other metals and materials shall be determined by the surveyor.

Proof of Quality.

43. For the purpose of the supervision of the construction of a building the surveyor shall, if required by him, be furnished with reasonable proof as to the quality of the materials used, and if not furnished with such proof to his entire satisfaction, or for any other reason, may cause any tests he considers necessary to be made at the expense of the builder.

Tests on Buildings.

44. (1) If at any time during the construction of any building, or within three months after the completion of the reinforced concrete construction, it is found necessary to test any part by reason of any sign of weakness or faulty work appearing in the construction, the builder or other person causing or directing the work to be executed, shall make such tests as the surveyor may consider necessary. In the event of the surveyor being satisfied that the construction is not as required by the provisions of these regulations, it shall be reconstructed and reinstated in accordance therewith.

(2) A period of not less than six weeks shall elapse between the date of construction and the date of test in the case of a concrete construction unless the builder signifies to the surveyor in writing that he wishes the test to be made at any earlier period, when the test shall be made at the time desired by the builder and the result of the test considered as if the said period of six weeks had elapsed.

Test Loads.

45. (1) The total deflection of beams or slabs freely supported and uniformly loaded and subject to the permissible working stresses shall not exceed 1/600th of the span when the span is 20 times the effective depth, and shall be in proportion for other ratios of span to depth and for other conditions of end-fixing and stress and loading.

(2) The superimposed test load on any floor, roof, or other structure, shall be not more than 1½ times the superimposed load for which the floor, roof or other structure has been designed. The superimposed test load on any beam, slab or other similar member which has been exposed to frost during the first week of hardening, shall be not less than 1½ times the superimposed load for which the beam, slab or other member has been designed.

Test Bars.

46. Test bars of wrought iron and steel shall have a sectional area in accordance with the Australian Standard Specification (No. A. 1).

Precaution for Tests.

47. All concrete tests shall be made in accordance with the Australian Standard Specification (No. CA. 2). Test blocks of concrete shall not be subjected to jarring, and shall not be moved after moulding until 24 hours have elapsed. These test blocks, however, must be cured in accordance with the Australian Standard Specification (No. CA. 2).

SCHED. II. PART V.

PART V.

FOUNDATIONS, FOOTINGS, SOILS AND EXCAVATIONS.

Excavations.

48. All excavations for buildings shall be properly guarded and protected and where necessary shall be sheet-piled so as to prevent the adjoining earth from collapsing.

Bearing Capacity of Soils.

49. (1) In cases in which the sustaining power of the soil has not been tested, the bearing capacity per square foot shall be limited to:—

	Tons.
Firm clay	3
Hard clay	4
Firm dry sand	3
Compact sand	4
Sound shale rock	10 to 15
Hard rock	20

(2) In no case shall the actual sustaining power of the soil be exceeded if it has been tested.

(3) When the building owner considers that the soil will safely carry a load greater than that shown in the above table, the building owner may require a test, at his own expense, to be made to determine the safe bearing capacity. The test shall be made under the supervision of the surveyor in accordance with the Australian Standard Specification (No. CA. 1) as follows:—

Load Tests for Bearing Value.—In testing foundations the area loaded shall not be less than 18in. square and shall be made at the proposed level of the bearing surface. The shaft of excavation shall be at least 2ft. larger all round than the bearing plate.

Test for Working Bearing Pressure.—The working load shall be applied for 48 hours and there shall be no appreciable sinking in the last 24 hours. The working load shall be increased 50 per cent. at the end of 48 hours and there shall be no appreciable settlement at the end of six days.

Test to Ascertain Maximum Bearing Pressure.—The load shall be applied by increments of ½ ton per square foot every 24 hours. After the first 24 hours the permissible bearing pressure shall be taken as two-thirds of the pressure at which there is no appreciable settlement, after making due provision for the ratio of the test area to the actual footing area to be employed, the uniformity or non-uniformity of the subsoil and the class of building concerned.

(4) If the surveyor is of the opinion that the soil will not safely carry a load of 3 tons to the square foot, he may serve a notice, in writing, upon the person carrying out any building operations to use such lower bearing pressure as is stated by the surveyor in the notice, or to suspend such operations. If the lower bearing pressure so stated is not acceptable to the building owner, building operations shall be suspended until a test has been made under the supervision of the surveyor in accordance with paragraph (3) of this regulation, and the cost of the test shall be borne by the building owner.

(5) Any interested person may, if he so desires, have tests for the bearing capacity of the soil conducted by the surveyor at his, the interested person's, own expense on land of which he is the owner, or on land the owner of which has granted permission for the test to be made. Applications for such tests shall be made to the surveyor and the results of any such test shall be deemed as indicating the bearing capacity of the soil tested in respect to all future building operations on the tested site, provided that such tests are carried out at the level and on the stratum on which footings of the intended structure will rest unless circumstances subsequently arise which may be deemed to have increased or decreased the bearing capacity of the soil.

Foundations.

50. Every building shall have foundations of solid ground or artificial foundations of brick, stone, concrete, reinforced concrete, steel or iron grillage encased in concrete, or piles. Lime concrete may be used for foundations of buildings of the domestic class of two storeys or less but for no other buildings.

Filling.

51. Sites under buildings shall be elevated where necessary by filling approved by the surveyor so as to be and remain at a higher level than the adjoining surface.

Pile Foundations.

52. Should pile foundations be used, borings of the soil shall be made first to determine the position of a suitable underlying stratum of hard material and the piles shall be driven to reach such stratum when practicable, and, if not practicable, in accordance with the following formula:—

(*a*) For drop hammer—

$$P = \frac{2\ W\ h}{s + 1}$$

(*b*) For single-acting steam hammer—

$$P = \frac{2\ W\ h}{s + 0{\cdot}1}$$

(*c*) For double-acting steam hammer—

$$P = \frac{2\ h\ (W - a\ p)}{s + 0{\cdot}1}$$

P = Safe load in pounds.
W = Weight of hammer in pounds.
h = Fall of hammer in feet.
a = Effective area of piston in sq. inches.
p = Mean effective steam pressure in lb. per sq. inch.
s = Penetration or sinking in inches under the last blow, assumed to be sensible and at an approximately uniform rate. The sinking "s" must be measured only when there is no visible rebound of the hammer, and only when the last blow is struck upon practically sound wood.

The piles must not be placed closer than 3ft. centres. Maximum load must not exceed 50 tons per pile. When the pile is driven on to solid stratum, the maximum load must not exceed the safe load for a timber column of the same dimensions as the pile.

53. The heads of all piles are to be protected against splitting when they are being driven and after having been driven the piles are to be sawn off to a uniform level and covered with a grillage of hardwood timber, concrete, concrete and steel, iron or stone. The iron or steel shall be thoroughly encased in concrete to prevent rust. Timber grillage will not be permitted without the special approval of the surveyor.

54. When artificial foundations are necessary below the footings, they shall be of such materials and form as will distribute the loads on to the supporting medium.

Footings.

55. Every wall, pier, stanchion, or column shall have a footing unless supported on a girder, solid rock or concrete to the satisfaction of the surveyor. Every exposed footing shall be weathered.

Width of Footings.

56. The width of the bottom of the footing of every wall shall be such that the pressure on the foundations shall not exceed their safe bearing capacity, but shall in no case be less than 1½ times the thickness of the wall at its base. The diminution of the footing of every wall shall be formed in regular offsets and the height from the bottom of such footing to the base of the wall shall be at least equal to one-half the thickness of the wall at its base, but not less than 6in. Concrete may be substituted for such footings subject to the sectional area and depth of such concrete being not less than the sectional area and depth required for footings in regular offsets. If reinforced concrete is substituted, the minimum depth shall be 9in., except for walls of buildings of the domestic class not higher than 12ft. nor thicker than 9in. when constructed on soil of which the bearing capacity is not less than 3 tons per square foot, when the minimum depth shall be 6in. Reinforced concrete beams may be substituted for footings provided that the requirements of Part VIII. of this schedule are complied with and the safe bearing capacity of the foundations is not exceeded.

Projection Underground.

57. Footings or artificial foundations shall not extend beyond the street alignment except as follows:—

I. If the top of the footings or foundations is less than 10ft. below the level of the ground, the foundations or footings may extend 12in. beyond the street alignment:

II. If the top of the footings or foundations is 10ft. or more below the level of the ground, the footings or foundations may extend 27in. beyond the street alignment plus 1in. for every foot in excess of 10ft. by which the top of the footings or foundations is more than 10ft. below the level of the ground but in no case shall they extend more than 48in. beyond the street alignment.

In every case the top of the footings or foundations which extend beyond the street alignment shall be at least 12in. below the level of the footpath.

Underpinning.

58. The underpinning of walls shall be built with brick or stone to the required thickness and bedded in cement mortar, and shall have a footing as required for new walls.

Walls of Basements.

59. Walls of basements shall, in cases required by the surveyor, be increased in thickness and strength as required by the surveyor so as to act as retaining walls, and shall be built with a damp-proof course as set out in regulation 62 of this schedule.

SCHED. II. PART VI.

PART VI.

WALLS.

60. Every building, except in cases otherwise specified in this schedule, or when otherwise approved by the surveyor, shall be enclosed with external or party walls constructed of brick, stone, or other hard and incombustible substances of thicknesses required for walls in this Part, and the footings shall rest on the solid ground or upon concrete, or upon other solid substructures.

Damp-Proof Course.

61. The walls of every new building shall have a proper and continuous damp-proof course of asphalt, or of other durable material impervious to moisture, in every wall at a height of not less than 6in. above the surface of the ground adjoining such wall. When a damp-proof course is stepped, no vertical section shall exceed 2ft. 3in. in height.

Basement Walls.

62. When any part of a storey of a new building is intended to be below the level of the surface of the ground immediately adjoining the exterior of such storey and so that the ground shall be in contact with the exterior of the walls thereof, such storey, or such part thereof as will be so in contact, shall be enclosed with walls impervious to moisture, or with hollow walls having an intervening cavity between such walls of a width of not less than 2in., and not more than 4½in., extending from the base of such walls to the height of 6in. above the surface of the ground immediately adjoining the exterior of

such storey. The proper and continuous damp-proof course of asphalt, or of other durable material impervious to moisture, shall be inserted in every such hollow wall at the base of such wall, and at the level of the top of the cavity.

Walls to be Bonded.

63. Every wall constructed of brick, stone, or other similar substance, shall be properly bonded and solidly put together with mortar, and no part of any such wall shall overhang any part underneath unless provision is made for counteracting the effect of the projection. All return walls shall be properly bonded together.

Horizontal Courses.

64. All stones, bricks, blocks, etc., used in the construction of any wall shall be laid in horizontal beds or courses, unless the walls are constructed of a thickness at least one-third greater than specified elsewhere in this schedule, when the beds or courses need not necessarily be horizontal.

Facing to Walls.

65. Ashlar facing shall not be less than 4in. thick securely anchored or bonded to the backing of concrete or brick, as the case may be; the thickness prescribed for walls shall be inclusive of facing if the facing is constructed to bond into the backing, or if built not less than 4½in. in thickness as the outer portion of hollow walls as prescribed. Properly constructed veneer facing shall be permitted.

Hollow Walls.

66. (1) Notwithstanding the provisions of this schedule the walls of buildings and the basement walls of buildings may be constructed as hollow walls in accordance with the following:—

(*a*) The inner and outer parts of the wall shall be separated by a cavity which shall throughout be of a width not exceeding 4½in.:

(*b*) The inner and outer parts of the wall shall be securely tied together with suitable bondings, ties of adequate strength formed of galvanized iron, glazed stoneware, or other approved material. Such ties shall be placed at distances apart not exceeding 2ft. 3in. horizontally, and 13½in. vertically:

(*c*) If of brick, the thickness of the outer part of the wall shall throughout be not less than 4½in. exclusive of any applied facings and the thickness of the inner part not less than 4½in., or if in cement mortar 2¾in. exclusive of any applied facings:

(*d*) Unless strengthened to the satisfaction of the surveyor by a partition wall, fire-place, or projecting pier, no hollow wall which is less than 9in. in thickness shall exceed 240 sq. ft. in superficial extent and no hollow wall which is more than 9in. but not more than 13½in. in thickness shall exceed 300 sq. ft. in superficial extent:

(*e*) The aggregate thickness of the two parts, excluding the width of the cavity, shall throughout be not less than the minimum thickness prescribed for solid walls of the same height and length excepting that walls one storey in height may be 7¼in. in thickness:

(*f*) Nothing herein contained shall prevent a cavity not more than 1in. across being filled in with materials impervious to moisture, in which case the bonding ties may be omitted.

(2) Subject to compliance with the provisions of paragraph (1) of this regulation (other than sub-paragraphs (*c*) and (*e*) thereof) the inner part of any such hollow wall (other than a party structure or an enclosure wall to a lift or staircase) may be built as follows:—

(*a*) The inner part may be brick on edge, hollow terra cotta tiles, or gypsum blocks not less than 2¾in. thick built in cement mortar:

(*b*) The inner part may be compressed plates of straw or other composition not less than 2in. thick approved by the surveyor. The plates shall be pre-rendered with cement mortar not less than ½in. thick on the side nearest to the brick part of the wall and rendered on the other side with cement mortar or lime mortar not less than ½in. thick. No wooden studding shall be used in the construction and the live and dead loads shall be supported independently of the compressed plates:

(*c*) The inner part may be concrete slabs approved by the surveyor not less than 2in. thick re-inforced with expanded metal or wire mesh wired to steel rods in a manner approved by the surveyor, rendered in position in cement mortar and fixed to the approval of the surveyor.

Hollow Blocks.

67. (1) Hollow blocks of cement concrete, tile or other material, in every case approved by the surveyor, may be used for the construction of external walls (other than party walls) of buildings one storey in height if the thickness for walls

required by this Part of this schedule does not exceed 9in.: Provided that the method of using hollow concrete blocks and blocks which require to be built up of special sections shall be subject to the approval of the surveyor.

(2) Cement concrete blocks shall not be used green, and, unless special permission of the surveyor is obtained, no blocks shall be used within fourteen days from the date of the construction thereof. The blocks shall be bedded and jointed in cement mortar.

(3) Joists and beams shall not be let into walls of hollow blocks unless proper provision has been made for carrying them.

Length of Walls.

68. Walls shall be deemed to be divided into distinct lengths by return walls, and the length of every wall shall be measured from the face of one return wall to the face of another such return wall, being external, party, cross, or divisional walls, of the thickness required under this Part of this schedule, bonded into the walls so deemed to be divided.

Cross-Walls.

69. (1) The thickness of a cross-wall shall be two-thirds of the thickness required for an external or party wall of the same dimensions, and belonging to the same class of building, but shall never be less than 9in. if of brick or stone or less than 6in. if of cement, and no wall shall be deemed to be a cross-wall unless it is carried up to the plate level of the topmost storey, and unless in each storey the aggregate extent of the vertical faces or elevations of all the recesses, and that of all the openings therein taken together, does not exceed one-half of the whole extent of the vertical face or elevation of the wall. If a cross-wall is carried on a girder across the ground floor storey, and is supported by piers to the satisfaction of the surveyor, it shall be deemed to be a cross-wall in accordance with the provisions of this Part of this schedule.

(2) Wherever a cross-wall becomes in any part an external wall, the external portion of such cross-wall shall be of the thickness required for an external wall of the same height and length and belonging to the same class of building.

Thickening of Walls.

70. A wall shall not be thickened without the sanction in writing of the surveyor.

Buildings of the Domestic and Warehouse Classes.—Thicknesses of Walls.

71. (1) Subject to paragraph (2) of this regulation and except in the circumstances mentioned in regulation 66 of this schedule, all external and party walls of brick or stone in buildings of the domestic and warehouse classes shall be of the thicknesses specified hereunder:—

Buildings of the Domestic Class.

In Lime Mortar—

(*a*) In single storey buildings, and in the topmost storey of buildings exceeding one storey in height, the thickness of walls shall not be less than 9in.

(*b*) In buildings more than one storey in height, but not exceeding three storeys, the thickness of the walls in all storeys next below the topmost storey shall not be less than 13½in.

(*c*) In buildings not less than three storeys in height, but not exceeding five storeys, the thickness of walls in the topmost three storeys shall be as set out in subdivision (*b*) and in all storeys next below the topmost three storeys the thickness of the walls shall not be less than 18in.

(*d*) In buildings not less than five storeys in height, but not exceeding eight storeys, the thickness of walls in the topmost five storeys shall be as set out in subdivision (*c*) and in all storeys next below the topmost five storeys the thickness of walls shall not be less than 22½in.

(*e*) In buildings not less than eight storeys in height, but not exceeding ten storeys, the thickness of walls in the topmost eight storeys shall be as set out in subdivision (*d*) and in all storeys next below the topmost eight storeys the thickness of walls shall not be less than 27in.

(*f*) In buildings exceeding ten storeys in height the thickness of walls in the topmost ten storeys shall be as set out in subdivision (*e*) and in all storeys next below the topmost ten storeys the thickness of walls shall not be less than 31½in.

In Cement Mortar—

(i.) In single storey buildings, and in the topmost storey of buildings exceeding one storey in height, the thickness of the walls shall not be less than 9in.

(ii.) In buildings more than one storey in height but not exceeding three storeys the thickness of walls in all storeys next below the topmost storey shall not be less than 13½in.

(iii.) In buildings not less than three storeys in height, but not exceeding six storeys, the thickness of walls in the topmost three storeys shall be as set out in subdivision (ii.) and in all storeys next below the topmost three storeys the thickness of the walls shall not be less than 18in.

(iv.) In buildings not less than six storeys in height, but not exceeding nine storeys, the thickness of walls in the topmost six storeys shall be as set out in subdivision (iii.) and in all storeys next below the topmost six storeys the thickness of walls shall not be less than 22½in.

(v.) In buildings exceeding nine storeys in height the thickness of walls in the topmost nine storeys shall be as set out in subdivision (iv.) and in all storeys next below the topmost nine storeys the thickness of walls shall not be less than 27in.

Buildings of the Warehouse Class.

In Lime Mortar—

(*a*) In single storey buildings and in the topmost storey of buildings exceeding one storey in height, the thickness of the walls shall not be less than 9in.

(*b*) In buildings more than one storey in height, but not exceeding three storeys, the thickness of the walls in all storeys next below the topmost storey shall not be less than 13½in.

(*c*) In buildings not less than three storeys in height, but not exceeding five storeys, the thickness of walls in the topmost three storeys shall be as set out in subdivision (*b*) and in all storeys next below the topmost three storeys the thickness of the walls shall not be less than 18in.

(*d*) In buildings not less than five storeys in height, but not exceeding seven storeys, the thickness of walls in the topmost five storeys shall be as set out in subdivision (*c*) and in all storeys next below the topmost five storeys the thickness of the wall shall not be less than 22½in.

(*e*) In buildings not less than seven storeys in height, but not exceeding nine storeys, the thickness of walls in the topmost seven storeys shall be as set out in subdivision (*d*) and in all storeys next below the topmost seven storeys the thickness of the walls shall not be less than 27in.

(*f*) In buildings exceeding nine storeys in height the thickness of walls in the topmost nine storeys shall be as set out in subdivision (*e*) and in all storeys next below the topmost nine storeys the thickness of walls shall not be less than 31½in.

In Cement Mortar—

(i.) In single storey buildings and in the topmost storey of buildings exceeding one storey in height, the thickness of the walls shall not be less than 9in.

(ii.) In buildings more than one storey in height, but not exceeding three storeys, the thickness of walls in all storeys next below the topmost storey shall not be less than 13½in.

(iii.) In buildings not less than three storeys in height, but not exceeding five storeys, the thickness of walls in the topmost three storeys shall be as set out in subdivision (ii.), and in all storeys next below the topmost three storeys the thickness of the walls shall not be less than 18in.

(iv.) In buildings not less than five storeys in height, but not exceeding eight storeys, the thickness of walls in the topmost five storeys shall be as set out in subdivision (iii.) and in all storeys next below the topmost five storeys the thickness of the walls shall not be less than 22½in.

(v.) In buildings exceeding eight storeys in height the thickness of walls in the topmost eight storeys shall be as set out in subdivision (iv.), and in all storeys next below the topmost eight storeys the thickness of walls shall not be less than 27in.

(2) The thickness of walls less than 40ft. in length in buildings of the domestic class and of walls less than 30ft. in length in buildings of the warehouse class may be reduced by 4½in. in thickness in all storeys below the topmost storey in buildings of two storeys and upwards in height.

(3) Walls in single storey buildings of the domestic class and curtain walls may be hollow of the thicknesses set out in regulation 66 of this schedule.

(4) The ratio of thickness to height in any portion of a wall for any storey shall not exceed the following:—

Class of Building.	Walls Built in—	
	Lime Mortar.	Cement Mortar.
Domestic	1 to 18	1 to 20
Warehouse	1 to 16	1 to 18

Notwithstanding the above, the allowable stresses set out in regulation 41 of this schedule are not to be exceeded.

Divisional and Partition Walls.

72. (1) Divisional walls in buildings of the domestic and warehouse class may be constructed of brick or stone, or of any other incombustible material which is capable of supporting the load carried by the wall.

The thickness of such divisional walls shall be as follows:—

(*a*) When stayed in both lateral directions at each storey to external or party walls by means of fire-resisting floors the divisional walls shall be of such thicknesses as will safely withstand the stresses which may be conveyed to them.

(*b*) In any other case the divisional walls shall be sufficiently thick for any part of such walls to withstand safely the stresses which may be conveyed to them, but shall be of the following minimum thicknesses:

If of brick or stone in cement mortar:—

	Brick.	Stone.
Topmost storey	2¾in.	4in.
Next storey below	4½in.	8in.
Three storeys next below	9in.	12in.
Three storeys next below topmost five	13½in.	16in.

For additional storeys an increase must be made of 4½in. for each three storeys including the basement.

If of brick or stone in lime mortar:—

	Brick.	Stone.
Topmost two storeys	4½in.	8in.
Two storeys next below these	9in.	12in.
Two storeys next below topmost four	13½in.	16in.

For additional storeys an increase of 4½in. must be made for each two storeys including the basement.

If the walls of a building of two or more stories are constructed of "Polyzoal" coralline limestone the minimum width of the divisional walls of the topmost storey shall be 5in.

If of reinforced concrete:—

The minimum thickness of reinforced concrete divisional walls shall be 3in.

(2) Partition walls (other than party structures and enclosure walls to lifts and staircases) may be built of—

(*a*) bricks on edge, hollow terra cotta tiles or gypsum blocks not less than 2¾in. thick built in cement mortar;

(*b*) compressed plates of straw or other composition approved by the surveyor not less than 2in. thick rendered on each side with not less than ½in. cement mortar or lime mortar and secured in metal frames;

(*c*) concrete slabs approved by the surveyor not less than 2in. thick reinforced with expanded metal or wire mesh wired to steel rods in a manner approved by the surveyor, rendered in position in cement mortar and fixed to the approval of the surveyor.

Partition walls which separate passages from offices and partition walls in hotels, boarding-houses, apartment houses, clubs, sanatoriums or similar institutions may be constructed as provided in subdivision (*b*) or (*c*) hereof but with plates 4in. thick or as provided in subdivision (*a*) hereof.

Partition walls which are party structures or enclosure walls to lifts or staircases shall conform to the provisions of the seventh schedule.

Garages, Wood Sheds, Tool Houses.

73. Notwithstanding any of the provisions of this schedule relating to walls of buildings of the domestic class, single storey garages, wood sheds or tool houses, not exceeding three squares in area, may be built with walls of 4½in. brickwork in cement mortar stiffened with piers 9in. x 9in. at intervals not exceeding 6ft.

Additional Storeys in Certain Cases.

74. Subject to the special approval of the surveyor, in the case of buildings to which approval was given prior to the commencement of this Act, additional storeys constructed

wholly of reinforced concrete, and with a flat roof, or pitched roof not exceeding one in six, may be added to a building irrespective of the thicknesses of the existing walls if the surveyor is satisfied that the existing walls and foundations will carry the additional load, or that suitable provision has been made to carry the additional load, and the additional height will not exceed the maximum height permitted for such buildings. The walls of additional storeys may be framed with sloping sides if constructed in accordance with Part VII. or Part VIII. of this schedule.

Use of "Polyzoal" Coralline Limestone.

75. (1) Except in the case of divisional walls (where the thickness of walls shall be as provided by regulation 72 of this schedule), where in this Part or in regulation 204 it is provided that brick of 4½in. thickness or less may be used, "Polyzoal" coralline limestone of 4in. thickness may be used, and where in this Part or in regulation 204 it is provided that brick of any multiple of 4½in. thickness may be used, "Polyzoal" coralline limestone of the same multiple of 4in. thickness may be used.

(2) When any such limestone is used in the construction of any unprotected external wall of a habitable room, the wall shall be built as a hollow wall.

SCHED. II. PART VII.

PART VII.

STEEL FRAME CONSTRUCTION.

General.

76. Any person who erects, constructs or alters a building in which frame construction is used either wholly or in part, shall comply with the following provisions insofar as the frame portions of the building are concerned, and shall deposit with the surveyor (in addition to the plans and working drawings required to be supplied under section 8 of this Act) details of construction of all the parts of the buildings, together with a detailed copy of all calculations of the stresses and particulars of material and a general description of the building, and shall not erect or alter any portion of the building until the details and calculations for that portion have been approved by the surveyor.

The regulations in Part VI. of this schedule shall apply to buildings wholly or partly of frame construction insofar as they do not conflict with regulations in this Part.

Skeleton Framing.

77. The skeleton framing in any wall shall be capable of sustaining safely, independently of any masonry or brickwork the whole weight bearing upon the framing, including the weight of the wall, and the due proportion of any floors and roofs bearing thereon, together with the live load on such floors and roofs.

Composite Framing.

78. When a mild steel frame is used, then the whole of the frame shall be of mild steel with the exception of pillars, which may be of cast iron or cast steel, and when a reinforced concrete frame is used, then the whole of the frame shall be of reinforced concrete. When circumstances make it advisable or necessary the surveyor may approve of the use of composite construction.

Horizontal Members.

79. Except when otherwise approved by the surveyor, girders to support walls shall be fixed at or within 4ft. of the floor line of each storey.

Connection.

80. In all cases proper mechanical connection to resist all stresses must be made between the vertical and horizontal members of the frame.

Curtain Walls.

81. (1) Curtain walls may be built of stone, brick, concrete, terra cotta or other materials approved by the surveyor. If the height of a curtain wall supported on the horizontal framework of a building exceeds 24ft., or the area between the adjacent vertical or horizontal framework exceeds 480ft. super., it shall be not less than 13½in. solid in thickness. Curtain walls of less dimensions may be not less than 9in. thick or may be hollow and of the dimensions and kinds set out in regulation 66 of this schedule.

(2) All curtain walls shall be built in cement mortar, and shall be bedded close up to the frame and all joints shall be made full and solid.

(3) Curtain walls of reinforced concrete may be used as provided for pursuant to Part VIII. of this schedule.

(4) In this Part "curtain wall" means a wall built between the vertical and horizontal framework of a building, and which does not carry any load other than its own dead weight.

Party Walls.

82. Curtain walls forming party walls shall comply with the provision of regulation 71 of this schedule.

Facing of Walls.

83. Nothing in these regulations shall prevent the use of stonework, ashlar facing, or other approved facing to buildings of frame construction, provided it conforms with the provisions of regulation 65 of this schedule.

Self-supporting Walls.

84. Walls built in between columns or piers of a frame structure and not supported on steel or iron girders or reinforced concrete beams shall comply with the provisions of regulation 71 of this schedule. Any such walls shall be built in cement mortar, and shall not be used for bearing walls unless in compliance with Part VI. of this schedule.

Live Loads.

85. In designing buildings for industrial or commercial purposes where the loads exceed those laid down in Part II. of this schedule the actual live load caused by the use to which the building or part thereof is to be put, shall be used in the design of the building or part thereof. Special provision shall be made for machine or apparatus loads when the machine or apparatus causes greater load intensities than those specified in Part II. of this schedule.

Live Load Reductions.

86. In designing beams, girders, columns and footings the percentage reductions in total live load set out in Part II. of this schedule may be allowed.

Impact.

87. In the design of all structures carrying machinery, cranes, conveyors, or any other apparatus liable to set up vibration or to cause impact effects, 25 per cent. or such greater allowance as the circumstances may require shall be added to the stresses due to the effect of the static loads.

Temperature Effect.

88. In special cases such as long span roof trusses provision shall be made for expansion and contraction.

Erection or Temporary Loading.

89. The maximum stress imposed on any part or member of a structure during course of erection shall not be more than 25 per cent. in excess of the working stress specified in this schedule.

Stresses.

90. The several parts of the structure shall be proportioned so that the maximum working stresses, either uniform or on extreme fibres, will not exceed the figures set out in this clause.

If, however, any steel is used for which no working stress figure is provided in this Part, the maximum working stress for the member in which such steel is used shall be determined by dividing the lowest ultimate strength of the steel, as determined by not less than three actual tests, by the factor of safety which shall not be less than 3·5.

	lb. per sq. in.
Axial Tension—	
Structural steel on net section (bolts on area at bottom of thread)	18,000
Rivets (on nominal diameter	9,000
Bending on Extreme Fibres—	
Tension	18,000
Compression—Lateral deflection prevented	18,000
Lateral deflection not prevented (*See* regulation 107 of this schedule).	
Pins	22,000
Axial Compression—	
On gross section of columns (*See* regulation 98 of this schedule).	
Shearing on (*See* regulation 126 of this schedule)—	
Shop rivets	13,500
Turned bolts and pins	12,000
Field rivets—Power driven	12,000
Hand driven	10,000
Black bolts (where permissible—*See* regulation 119 of this schedule).	8,000
Webs on the gross area—Plate girders	11,000
Rolled shapes	12,000

Bearing on—	Where Single Shear Occurs lb. per sq. in.	Where Double Shear Occurs lb. per sq. in.
Pins and shop rivets	22,500	27,000
Turned bolts	20,000	24,000
Field rivets—		
Power driven	20,000	24,000
Hand driven	16,400	20,000
Black-bolts	13,000	16,000
Expansion rollers (in which d = diameter of roller in inches)	600 d lb. per lineal inch (where d shall be not less than 4in.)	
On plane faced or rolled surfaces	27,000lb. per sq. in.	

Castings.

	lb. per sq. in.
Direct Compression—	
Steel castings	16,000
Iron castings	10,000
Bending on Extreme Fibres—	
Iron castings—	
Tension	3,000
Compression	10,000
Steel castings	16,000

Minimum Section.

91. The minimum thickness of any steel carrying stress and exposed to outside atmosphere shall be ¼in. This provision shall not apply to light structural work such as skylights, light single storey buildings of a temporary or portable nature and like structures, rolled structural shapes and packings.

Sectional Tension Members.

92. The effective net sectional area shall be taken for all tension members.

Where countersunk rivets are used, the full loss of section due to the countersink shall be accounted for in determining the net section.

In making deductions for holes when calculating the net sectional area of tension members, the actual diameter of each drilled or reamered hole, and the actual diameter of each punched hole plus one-sixteenth of an inch shall be taken.

The effective sectional area of tension members formed of angle, or tee bars connected by one leg, shall be the net sectional area of the riveted leg plus one-half the area of the free leg. For channels connected at their ends by their webs the area shall be that of the web plus half that of the outstanding legs. Pin connected tension members shall have the section through the pinhole 25 per cent. greater than the least net section of the member and a net section at the back of the pinhole equal to 75 per cent. of that required through the pinhole.

Sectional Areas, Compression Members.

93. The gross sectional area shall be taken for all compression members provided that in computing the area of a section through open holes, or holes for black bolts, the net area only shall be considered.

Shearing Areas.

94. The shearing stress on the web plates of plate girders shall be calculated on the gross sectional area of the full depths of the plate. For rolled beams and channels, the gross sectional area of the web resisting shearing stress shall be calculated on the full depth of the beam or channel.

Symmetry of Section and Intersection.

95. Members shall preferably be of symmetrical section. All members shall, as far as possible, be symmetrical about the line of resultant stress and all rivets shall be grouped symmetrically about the same line. The neutral axes of intersecting main members shall preferably meet in a common point. If this is not practicable, then the results of eccentricity shall be suitably provided for.

Plates in Compression.

96. No plate used in compression shall have an unsupported width of more than 60 times its thickness and not more than 40 times the thickness of the unsupported material shall be considered as effective section. Column web plates whose thickness is less than one-fortieth of the unsupported width shall be stiffened at intervals not greater than twice the width of the web plates.

Outstanding Flanges.

97. The thickness of the outstanding legs of angles in compression, except when reinforced by plates, shall not be less than one sixteenth of the width of the outstanding legs.

Working Stresses in Columns.

98. (1) The permissible ratio of effective column length to least radius of gyration shall not exceed the following values:

I. For all columns and for struts forming part of the main structure of a building	150
II. For subsidiary members in compression ...	240

(2) The working stresses in the shafts of columns and other compression members shall not exceed the following, except as provided in regulation 279 of this schedule.

Ratio of Effective Column Length to Radius of Least Gyration. $\left[\frac{l}{r}\right]$	Working Stresses in Lb. per Sq. In. of Gross Section. (F_1)	Ratio of Effective Column Length to Radius of Least Gyration. $\left[\frac{l}{r}\right]$	Working Stresses in Lb. per Sq. In. of Gross Section. (F_1)
20	16,100	135	5,400
25	15,800	140	5,100
30	15,500	145	4,800
35	15,200	150	4,500
40	14,900		
45	14,500	155	4,300
50	14,100	160	4,100
55	13,700	165	3,800
60	13,200	170	3,600
65	12,700	175	3,400
70	12,100	180	3,300
75	11,500	185	3,100
80	10,900	190	3,000
85	10,300	195	2,800
90	9,700	200	2,700
95	9,100	205	2,600
100	8,500	210	2,500
105	8,000	215	2,400
110	7,500	220	2,300
115	7,000	225	2,200
120	6,600	230	2,100
125	6,200	235	2,000
130	5,800	240	1,900

Intermediate values may be obtained by interpolation.

Effective Column Length.

99. (1) *Effective Length.*—The effective length (l) of a compression member for the purpose of determining allowable axial stress shall be computed as follows:—

(a) Where both ends are held in position and restrained in direction 0.7 of the actual length:

(b) Where both ends are held in position and one end restrained in direction 0.85 of the actual length:

(c) Where both ends are held in position but unrestrained in direction, the actual length:

(d) Where one end is held in position and restrained in direction and the other end is restrained in direction but not held in position, 1.0 to 1.5 times the actual length, depending upon the degree of restraint.

(2) *Actual Length.*—The actual length of a compression member shall be measured between the centres of lateral support. In the case of a compression member provided with a cap or base the point of lateral support shall be assumed to be in the plane of the top of the cap or the bottom of the base.

(3) *Definition of a Restrained End—*

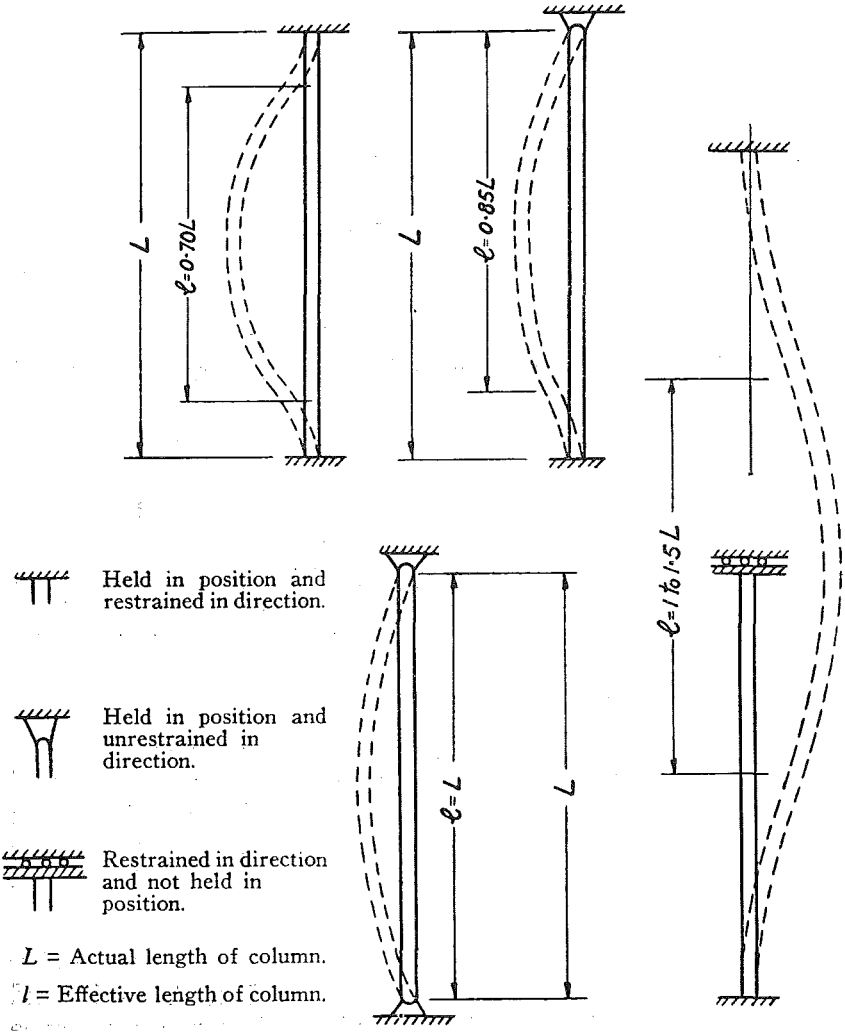
1. *In Direction.*—A column or other compression member may generally be assumed to have its end restrained in direction, provided that the resistance

moment of the restraining member (or members) and its connection is equal to:

(*a*) 0·25 of the resistance moment of the compression member (calculated as a beam with an extreme fibre stress of 18,000 lb. per sq. in.) for values of $\frac{l}{r}$ not exceeding 120.

(*b*) $0{\cdot}25 + 0{\cdot}20 \left\{\frac{l}{r} - 120\right\}$ of the resistance moment for values of $\frac{l}{r}$ exceeding 120, where l = the effective length and r = the radius of gyration of the member about the axis under consideration.

II. *Continuous Members.*—To constitute a restrained end condition for a compression member which is continuous through a point of lateral support, the moment of resistance of the restraining member (or



Column Lengths.

members) and its connection shall not be less than half of the respective values specified in subdivisions (*a*) and (*b*) of paragraph (1).

For a compression member to be regarded as continuous through a splice, the moment of resistance at the cross section of the splice shall be not less than that specified in subdivisions (*a*) and (*b*) of paragraph (1).

III. *Partially Restrained Ends.*—Where compression members are only partially restrained in direction, a proportionate increase in the effective length shall be made.

IV. *Flat Ends.*—A compression member having a "position-fixed" flat or square end capable of distributing the loading uniformly over the entire area of its section may for the purpose of ascertaining the effective length be assumed to have an end connection with a moment of resistance equal to 0.25 of the moment of resistance of the compression member as defined above, and such end may be assumed to be effectively restrained for values of $\frac{l}{r}$ not exceeding 120 or as partially restrained for values of $\frac{l}{r}$ above 120.

The term "restrained" in this regulation refers to restraint against crippling due to axial loading.

Column Splicing.

100. The ends of all pillars shall be a true surface at right angles to the axis.

Except where unavoidable, no joint in a column shall be made except at or near the level of a girder. Splices in compression members shall be situated as near points of lateral support as is reasonably practicable. In columns, due provision for bending moments shall be made in joints subjected to bending.

Solid Steel Slabs for Column Bases.

101. The thickness of solid steel slabs for column bases shall be determined from the following formula:—

$$t = \sqrt{\frac{u \times e^2}{6{,}000}} \quad or \quad = \sqrt{\frac{u \times f^2}{6{,}000}}$$

whichever is the greater.

Where t = the thickness (finished dimension) of the slab in inches.

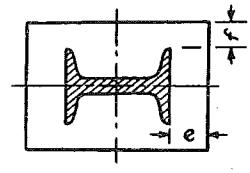
u = the unit pressure per sq. in. on the lower side of the slab.

e = the overhang of slab (see diagram) in inches.

f = the overhang of slab (see diagram) in inches.

In designing solid steel slabs or bloom bases for columns the column shall be assumed as having uniform bearing on the slab over the entire area of the machined end of the column shaft. It shall be assumed that a part of the slab which is the smallest rectangle which will enclose the column cross section will act as a continuation of the column and that the maximum bending moment in the slab will occur at the sides of this rectangle. While these assumptions are empirical, they are considered conservative since for the sake of simplicity in the calculations, various other factors are omitted which, if considered, would materially add to the strength of the slab.

The determining bending moment will occur on that side of the enclosing rectangle for which the overhang "*e*" or "*f*" is greatest.



Lattice.

102. (1) *Latticing and Plating of Columns.*—Columns with open sides and without continuous webs shall be provided with lattice or batten plate systems. Batten plates shall be provided on lattice columns at each end and at intermediate points if the lattice is interrupted. The latticing and plating of a column shall be proportioned to resist the maximum transverse shear at any cross section, such shear being assumed to be divided equally among all parallel planes of the stiffening system, whether of plates or of latticing. In no case shall a value be allowed for transverse shear less than 2½ per cent. of the maximum axial load, plus the additional shear at such planes of bracing due to any transverse loads on the member.

(2) *Lattice Bar Minimum Dimensions.*—The minimum width and thickness of lattice bars with rolled edges shall be in accordance with the requirements of the table hereunder. Bars with one or both edges sheared shall be ¼in. wider than the minimum widths given. The minimum thickness of lattice bars shall be $\frac{1}{40}$ of the shortest distance between the centres of rivets in the case of single latticing, and double latticing not riveted at the intersections, and $\frac{1}{60}$ of this distance for double latticing riveted at the intersection. Rolled sections of equivalent strength may be used for latticing in place of flats.

Bar (Both Edges Rolled).		Rivet. Diameter.
Width.	Thickness.	
In.	In.	In.
$1\frac{1}{2}$	$\frac{1}{4}$	$\frac{1}{2}$
$1\frac{3}{4}$	$\frac{1}{4}$	$\frac{5}{8}$
$2\frac{1}{4}$	$\frac{5}{16}$	$\frac{3}{4}$
$2\frac{1}{2}$	$\frac{5}{16}$	$\frac{7}{8}$

(3) *Angle of Lattice Bars.*—Lattice bars shall be inclined at an angle of not less than 60 degrees to the axis of the member when single latticing is employed and at an angle of not less than 45 degrees when double latticing is used.

Batten Plates.

103. The minimum depth of end batten plates shall be equal to the horizontal distance between the centres of rivet groups.

The minimum depth of intermediate batten plates shall be half that of the end batten plate.

The minimum thickness of batten plates shall be one-fortieth of the horipontal distance between rivet lines with a minimum of $\frac{3}{8}$in. except in cases where the thickness of the members connected is less than this, when the thickness of the batten plate shall be the same as that of the members connected.

Spacing of Lattice Bars and Batten Plates.

104. The maximum spacing of lattice bars and batten plates shall be such that the ratio L/r for the portions between consecutive connections of the latticing or plating in one plane shall not be greater than 80 per cent. of the L/r ratio of the member as a whole.

The clear distance between plates shall be not more than four times the depth of the batten plates (measured along the length of the column).

For the purpose of calculation the distance between end rivets of adjacent batten plates shall be taken as the distance between connections.

Rivets in Columns.

105. At the ends of all riveted columns for a distance of at least one and one-half times the width of the member, the pitch of the rivets shall not exceed four rivet diameters.

The number of rivets in all batten plates shall be not less than three at each end of each plate.

Hollow Columns.

106. If the surveyor is satisfied that any concrete enclosed columns which are built up hollow are likely to be subjected to excessive corrosion, he may require the cavities of the columns to be filled with concrete. The aggregate of the concrete shall be broken inert stone or gravel (excluding limestone) broken brick or terra-cotta or similar inert material.

Lateral Stability, Beams and Girders.

107. On the gross section of the compression flanges of girders and beams in which lateral deflection is not prevented, the working stress in lb. per sq. inch. shall not exceed

$$24{,}000 - 300 \frac{L}{b}$$

For channels, and in other cases, where the flange is not symmetrical about the centre line of the beam, the working stress in lb. per sq. in. shall not exceed $24{,}000 - 500 \frac{L}{b}$

Where L = the lateral unsupported length of the compression flange.

b = the breadth of the compression flange, in the same units as L.

Provided that the working stress shall not exceed 18,000lb. per sq. in.

Where the ends of a beam are rigidly fixed, the length L shall be taken as the distance between points of contraflexure. In no case shall the ratio L/b exceed fifty.

Plate Girders.

108. Plate girders shall preferably be proportioned on their moment of inertia, using the net section of both flanges and the web. They may be proportioned by assuming that the flanges are concentrated at their centre of gravity in which case one-eighth of the gross section of the web when properly spliced may be used as flange section.

Flange Plates.

109. Flange angles shall form as large a part of the area of the flange as practicable, and the number of flange plates shall be reduced to a minimum. The flange plates shall not project beyond the centre line of the outer line or rivets which pass through the flange angles, more than eight times the thickness of the thinnest flange plate or more than 6in.

Flange to Web Rivets.

110. The number of rivets connecting the flange angles of plate girders to the web plate shall be sufficient to develop the increment of flange stress transmitted to the flange angles combined with any load which may be applied directly thereto.

Stiffeners.

111. (1) *Web Stiffening.*—Adequate provisions shall be made for resistance to buckling.

(2) *Stiffener Design—General.*—All stiffeners shall be proportioned as struts having a length equal to three-quarters of the depth of girder. End and intermediate stiffeners shall have a close bearing against flanges or flange angles. The pitch of rivets in stiffeners shall not exceed 6in. End stiffeners and those at points of concentrated load shall not be joggled.

(3) *End Stiffeners.*—Webs shall have stiffeners over end bearings. Their outstanding legs shall extend as nearly as practicable to the outer edge of the flanges or flange angles. The stiffeners shall be proportioned (as struts) to transmit safely the end reaction. They shall be connected to the web by enough rivets to transmit this reaction.

(4) *Stiffeners at Points of Concentrated Load.*—Stiffeners shall be placed at points of concentrated load. Stiffeners under or over concentrated loads shall be proportioned to distribute such loads into the web.

(5) *Intermediate Stiffeners.*—Intermediate stiffeners shall be provided when the clear depth of the web plate between flange angles or side plates exceeds 60 times its thickness. The distance centre to centre of such stiffeners shall not be greater than the full depth of the web plate, nor shall it exceed 6ft. The combined width over the outstanding legs of the stiffeners shall not be less than one-tenth of the girder depth plus 2in. The thickness of the outstanding leg shall not be less than three-fourths of the thickness of the web plate or one-twelfth of the outstanding leg.

The spacing of the stiffeners shall be such that the stress in. lb. per sq. in. due to shear in the web shall not exceed

$$12{,}000 - 40\ \frac{d}{t}$$

where d = distance between rivet lines in the flange angles or the distance between stiffeners, whichever is the less.

t = web thickness.

(6) *Lateral Stiffeners.*—Where necessary, the flanges of plate girders shall be stiffened to resist lateral forces.

Truss Tension Members.

112. Truss tension members shall preferably be of rigid construction the ratio of $\frac{l}{r}$ not exceeding 240.

Truss Compression Members.

113. Truss compression members shall be designed in conformity with the provisions laid down for the design of columns.

Beams, Girders and Trusses.

114. (1) *Camber and Defection.*—All trusses having a span greater than 40ft. shall have at least such initial camber that with the full live load at the centre of the span the camber will not be entirely taken out by deflection. The maximum deflection in any beam, truss or girder under full live load conditions shall not exceed one-three hundredth of the span.

(2) *Effective Spans.*—Where rolled beams are connected to continuous columns by web connections equal or superior to those given in Australian Standard Specification (No. CA. 1, Appendix E) and where minor beams are connected to one another through the web of a major beam or column by web connection, angles equal or superior to those given in Australian Standard Specification (No. CA. 1, Appendix E) so as to form a continuous line, the effective span for calculating bending moments shall be taken as not less than the distance between the gauge lines of the connection rivets on the webs of the beam. Where there is more than one line of rivets the centre of gravity of the rivet group shall be used for computing the effective span.

Where a plate web girder is connected at the ends to supporting members by full depth web connection angles, the effective span for computing the bending moment shall be taken as the distance between centres of gravity of the end rivet groups.

When trusses frame into the flanges of columns the minimum effective span for computing stresses in the truss frame shall be taken as the distance face to face of the columns.

For pins subjected to bending the effective span shall be the distance measured between the centres of the bearing surfaces.

In all other cases the effective span shall be taken as the distance between the centres of the bearing surfaces.

(3) *Effective Depths.*—In plate girders where the flange areas are approximately equal and in the case of truss girders the effective depth shall be taken as the distance between centres of gravity of the upper and lower flanges or chords.

Joints.

115. The butting ends of all spliced members, whether in tension or compression, shall be fully covered and riveted or bolted with turned bolts to develop the effective strength of the member excepting that vertical columns in which the resultant stresses due to all loads and bending moments are wholly compressive, if machine faced on the ends for bearing, shall be spliced sufficiently to hold the abutting parts true to place and to transmit at least 25 per cent. of the direct compressive stress through the splice material.

Joint Symmetry.

116. The centre of gravity of the splice plates shall coincide as nearly as possible with the centre of gravity of the member spliced.

Web Joints.

117. Web joints shall have double covers of adequate width to admit of sufficient rivets or fitted bolts to transmit the whole of the shearing stress at the joint. Where a portion of the web is included as flange section, the web covers and their connecting rivets or fitted bolts shall be proportioned to transmit bending as well as shearing stresses.

Turned Bolts.

118. Turned bolts in reamered holes may be used in shop and field work. The shanks of such bolts shall be long enough to provide full bearing on the turned portion, to permit the use of washers under the nuts and to ensure the thread of the nut being fully engaged.

Holes for turned bolts shall be reamered so as to ensure that the bolts bear uniformly throughout, and the bolts shall make a driving fit, with the threads entirely outside the hole.

Black Bolts.

119. Black bolts may be used in shop or field work for connections in light unimportant structures where specified or approved by the surveyor for all such secondary members as girts, doors and window framing, alignment bracing and purlins; and for floor joists framing into floor members. In cases where black bolts are used for field connections, suitable dead bearings formed by seating plates, packing brackets (or the like) shall be provided to resist the whole of the shear forces involved. This requirement as regards dead bearings shall, however, not apply to roof trusses or to the end connections of secondary floor beams. Clearances for black bolts shall be as small as practicable, but shall not exceed 1/16in. for all sizes.

Washers.

120. Bevelled washers of approved material shall be provided for all bolt heads and nuts bearing on bevelled surfaces. Washers, where used, shall have perfectly flat faces and shall be of sufficient thickness to prevent the nut bearing on the shoulder of the thread of the bolt. Where nuts are liable to work loose due to vibration, spring washers or lock nuts or other locking devices approved by the surveyor shall be used.

Minimum Number of Rivets.

121. All connections carrying calculated stress, except those in very minor parts such as lacing bars, sag bars, hand rails, shall have not less than two rivets or bolts at each end.

Position of Joints.

122. All joints in columns shall occur as reasonably as practicable to floor levels. Splices in compression members shall be situated as near points of lateral support as is reasonably practicable. In columns due provision for bending moments shall be made in joints subjected to bending.

Use of Rivets.

123. Rivets shall be used for the connections of all members excepting where otherwise provided.

Countersunk Rivets.

124. Flush countersunk rivets shall be avoided wherever possible, but where they are required, the head shall be made to more than fill the countersunk portion of the hole and then shall be made flush with the surface of the plate or section.

Long Rivets.

125. Rivets subject to stress, whose grip exceeds $4\frac{1}{2}$ diameters, shall be increased in number at least 1 per cent., for each additional 1/16in. of grip.

Rivet Areas.

126. (1) *Effective Diameter.*—In determining the number of rivets required, the diameter of the rivet before heating shall be taken as the effective diameter for calculating rivet area.

(2) *Shearing Areas.*—Rivets, bolts and pins in double shear shall be calculated as having not more than twice the shearing strength of those in single shear.

(3) *Effective Bearing Areas.*—The effective bearing area of a pin, rivet or bolt, shall be the diameter multiplied by the thickness of the member or unit transmitting or receiving

stress, except that for rivets with rounded countersunk heads one half of the depth of the countersink shall be omitted, and in the case of rivets with flat countersunk heads the full depth of the countersink shall be omitted.

Rivet Layout.

127. (1) *Minimum and Maximum Pitch.*—The distance between centres of rivets shall be not less than three rivet diameters. The pitch of rivets in the direction of the stress shall not exceed 6in. or 16 times the thickness of the thinnest outside plate, whichever is least, provided that for two gauge lines and rivets staggered, the above distance shall be measured between rivets on alternate lines.

(2) *Edge Distance, Rivets, Etc.*—Unless otherwise specified the distance from the centre of a rivet to a sheared edge shall not be less than one and three-quarter times the rivet diameter or to a rolled or planed edge less than one and one-half times the rivet diameter, except that in flanges of beams and channels, the minimum distance may be one and one-quarter times the rivet diameter. The distance from the edge of a plate to the centre of the rivet shall not exceed eight times the thickness of the plate.

Rivet and Bolt Gauge Lines.

128. Rivet and bolt gauge line spacing shall be as specified in the Australian Standard Specification (No. CA. 1) and as approved by the surveyor.

Stitch Rivets.

129. When two or more plates are used in contact, stitch rivets shall be provided to make them act as one. In compression and tension members the stitch rivets shall be spaced not more than 24 times the thickness of the thinnest outside plate, in the direction at right angles to the line of the stress; and not more than 16 times the thickness of the thinnest outside plate in the line of stress. In tension members composed of two angles in contact, a pitch of 3ft. 6in. may be used for riveting the angles together, and in compression members, 2ft., but the ratio L/r for each angle between rivets shall not be more than three-quarters of that for the whole member.

Floors.

130. Every floor shall be of sufficient strength in all parts to bear safely any imposed load, whether permanent or temporary, in addition to the dead loads depending thereon. The depth of beams in floors shall not be less than those shown in the table hereunder. Alternatively, the conditions specified for camber and deflection of beams, girders, and trusses, in the design of floor members may be used.

Position, etc.	Maximum Allowable Ratio of Span to Depth.
Ordinary rolled beams	24
Beams encased in concrete	24 (where the depth may be measured from the bottom flange of the beam to the top surface of the concrete)

Roofs.

131. The members of roof trusses may be connected by pins, welds, rivets or turned bolts. Roof trusses shall be of such design that the stresses in each member can be calculated.

All roof systems and their supporting structures shall be braced so as to be capable of safely resisting all lateral and longitudinal forces likely to be imposed upon them, and in any case the two end bays of multiple span systems shall be braced.

The maximum allowable ratio of span to depth of rolled beams used as roof purlins shall not exceed 40.

Fire Protection.

132. Steel structures shall be protected against fire as provided by this schedule.

Corrosion.

133. Steelwork exposed to the action of corroding agencies shall be protected against the effects of corrosion by one of the following methods:—

(*a*) Concrete casing:

(*b*) Painting:

(*c*) Galvanizing, sheradizing, or similar process:

(*d*) Any other method approved by the surveyor.

Steelwork protected in accordance with the requirements for fire protection, may be considered as complying with the requirements of this regulation. The thickness of concrete cover shall be at least that required for fire protection. Pockets or depressions shall be avoided as far as possible, and those which are unavoidable shall either be provided with effective drain holes or they shall be filled with waterproof material. In exceptional circumstances the surveyor may require an addition to be made to the sectional area required to resist computed stress so as to allow for corrosion when the structure is situated where climatic influences of local conditions are such that corrosion may be set up in the steel work. Where steel is incorporated in or forms part of a foundation, it shall be thoroughly protected from corrosion by concrete at least 3in. thick or by other method approved by the surveyor.

Steel Grillages.

134. When grillage beams, resting on a concrete bed, are used, they shall be provided with separators and bolts and shall be enclosed and filled between with concrete. All bearing portions of grillages shall be in metal to metal contact the one with the other, and all column bases shall be in metal to metal contact with the grillage members upon which they rest.

Pressure Upon Foundations.

135. For calculating column pressures on foundations, the full dead loads together with the reduced live loads, and the wind loads shall be taken.

Design of Footings.

136. Footings throughout the structure shall be designed so that any settlement which may occur will be as nearly as uniform as possible over the whole structure.

Workmanship and Finish.

137. All workmanship shall be of first-class quality in every respect. The greatest accuracy shall be observed to ensure that all parts will fit properly together on erection. Finished members shall be true to line and free from twists, bends and open joints. All shearing, chipping and boring shall be accurately done. All portions of the work shall be neatly finished. Parts of the structure which must be erected in the field shall be match marked, and a copy of a diagram showing all such marks shall be furnished to the erecting engineer. All parts weighing over 30cwt. shall have their weight legibly marked upon them.

Straightening.

138. Before any work is done on them, all plates, bars, and sections shall be carefully levelled, straightened, and made true by methods which will not injure the material. Where any material becomes sharply bent or kinked, it may be rejected.

Method of Machining Plates and Sections.

139. Where machining is specified, plates or sections shall be in the first instance of such a size as will ensure a true finished surface of sound metal.

Machining of Column Ends and Bases.

140. All connecting angles and gusset plates shall be fitted in place before column ends are machined. All joints of machined surfaces shall be shop assembled and the clearance shall nowhere be greater than 0·005in. when tested by a feeler gauge. Cast and bloom bases and caps shall be machined on

the surfaces to be in contact with steel and the opposite surfaces shall be rough dressed. Both sides of column butt-plates and cap plates shall be either planed or levelled to insure an even bearing on the members in contact with them.

Pins and Rollers and Pin Holes.

141. All connecting pins shall be finished accurately to gauge and parallel throughout, straight and with a smooth surface entirely free from flaws, and of sufficient length to ensure that all parts connected thereby have a full bearing on the pin. Pin holes shall be bored smooth, straight and true to gauge and at right angles to the axis of the member. The clearance in pin holes shall not exceed 1 per cent. of the diameter of the pin for pins up to and including 2in. diameter, and $\frac{1}{50}$in. for pins whose diameter exceeds 2in.

Smithing.

142. Any bending, forging or cutting required shall be carried out in such a manner as not to impair the strength of the metal. All joggles shall be formed, preferably in a press. Screwed ends of tie bars shall not be forged on but shall be formed from the solid bar. Enlarged ends shall be formed by upsetting in a forging machine or drawing from the solid bar. Eyes of tie bars shall be solid forged and not welded.

Drilling.

143. All rivet holes and other holes in main members or parts thereof over $\frac{3}{4}$in. in thickness shall be drilled through the solid, and preferably all such holes in main members of parts thereof $\frac{3}{4}$in. or under in thickness also shall be so drilled. Where several plates and angles form a compound member or girder, they shall, where practicable, be firmly connected together by clamps or tacking bolts and the holes drilled through all the thicknesses at one operation. After being drilled the plates and sections shall be taken apart and all burrs shall be removed before they are put together again. For rivets of all diameters $\frac{5}{8}$in. and more, the holes may be $\frac{1}{16}$in. larger than the nominal diameter of the rivet.

Punching.

144. Rivet holes and other holes in secondary members and parts thereof up to and including $\frac{3}{8}$in. thick may be punched full size. The diameter of the die (punching) shall be not more than $\frac{1}{16}$in. larger than the nominal diameter of the rivet, and the relative sizes of the punch and die shall be such as will not produce depression of the surface of the plate adjacent to the hole. Rivet holes and other holes in members $\frac{3}{4}$in. and under in thickness may be sub-punched with a punch making a hole $\frac{1}{8}$in. smaller in diameter than the nominal size

of the rivet or of the plate thickness, whichever is least, and reamered out with twist drills or reamers to a diameter 1/16in. greater than the nominal diameter of the rivet.

Reamering.

145. Poor matching of holes shall be a cause for rejection. Unfair holes shall not be enlarged by drifting, but if holes must be enlarged to admit the rivets, they shall be reamered.

Riveting.

146. Rivets shall be driven by pressure machines of approved design. Turned bolts shall be used in situations where rivets cannot be machine driven. Rivets when heated and ready for driving shall be free from slag, scale and carbon deposit. Rivets shall be of uniform light cherry red heat from head to point when inserted, driven immediately and upset in their entire length so as completely to fill the hole. Each rivet shall be of sufficient length to form a head of a standard dimension in accordance with one or other of the forms set out in the Australian Standard Specification (No. A. 34). Rivet heads shall be full, neatly made, concentric with the rivet shank and the rivet hole, and in full contact with the surface of the member. Loose, burnt or defective rivets shall be replaced. Caulking or recupping shall not be permitted, nor shall the rivet head be worked upon after its temperature has fallen to or below blue heat. In removing rivets care shall be taken not to injure the adjacent metal. If necessary, rivets shall be drilled out. All work shall be kept properly bolted and drifted together while it is being riveted. No drift having a diameter larger in any part than the hole in which it is to be used shall be allowed.

Welding.

147. All welding shall be in accordance with the requirements of the Australian Standard Specification (No. CA. 8).

Flame Cutting.

148. Flame cutting may be carried out by the use of a cutting torch or machine only if the metal is not carrying stress during the cutting. Stresses shall not be transmitted through a flame cut surface. Rivet and bolt holes shall not be cut by oxy-acetylene cutting pipe or other like means.

Corrosion Protection.

149. (*a*) *Cleaning.*—Before painting, all metal surfaces shall be thoroughly scraped and cleaned of rust, loose scale and dust, oil and grease.

(*b*) *Surfaces in Contact.*—Surfaces to be in contact shall be cleaned and when specified shall be given one coat of paint on each surface, before assembly.

(*c*) *Inaccessible Parts.*—All surfaces (to be protected by paint) which may be inaccessible after erection shall be cleaned and given two shop coats.

(*d*) *Paint.*—Paint used as a protecting agent shall be in accordance with any relevant Australian Standard Specification.

Concrete Covered Surfaces.

150. Surfaces which are to be protected by concrete casing shall not be painted. All such surfaces shall be left in a perfectly clean condition, free from all dirt, rust, grease or paint spots immediately prior to the placing of the concrete.

SCHED. II.
PART VIII.

PART VIII.

REINFORCED CONCRETE CONSTRUCTION.

151. Any person who erects, constructs or alters a building in which reinforced concrete construction is used, either wholly or in part, shall comply with the following provisions insofar as the reinforced concrete portions of the building are concerned, and he shall deposit with the surveyor (in addition to the plans and working drawings required to be supplied under section 8 of this Act) details of construction of all the parts of the building, together with a detailed copy of all calculations of the stresses and particulars of material and a general description of the building, and shall not erect, alter, or commence to erect or alter any portion of the building until such details and calculations for that portion have been approved by the surveyor.

152. Every such building shall be erected, constructed or altered in accordance with the requirements of the Australian Standard Specification. (No. CA. 2.)

PART IX.

TIMBER FRAME BUILDINGS.

153. Timber frame buildings shall, in all particulars which are plainly applicable, comply with Parts II. to IV. (inclusive), XIII. to XVIII. (inclusive), and XX. of this schedule.

Height of External Walls.

154. The external walls of every such building shall not, except with the consent of the council, exceed in height 27ft. measured from the floor level to the top of the wall plates.

Building to be Wholly in One Occupation.

156. Every such building shall be constructed or adapted for one occupation only.

Distance from Street and from Other Buildings.

157. Every such building shall be distant at least 8ft. from any street or way and 9ft. from the boundaries of any land not in the same occupation, or from any brick, stone, or concrete building in the same occupation of more than one square in area. The distance between any two timber frame buildings shall be not less than 18ft. except in the case of outbuildings in connection with dwellings which shall comply with the provisions of Part XVIII. of this schedule.

Construction Requirements.

158. Every timber frame building shall be constructed in accordance with the following requirements:—

I. The timber framework shall be capable of supporting and transmitting to the base structure the weight of the structure together with the live loads without the stresses in the materials of the framework anywhere exceeding those permitted. A framework constructed with members of the materials and sizes given in the following table shall be accepted as fulfilling the requirements of this paragraph. Details shall be submitted to and the design approved by the surveyor when—

(*a*) it is desired to depart from the sizes or spacings in the table; or

(*b*) the design is for a particular case not set out in the table.

Base Structure.

II. The framework of walls shall rest upon—

(*a*) sleeper walls of brick, stone or concrete of not less than 4½in. with 9in. square piers spaced at distances approved by the surveyor; or

(*b*) piers of brick, stone or concrete of dimensions not less than 9in. by 9in. and provided with adequate footings; or

(*c*) stumps of red gum or jarrah, of a size not less than that given in the table. Bottoms of stumps shall be at a depth below natural surface equal to one-fourth of their length, and in no case less than 18in. and shall rest upon—

(i.) a base of concrete 8in. square and 4in. thick; or

(ii.) a base of brickwork in cement mortar 9in. square and two courses thick; or

(iii.) on a sole plate of red gum or jarrah, 12in. long 6in. wide and 2in. thick rammed to a solid bearing before the stumps are fixed thereon.

All stumps projecting more than 4ft. above the surface of the ground shall be securely braced to the approval of the surveyor. All timber in contact with the ground shall be treated with a preservative approved by the surveyor.

Table of Timber Sizes and Spacings.

Member.	Timber Sizes (Nominal).	Maximum Spacing (Centre to Centre).	Material.	Remarks.
Stumps or blocks..	4in. x 4in. ..	4ft. 0in.	Red gum or jarrah	Depth in ground and bracing to be as required by regulation 5 (2) (c)
Ground floor bearers	4in. x 3in. ..	5ft. 0in.	Red gum or jarrah	To be fixed on edge. Size given applies also to those under walls.
Wall plates—				
(*a*) Bottom.....	4in. x 2in. ..	—	Red gum or jarrah	—
(*b*) Top	4in. x 2in. ..	—	Hardwood or softwood	—
Ground floor joists	4in. x 2in. or 5in. x 1½in.	1ft. 6in.	Red gum or jarrah	Double joists to be used at walls.
Studs	4in. x 1½in. .	2ft. 0in.	Hardwood or softwood	Housed ⅜in. into plates.

If the stumps or blocks are covered in manner approved by the surveyor by ant caps approved by the surveyor, the ground floor bearers, wall plates, and ground floor joists may be of hardwood or softwood.

Table of Timber Sizes and Spacings—*continued.*

Member.	Timber Sizes (Nominal).	Maximum Spacing (Centre to Centre).	Material.	Remarks.
Corner studs.....	4in. x 4in. or double 4in. x 2in.	—	Hardwood or softwood	Housed $\frac{3}{8}$in. into plates.
Head sills	4in. x 2in. ..	—	Hardwood or softwood	Housed $\frac{3}{8}$in. into studs.
Trimmer studs ...	4in. x 2in. ..	—	Hardwood or softwood	Housed $\frac{3}{8}$in. into plates.
Ceiling joists	4in. x $1\frac{1}{2}$in. .	2ft. 0in.	Hardwood or softwood	—
Hangers	$1\frac{1}{2}$in. x $1\frac{1}{4}$in. or 16 gauge galv. hoop iron	2ft. 0in.	Hardwood or softwood Hoop iron	To be securely nailed to hanging beam and ceiling joist.
Rafters—				
(*a*) For tiles or slates	5in. x $1\frac{1}{2}$in. or 4in. x 2in. ..	2ft. 0in.	Hardwood or softwood	—
(*b*) For iron or sheet materials	4in. x $1\frac{1}{2}$in. .	4ft. 6in.		
Hip and valley rafters	8in. x $1\frac{1}{4}$in. .	—	Hardwood or softwood	—
Struts	3in. x 3in. ..	8ft. 0in.	Hardwood or softwood	—
Collar ties—				
(*a*) For tiles or slates	3in. x $1\frac{1}{2}$in. .	4ft. 0in.	Hardwood or softwood	—
(*b*) For iron or sheet materials	3in. x $1\frac{1}{2}$in. .	4ft. 6in.		
Ridges	8in. x $1\frac{1}{4}$in. .	—	Hardwood or softwood	—
Flooring boards ..	$\frac{3}{4}$in. thick ...	—	Hardwood or softwood	Shall be tongued and grooved.
Wall bracing	2in. x 1in. or hoop iron $1\frac{1}{4}$in. wide	—	Hardwood or softwood	Extent of bracing to be approved by surveyor.

Member.	Live Loading.	Maximum Spacing (Centre to Centre).	Span.	Timber Sizes.	
				Hardwood.	Softwood.
Upper floor joists	Floors or flat roofs for which live loads are—	Ft. In.	Ft.	In.	In.
	60lb. per sq. ft.	1 6	0–9	6 x $1\frac{1}{2}$	6 x 2
			9–12	8 x $1\frac{1}{2}$	8 x 2
			12–15	10 x $1\frac{1}{2}$	10 x 2
			15–18	10 x 2	12 x 2
	75lb. per sq. ft.	1 6	0–9	6 x $1\frac{1}{2}$	7 x 2
			9–12	8 x $1\frac{1}{2}$	9 x 2
			12–15	10 x $1\frac{1}{2}$	11 x 2
			15–18	10 x 2	13 x 2
	100lb. per sq. ft.	1 6	0–9	6 x 2	8 x 2
			9–12	8 x 2	10 x $2\frac{1}{2}$
			12–15	10 x 2	12 x $2\frac{1}{2}$
			15–18	12 x 2	14 x $2\frac{1}{2}$
	150lb. per sq. ft.	1 6	0–9	8 x 2	10 x 2
			9–12	10 x 2	13 x 2
			12–15	12 x 2	14 x $2\frac{1}{2}$
			15–18	14 x 2	14 x 3
Purlins	—	4 0	Up to $4\frac{1}{2}$	3 x 2	3 x 2
Under purlins	—	6 0	Up to 9	4 x 3	4 x 3
			Under purlins of greater span than 9ft. shall be strutted or larger sections of sufficient strength shall be used.		
Ceiling hanging beams	—	7 0	Up to 10	8 x $1\frac{1}{2}$	8 x $1\frac{1}{2}$
			For longer spans hanging beams shall be increased 1in. in depth for every additional 2ft. increase in span over 10ft.		

Damp-proof Course.

III. If the framework of walls is supported upon sleeper walls a dampcourse of durable material approved by the surveyor, impervious to moisture, shall be provided below the level of all sleepers and plates. The dampcourse shall be continuous throughout the whole length of the wall. Where brick, stone or concrete piers are used a similar dampcourse shall be provided to every pier.

Vermin Plates.

IV. Vermin plates shall be provided in all cases where the floor is of timber construction.

Exterior Surface of Walls.

V. The exterior surface of walls shall be covered with weatherboards galvanized iron, asbestos-cement sheets, stucco, compressed plates of straw or other composition or other materials approved by the surveyor. Weatherboards shall be of good sound timber free from large knots and be not less than three-quarters of an inch in thickness and shall have an overlap of not less than 1⅛in., galvanized iron shall be of good quality not less than No. 26 Birmingham gauge. Asbestos-cement sheets shall be not less than three-sixteenths of an inch in thickness. Stucco or roughcast shall be applied to expanded metal lathing not less than No. 24 gauge, the first or scratch coat to be lime mortar gauged with cement and mixed with sufficient care to thoroughly bind same, the second coat to be cement mortar, and the final coat shall be such as to make the exterior coating water proof. Compressed plates of straw or other material shall be of an aggregate thickness of not less than 4in. and rendered on the exposed side with not less than ½in. cement mortar and rendered on the inner side with not less than ½in. cement mortar or lime mortar.

Inner Walls and Ceilings.

VI. The interior surface of all walls and ceilings of buildings of the domestic building class shall be finished in lath and plaster, metal, asbestos-cement, fibrous plaster, matchboard, insulating board, pressed board, veneer panels, compressed plates of straw or other composition or other materials approved by the surveyor.

Roofs.

VII. Roofs shall be covered with tiles, slates, metal, asbestos-cement, or other incombustible materials.

Additions.

159. No additions in any materials shall be made to any timber frame building which will decrease the insulation required for the building, nor shall any timber frame building be erected in such a position as will nullify the insulation of any existing building or structure.

Removal and Re-erection of Timber Frame Buildings.

160. Timber frame buildings, transported or removed either in whole or in part into a municipality or district, or from one part of a municipality or district to another shall, when complete, comply with all the provisions of these regulations in regard to the erection of new buildings.

SCHED. II.
PART X.

PART X.

SINGLE STOREY LIGHT METAL FRAME BUILDINGS.

161. Buildings erected in manner provided by this Part shall, in all particulars which are plainly applicable, comply with Parts II. to IV. (inclusive), XIII. to XVIII. (inclusive), and XX. of this schedule.

Class of Building.

162. A single storey building may be erected with walls of compressed plates of straw or other composition or of concrete slabs erected upon a metal framework.

Distance from Street and Other Land.

163. Any such building shall be distant at least six feet from any street or way and from the boundaries of land not in the same occupation.

Construction Requirements.

164. The walls of every such building shall conform to the following requirements:—

1. The metal framework of every wall shall be capable of sustaining safely, independently of any other part of the wall, the whole weight bearing upon the framework, and the due proportion of any floors and roofs bearing thereon, together with the live load on such floors and roofs:

II. The external walls shall be built of—

(*a*) compressed plates of straw or other composition approved by the surveyor of an aggregate thickness of not less than 4in. rendered on the exposed side with not less than ½in. cement mortar and on the inner side with not less than ½in. cement mortar or lime mortar and secured to the metal framework; or

(*b*) concrete slabs approved by the surveyor of an aggregate thickness of not less than 4in. reinforced with expanded metal or wire mesh wired to steel rods in a manner approved by the surveyor, rendered in position in cement mortar and fixed to the approval of the surveyor:

III. The internal walls shall be built as mentioned in paragraph II. of this regulation but shall be of an aggregate thickness of not less than 2in.

Floors, Roofs, Etc.

165. The construction of the floor, roof and other portions of the building not specifically dealt with by this Part shall conform to the requirements set out for elsewhere in this schedule.

SCHED. II. PART XI.

PART XI.

BRICK VENEER BUILDINGS.

166. Single storey dwelling-houses may be erected or constructed with external walls of brick veneer construction subject to the following requirements:—

I. The external walls—

(*a*) shall be erected or constructed in accordance with the requirements of this Part of this schedule;

(*b*) shall not anywhere exceed 12ft. in height, unless strengthened by piers to the satisfaction of the surveyor:

II. Except as provided for in this Part the building shall be erected or constructed in accordance with the requirements of other Parts of this schedule:

III. The building shall not be constructed or adapted for more than two occupancies and shall not be used as a boarding-house or hotel. Where two occupancies are included in the one building they shall be separated by brick walls not less than 9in. thick:

IV. The distances of the external walls from the allotment boundaries shall be not less than 6ft.

Construction Requirements.

167. (1) The external walls of every building of brick-veneer construction shall be constructed with an inner part of timber frame construction or metal frame construction and an outer part of brickwork.

(2) The inner part of any such external wall shall be constructed as follows:—

(*a*) The timber framework or metal framework of the inner part of the external wall together with that of internal walls shall be capable of sustaining and transmitting to the base walls and base structures all the live loads together with the dead load of the building other than that of the brickwork;

(*b*) A timber framework constructed with members of the materials and sizes given in the table in regulation 158 of this schedule and spaced as set out in that table shall be accepted as fulfilling the requirements of subdivision (*a*) of this paragraph. Computations and details shall be submitted to, and the design approved by, the surveyor when—

(I.) it is desired to depart from the sizes or spacings of the table; or

(II.) the design is for a particular case not set out in the table.

(3) The outer part of the external wall shall be constructed of brickwork which shall be—

(*a*) not less than 4½in. thick;

(*b*) constructed with cement mortar or composition mortar gauged with one part of Portland cement, one part of hydrated lime, and eight parts of sand, all parts being measured dry by volume;

(*c*) bonded to the timber or metal framework of the inner part of the wall with galvanized wire wall ties approved by the surveyor spaced not more than 24in. apart

vertically securely fixed to the timber or metal frame and built into the brickwork and

(*d*) maintained at such a distance from the timber or metal framework of the inner part as to leave a clear air-space between the brickwork and the timber or metal of not less than 1in. or more than 2in.

Footings.

168. The footings of external walls shall be constructed in accordance with the requirements for footings of brick walls.

Base Walls.

169. The portion of the external walls between the top of the footings and the floor level shall—

(*a*) be constructed of cement concrete or brickwork as hereinafter in this regulation provided;

(*b*) if constructed of brickwork, be constructed with mortar as prescribed in regulation 167 of this schedule;

(*c*) be constructed with 9in. square piers spaced not more than 4ft. apart along length of walls with the space between piers filled in with brickwork or concrete not less than 4½in. thick;

(*d*) be provided with ventilation openings, as required by this schedule: and

(*e*) be provided with a dampcourse below the floor plate, as required by this schedule.

Internal Walls.

170. (1) The internal walls may be of timber frame construction or metal frame construction, and constructed as provided in Parts IX. and X. of this schedule or shall be of any form of construction referred to in paragraph (2).

(2) Internal walls which carry no loads in addition to their own weight, may be constructed of—

(*a*) compressed plates of straw or other composition approved by the surveyor of an aggregate thickness of not less than 2in. rendered on each side with not less than ½in. cement mortar or lime mortar and secured in timber or metal frames;

(*b*) concrete slabs approved by the surveyor not less than 2in. thick reinforced with expanded metal or wire mesh wired to steel rods in a manner approved by the surveyor, rendered in position in cement mortar and fixed to the approval of the surveyor.

Floors, Roofs, Etc.

171. The construction of floors, roofs and other portions of the building not specifically dealt with in this Part shall conform to the requirements set out for each elsewhere in this schedule.

Linings.

172. Internal linings of external and internal walls and ceilings shall conform to the requirements of Part IX. of this schedule.

PART XII.

PROJECTIONS, RECESSES, OPENINGS AND STAIRS.

Projections.

173. (1) Every coping, cornice, stringcourse, fascia, window-dressing, portico, balconette, balustrade, and architectural projection or decoration on or over the property of an adjoining owner or the street alignment shall be of brick, tile, stone, artificial stone, slate, cement, or other fire-resisting material.

(2) No projection shall extend beyond the street alignment at any height less than 9ft. from the level of the public footway. No projection shall extend over any carriage way at a height less than 12ft. from the level of the roadway surface.

(3) Every verandah, balcony, porch, gangway, outside landing, or outside step not projecting beyond a street alignment, but within 3ft. of any adjoining building or land in other occupation, shall be separated from such building or land by a brick wall at least 9in. thick, or a reinforced concrete wall not less than 4in. thick, projecting at least 4in. beyond the woodwork thereof, unless such verandah, balcony, porch, gangway, outside landing, or outside step is constructed throughout of fire-resisting materials. Floor joists, purlins, rafters and fascias, may be of hardwood of a minimum thickness of 2in. Flooring boards may be of softwood.

(4) Eaves, soffits, and barge boards to any roof, if within 3ft. of any adjoining building or land in other occupation or within 1ft. of a street or way, shall be of fire-resisting materials including 2in. hardwood unless separated by brickwork at least 9in. thick, or reinforced concrete 4in. thick, and projecting 4in. beyond the woodwork.

(5) Gangways constructed of fire-resisting materials may, with the consent of the council, be erected over lanes to connect buildings in the one occupation.

174. Every cornice, balconette or other projection, shall be tailed into the wall of the building and weighed or tied down. No cornice or balconette shall, without the consent of the council, exceed 4ft. in projection over a public way or street exceeding 33ft. in width, or more than 2ft. in a street of 33ft. or less in width.

175. Cat-heads or hoists shall not project over any street without the consent of the council.

Bay Windows.

176. Bay windows of timber construction to a dwelling-house in one occupancy, or any dwelling-house of not more than two main floors with or without a basement, if constructed for not more than four separate occupations, may be erected, subject to the following conditions:—

(*a*) The bay windows shall have a fire-break at the level of each fire-resisting floor:

(*b*) No part of the windows shall be nearer than 4ft. to any street or any adjoining building or land in other occupation, unless separated therefrom by a party wall or an external wall projecting 4in. beyond the face of the windows:

(*c*) The windows taken together, shall not exceed in width three-fifths of the frontage of the building.

Oriels or Turrets.

177. Projecting oriels or turrets may be constructed, subject to the following conditions:—

(*a*) No oriel or turret shall project beyond the street alignment unless constructed of concrete, brick, stone, or other fire-resisting materials approved by the surveyor:

(*b*) No part of any such projection shall extend more than 3ft. beyond the street alignment in streets over 33ft. in width, or more than 2ft. in streets 33ft. or less in width. No oriel or turret shall project beyond the street alignment in streets less than 20ft. in width:

(*c*) No part of any such projection shall be less than 9ft. above the level of the footway of the street. No projection shall extend over any carriage way at a height less than 12ft. from the level of the roadway surface:

(*d*) No part of any such projection, where it overhangs the public way, shall be within a distance of 3ft. of the nearest part or external wall:

(*e*) The total width of any such projections, taken together, shall not on any floor exceed three-fifths of the length of the wall of the building on the level of that floor:

(*f*) No window of wooden construction in an oriel shall be nearer than 4ft. to any adjoining building, or land in other occupation, or to an adjoining street or way.

Recesses and Openings.

178. Recesses and openings may be made in external walls in ordinary construction subject to the following conditions:—

(*a*) The backs of such recesses shall not be of less thickness than 9in.:

(*b*) The aggregate area of such recesses in any storey shall not exceed one-half of the whole area of the wall in the storey in which they are made if segmental arch or lintel construction is used, and three-fifths if semi-arch or continuous lintel construction is used:

(*c*) The aggregate widths of such recesses in any storey shall not, taken together, exceed three-quarters of the whole length of the wall of the storey in which they are made if segmental arch or lintel construction is used, and four-fifths if semi-arch or continuous lintel construction is used:

(*d*) The aggregate area of openings in any storey shall not exceed one-half of the whole area of the wall in the storey in which they are made if segmental arch construction is used, and three-fifths if semi-arch or lintel construction approved by the surveyor is used. The aggregate area of the solid work of any wall shall not be less than one-third of the area of such wall on plan in case of segmental arch or lintel construction, or one-fourth in case of continuous lintel or semi-arch construction. These limits shall not apply to any shop front or show window constructed to the approval of the surveyor:

(*e*) The surveyor may allow the omission of arches and lintels when the recesses are not more than 5in. in depth and the thickness of the recessed portion of the wall is equal to the thickness required for the next upper storey; and he may also allow wider recesses and openings, subject to the sectional area on plan being maintained:

(*f*) The combined area of recesses and openings in the external wall of any storey shall not in any case exceed the area permitted for recesses or openings in that wall.

179. Permanent recesses may be made in party walls in ordinary construction subject to the following conditions:—

(*a*) The backs of such recesses shall not be of less thickness than 9in. for buildings of the warehouse class and of the domestic class:

(*b*) Over every recess so formed an arch of at least two rings of brickwork of the full depth of the recess shall be turned on every storey, except in the case of recesses formed for lifts. In cases in which a recess does not exceed 5in. in depth, corbelling in brick or stone may be substituted for the arching:

(*c*) The area of such recesses shall not, taken together, exceed one-half of the whole area of the wall of the storey in which they are made:

(*d*) Such recesses shall not come nearer than 13in. to the inner face of the external walls.

Chases.

180. (1) A chase for water pipes, or for any other purpose, shall not reduce the cross-sectional area of any pier to less than that required for its class and height of building. In a wall a chase shall not exceed in depth one-third the thickness of the wall, nor have less than 9in. of wall at the back of the chase.

(2) Chases shall be constructed so as not to impair the strength of any part of a building.

(3) Chases around pipes shall be filled with fire-resisting material for a distance of 1ft. at the top and bottom of each storey.

(4) Horizontal chases for pipes, after being placed in position, shall be filled solid with concrete or brick and cement mortar. There shall be a space of at least 2ft. between any chase and a flue, and a space of at least 4ft. between any two chases, or between a chase and a recess. The aggregate area of recesses and chases in any wall shall not exceed three-quarters of the whole area of the face of the wall in the storey.

181. Temporary chases may be made in party or external walls, up to the boundary line, if they are to be filled up immediately with concrete or other material approved by the surveyor.

Stairs.

182. (1) In every building of more than one storey there shall be provided stairs giving access to all the storeys above the ground storey.

(2) Stairs shall have a clear headway of at least 6ft. 6in.

(3) Stairs shall have proper balusters and a continuous hand-rail at a height of about 3ft. above the centre of the treads and landings.

(4) Stairs shall be in straight flights, and shall have half space or quarter space landings at intervals of not more than sixteen or less than two risers.

(5) Steps shall be of uniform dimensions throughout, and have treads not less than 10in. wide, inclusive of nosing and risers not more than 7in. high.

(6) Notwithstanding the provisions of this regulation stairs in a private dwelling-house (not being a residential flat building or a multiple dwelling as defined by regulation 324 of this schedule) need not be in straight flights and the treads in such stairs may be not less than 8in. in width and the risers may be not more than 8in. high.

(7) Stairs shall also comply with the provisions of regulations 312, 320, and 327 of this schedule.

Arches and Lintels.

183. Openings for doors and windows in all brick or stone buildings shall have good and sufficient external arches of stone, brick, or terra-cotta, well-built and keyed, with good and sufficient abutments; or the openings shall have lintels of suitable material which shall have a bearing at each end of not less than 4in. on the wall. On the inside of all openings in which lintels are less than the thickness of the wall to be supported there shall be relieving arches or lintels of approved material.

Timber in External Walls.

184. (1) All wood frames fixed in any external wall abutting on a street or way, except the woodwork of shop fronts when encased with metal not less than No. 26 Birmingham gauge in thickness, shall be set back 4½in. at least from the external face of such wall.

(2) All woodwork in hollow external walls which may be intended to form the head of a door frame, lintel, or other similar structure, and which may be inserted in the wall so as to project into or across the intervening cavity, shall be

covered throughout on the upper side thereof with a layer of material impervious to moisture. No wood plate shall be built into any wall.

Doors.

185. (1) No door shall be hung so as to open immediately on to a step or flight of steps or so as to obstruct, when open, any passage, stairway, or landing.

(2) Doors abutting on a street or way shall be recessed so as not to encroach on the public way.

(3) All exit doors shall be so arranged as to be readily visible, and shall not be obstructed of partitions or other erections interfering with access or visibility.

SCHED. II. PART XIII.

PART XIII.

JOISTS AND FLOORS.

Joists.

186. (1) No joists in floors shall be built within 6in. of the ground directly beneath unless the ground area beneath is covered with asphalt or concrete and ventilated to the approval of the surveyor.

(2) No joists carrying floorboards 1⅛in. thick or less shall be spaced at more than 18in. centres.

(3) All joists shall be supported so as to comply with regulation 8 of this schedule, but in no case shall a joist have an unsupported span greater than 20 times its depth.

(4) Joists shall also comply with the provisions in the table in regulation 158 of this schedule.

Bridging.

187. All wood floor joists with spans exceeding 10ft. shall be bridged with cross bridging, and the distance between bridgings, and bridging and walls shall not exceed 10ft. Bridging shall be placed between joists over all girders.

Timbers in Walls.

188. No timber shall be built longitudinally into any wall unless a corbel is built to receive it. Timbers bearing on party walls shall comply with the provisions of Part XX. of this schedule.

Timber in Party Walls.

189. The ends of any wooden beam or joists bearing on any party wall shall be at least 1½in. distant from the centre line of the party wall, and not less than 4½in. laterally from beams or joists on the opposite side of the wall. Where the beams or joists are not within 4½in. of the centre of the party wall no lateral separation shall be necessary.

Trimmer Joists.

190. Every trimmer joist receiving or carrying more than four common joists, and every trimmer joist receiving or carrying such trimmer joist at a distance greater than 3ft. from its bearing on the wall, shall be increased not less than 1½in. in thickness in the case of buildings of the warehouse class, and 1in. in the case of buildings of the domestic class.

Flooring.

191. Joists shall be covered with flooring boards not less than ¾in. thick in buildings of the domestic class, and in buildings of the warehouse class and in public buildings with softwood flooring boards 1⅛in. thick, or hardwood flooring boards ⅞in. thick.

Mezzanine Floors.

192. Mezzanine floors may be of wood or unprotected steel or both, but not more than two mezzanine floors of any construction shall be constructed in any room.

SCHED. II.
PART XIV.

PART XIV.

ROOFS.

Flat Roofs.

193. Any building which exceeds in height three-quarters of the maximum height for ordinary construction allowed by these regulations shall have a roof of fire-resisting construction. The roof shall be flat or of a pitch not exceeding one in four.

Construction of Roofs.

194. The roof of every building or erection placed thereon including every turret, dormer, lantern-light, or skylight, shall be externally covered with slates, tiles, metal, asbestos-cement, or any other materials approved by the surveyor. Cornices and barge boards to dormers not exceeding 12in. in depth, and the doors, door frames, windows, and window frames of such dormers, turrets, lantern-lights, skylights or

other erections may be of wood except in case of skylights or lantern-lights which are placed in light courts, or erected on roofs of fire-resisting construction which must be as specified under Part XX. of this schedule.

195. Roofs shall also comply with the provisions in the table in regulation 158 of this schedule.

196. Concrete roofs, unless otherwise permitted by the surveyor, shall be covered with mineral asphalt not less than ½in. in thickness, or with bituminous roofing materials approved by the surveyor.

197. When not of fire-resisting construction the plane of the surface of the roof of any building shall not incline from the external or party walls upwards at a greater angle than 75deg. with the horizontal, and the roofs of buildings of the warehouse class not more than 40deg. This shall not apply to towers, turrets, domes, spires, pavilion roofs or the steeper side of saw-tooth roofs.

198. Bulkheads or other structures on flat roofs not of fire-resisting construction may be erected with walls of timber studding covered with corrugated galvanized iron, not less than No. 26 Birmingham gauge, asbestos-cement or other substances approved by the surveyor, provided the isolation distances comply with those set out in Part IX. of this schedule.

Storeys in Roofs.

199. Not more than one storey shall be constructed in the roof of any building and this shall be constructed of materials as specified in the seventh schedule, but storeys in roofs of buildings of the domestic class in single occupation need not be constructed of such materials.

Fire-Resisting Roofs.

200. The construction of fire-resisting roofs shall be as specified in the Australian Standard Specification (No. CA. 2).

Tanks.

201. Tanks of a capacity of more than 500gall. placed on, in, or above the roof of any building shall be supported on iron, steel, or reinforced concrete beams, and the beams shall rest at both their ends on brick walls or on iron, steel or reinforced concrete girders, or on iron or steel columns, or on piers of brickwork, or reinforced concrete. Covers on tops of water-tanks placed on roofs, if of wood, shall be covered with metal of at least No. 26 Birmingham gauge.

Rainwater Gutters, Downpipes and Drains.

202. (1) The roof or gutter of every building, and every balcony, verandah, cornice or other similar projection, or projecting window, whether constructed before the commencement of this Act or not, shall be arranged and constructed so as to prevent the water therefrom from dropping upon, or running over any street or way, or land in other occupation, or causing dampness in any part of any wall or foundation.

(2) All such gutters, downpipes and drains shall be maintained in good order and condition by the owner of the building.

Projecting Roofs.

203. Eaves, soffits, and barge boards to any overhanging roof, if within 3ft. of any adjoining building or land in other occupation or within 1ft. of a street or way, shall be of fire-resisting materials, unless separated by brickwork at least 9in. thick, or reinforced concrete 4in. thick, and projecting 4in. beyond the woodwork.

Gable Walls.

204. (1) The minimum thickness of gable filling walls when carried up in brick, masonry, or concrete, and when not used for fire-isolation purposes shall be as follows:—For masonry, 14in.; for brick in lime mortar, 9in.; for brick in cement mortar, 4½in. if strengthened with piers projecting 4½in., the aggregate width of these piers being at least one-quarter the length of the wall measured at the base of the gable. No gable filling wall of brick shall exceed in height eight times its thickness if built in lime mortar, or ten times its thickness if built with cement mortar or in reinforced concrete, but when the thickness has to be increased to comply with this regulation the increase may be by means of piers the aggregate width of which is at least one-quarter the length of the wall measured at the base of the gable.

(2) Gable filling walls with timber studs shall be permitted in the case of any dwelling-house of one storey, or of any dwelling-house of not more than two main floors with or without a basement if constructed for not more than four separate occupations, when the exterior lining shall be as specified for timber-frame walls in Part IX. of this schedule.

Guarding of Flat Roofs.

205. Flat roofs which are accessible by means of fixed stairs or lifts shall be guarded by a parapet or by substantial metal rails, either to be of a height of 3ft. 6in. from the roof, or by

a combination of both of the same height. The maximum vertical opening between rails, or rails and brickwork, shall not exceed 9in. or, alternatively, specially designed guard fences may be approved by the surveyor. For the purposes of this regulation, a roof shall not be deemed to be accessible by means of fixed stairs by reason only of the fact that the roof is accessible by means of a fixed ladder.

Height and Thickness of Parapets to External Walls.

206. (1) Every external wall built within 4ft. of land in other occupation, or within 4ft. of any adjoining building or within 2ft. of a street or way, shall be carried up so as to form a parapet at least 15in. high above the highest part of the adjoining gutter, or roof covering, except in buildings of the warehouse class, in which case the height shall be 2ft. The thickness of the parapet so carried up shall be at least 9in. throughout. The parapet may be omitted in the case of spires, turrets, and other architectural features covered with roof coverings approved by the surveyor.

(2) Every parapet wall shall be carried up of the thickness aforesaid above any dormer, lantern-light, skylight, or other erection of combustible materials fixed upon the roof or flat of any building within 4ft. from the parapet wall, and shall extend at the least 12in. higher and wider on each side than such erection.

(3) No parapet shall exceed in height six times its least thickness if built with lime mortar, and eight times its least thickness if built with cement mortar.

Height of Party Walls Above Roof.

207. Every party wall shall be carried up in thickness in a building of the warehouse class equal to the thickness of such wall in the topmost storey, but in no case need it be more than 14in. thick, and in any other building to a thickness of 9in. above the roof, flat, or gutter, so as to give a height in a building of the warehouse class of at least 3ft. and in any other building of at least 15in. The walls separating not more than four semi-detached buildings of the domestic class may be carried up to the under side of the roof covering of fire-resisting material, the latter being solidly bedded on the walls.

PART XV.

CHIMNEYS, FLUES, FIREPLACES AND HEATING APPLIANCES.

Chimneys and Flues other than Furnace Chimney Shafts and Flues.

208. Chimneys shall be built on solid foundations and with footings similar to the footings of the wall against which they are built, unless they are carried on iron girders with direct bearings upon party, external, or cross walls, or on corbels of brick, stone, or other incombustible material, if the work so corbelled out does not project from the wall more than the thickness of the wall measured immediately below the corbel. Chimneys may be corbelled out 14in. from walls 9in. in thickness on corbels of stone or other incombustible material not less than 10in. in depth and of the full width of the jambs.

209. Chimneys and flues shall not be inclined at a less angle than 45deg. to the horizontal, except that the surveyor may sanction any other angle provided that approved soot doors of not less area than 40 sq. in. are provided.

210. Every angle at a change of direction in a chimney or flue shall be properly rounded.

211. All soot doors shall be distant at least 15in. from any woodwork.

212. An arch of brick, stone or concrete of sufficient strength shall be built over the opening of every chimney to support the breast thereof. Every camber arch shall have the abutments tied in by an iron bar or bars of sufficient strength, turned up or down at the ends and built into the jamb for at least 4½in. on each side.

213. A flue used for the purpose of any trade or business shall be surrounded with brickwork at least 9in. thick, or by reinforced concrete 6in. thick, or by an outer flue to the satisfaction of the surveyor, from the floor of the storey on which any oven, furnace, hot water or steam boiler fired by the heat of combustion or other fire is situated, to at least 12in. above the roof.

214. The inside of every flue, and also the outside where passing through any floor, roof, or space enclosed by the roof, or behind or against any woodwork, shall be rendered, pargetted or lined with fire-resisting piping or stoneware.

215. The jambs of every fireplace opening shall be at least 9in. thick on each side of the opening thereof.

216. The breast of every chimney shall be of incombustible material, at least 4½in. in thickness, and the brickwork surrounding every smoke flue shall be at least 4½in. in thickness: Provided that where a ventilating flue is carried up with a smoke flue, they may be separated by a properly constructed withe of cast-iron of not less than 1in. in thickness.

217. The back of every fireplace opening made in party or internal walls, from the hearth up to a height of 12in. above the lintel or arch, shall be constructed of brickwork at least 9in. thick, or reinforced concrete at least 6in. thick. No flue shall be within 2in. of the centre line of any party wall.

218. The thickness of the upper side of every flue shall be at least 9in. when its course makes with the horizontal an angle of less than 45deg.

219. (1) Every chimney, smoke, flue, or chimney shaft shall be carried up in brick or stonework, at least 4½in. thick throughout, to a height of not less than 3ft. above the roof, flat, or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat or gutter.

(2) The highest six courses of every chimney stack or shaft shall be built in cement mortar.

220. If any building is erected so that any wall thereof is built up to the boundary of the land upon which the building is erected and there is any chimney or flue in any wall of any adjoining building which is erected up to the said boundary, the building owner shall, in manner approved by the surveyor, carry up the chimney or flue in such wall of the adjoining building to a height at least that of the wall first mentioned.

221. The brickwork or stonework of any chimney shaft, except that of the furnace of any hot water or steam boiler, brewery, distillery, or manufactory, shall not be built higher above the roof, flat, or gutter adjoining thereto than a height equal to six times the least width of such chimney shaft at the level of such highest point in the line of junction, unless such chimney shaft is built with, and bonded to, another chimney shaft not in the same line with the first, or is otherwise rendered secure.

222. There shall be laid level with the floor of every storey before the opening of every chimney a slab of stone, slate, or other incombustible substance at the least 6in. longer on each side than the width of such opening, and at the least 12in. wide in front of the breast thereof.

223. On every floor except the lowest floor such slab shall be laid wholly on stone or iron bearers or upon brick trimmers or other incombustible materials, but on the lowest floor it may be bedded on concrete covering the site or on solid materials placed on such concrete.

224. The hearth or slab of every chimney shall be bedded wholly on brick, stone, or other incombustible substance, and shall, together with such substance, be solid for a thickness of 6in. at least beneath the upper surface of such hearth or slab.

225. A flue shall not be built in or against any party structure or existing wall unless it is surrounded with good sound brickwork or other similar incombustible materials approved by the surveyor at least 4½in. in thickness, properly bonded.

226. A chimney breast or shaft built with or in any party wall shall not be cut away unless the surveyor certifies that it can be done without injuriously affecting the stability of any building.

227. A chimney shaft, jamb, breast or flue shall not be cut into except for the purpose of repair or doing some one or more of the following:—

(*a*) Letting in or removing or altering flues, pipes, or funnels for the conveyance of smoke, hot air, or steam:

(*b*) Forming openings for soot doors, each opening to be fitted with a close iron door and frames:

(*c*) Making openings for the insertion of ventilating valves, subject to the restriction that an opening shall not be made nearer than 12in. to any timber or combustible substance.

228. Timber or woodwork shall not be placed—

(*a*) under any chimney opening within 6in. from the upper surface of the hearth of such chimney opening; or

(*b*) within 2in. from the face of the brickwork or stonework about any chimney or flue, unless the face of such brickwork or stonework is rendered.

229. Wooden plugs shall not be driven nearer than 3in. to the inside of any flue or chimney opening, nor shall any iron holdfast or other iron fastening be driven nearer than 2in. thereto.

230. No iron or steel joist or other ironwork shall be placed in any flue, except in so far as the same may be required for ensuring stability, or may be allowed by or under any other provision of this schedule.

Furnace Chimney Shafts.

231. Every brick or masonry chimney shaft for the furnace of a steam engine, brewery, distillery or manufactory shall be constructed in conformity with the following provisions:—

(*a*) Every shaft shall be carried up throughout in masonry, or brickwork and mortar of the best quality, and if detached shall be built with a batter from the base to the top of the shaft at the rate of at least 1¼in. in 10ft. of height:

(*b*) The thickness of brickwork at the top of the shaft, and for 25ft. below the top, if the external dimension does not exceed 5ft., shall be at least 9in. For chimneys of greater dimensions the thickness shall be at least 14in. and every chimney shall be increased at least one-half brick for every additional 25ft. measured downwards:

(*c*) Every cap, cornice, pedestal, plinth, stringcourse, or other variation from plain brickwork shall be provided as additional to the thickness of brickwork hereinbefore required. The footing of the shaft shall be on concrete or other sufficient foundation:

(*d*) The footings inside and outside the shaft shall spread all round the base by regular offsets to a projection equal to the thickness of the enclosing brickwork at the base of the shaft:

(*e*) The width of the base of the shaft, if rectangular, shall be at least one-tenth of the proposed height of the shaft, or if the same is round or of any other shape, then one-twelfth of the height.

(*f*) The height of the shaft shall be measured from the top of the footings:

(*g*) Chimney shafts in other material than brick or masonry, such as steel, steel and concrete, or reinforced concrete, or other types of construction, shall not be built without the sanction in writing of the surveyor.

Close Fires and Pipes for Conveying Vapour, Etc.

232. The floor under every oven, copper, steam boiler or stove which is not heated by gas or electricity, and the floor round the same shall, for a space of 18in. in front of the

furnace and 9in. elsewhere, be formed of materials of an incombustible and non-conducting nature not less than 6in. thick, or 3in. thick when covered by ¼in. steel or iron plate. A fender 2in. in height shall be formed round the front of the furnace, except where the floor is of fire-resisting material.

233. A pipe for conveying smoke or other products of combustion shall not discharge into a street or way, or be fixed against any building on the face adjoining any street or way, unless sanctioned in writing by the surveyor.

234. A pipe for conveying smoke or other products of combustion shall not be fixed nearer than 9in. to any combustible materials unless surrounded by an outer flue to the satisfaction of the surveyor.

235. A pipe or duct for conveying heated air (other than air heated by hot water at low pressure) or steam shall not be fixed nearer than 6in. to any combustible materials unless surrounded by lagging or protected in some other manner to the satisfaction of the surveyor.

236. Pipes or ducts for conveying smoke or products of combustion, heated air, steam, or hot water, and the lagging thereof, shall be constructed in incombustible materials.

237. The restrictions imposed with respect to the distance at which pipes for conveying hot water or steam may be placed from any combustible materials, and the lagging thereof shall not apply in the case of pipes used for conveying hot water or steam at low pressure.

238. Steam shall be deemed to be at low pressure when its pressure is not greater than 15lb. per square inch above that of the atmosphere, and hot water shall be deemed to be at low pressure when its temperature does not exceed 250deg. Fahrenheit.

Floors Above Furnaces and Ovens.

239. The floor or roof over any room or enclosed space in which a furnace is or has been fixed, and any floor within 18in. from the crown of an oven, shall be constructed of fire-resisting materials approved by the surveyor.

Furnace.

240. In this Part of this schedule "furnace" includes any closed fireplace or firebox, or fire chamber used for the purpose of generating steam pressure exceeding 15lb. to the square inch above that of the atmosphere, or hot air or hot water the temperature of which exceeds 250deg. Fahrenheit, or for smelting or for manufacturing purposes.

Setting of Stoves.

241. Every stove, other than a self-setting range, electric or a gas-cooking stove, shall, unless the surveyor is satisfied that it is impracticable to do so, and certifies in writing accordingly, be set solid in brickwork or concrete, and so as to leave no cavities at the back or sides of such stove or chimney-piece.

SCHED. II. PART XVI.

PART XVI.

LIGHT AND VENTILATION.

Minimum Height of Rooms, Corridors and Passage-ways above Stairs and Mezzanine Floors.

242. (1) Every room, except rooms wholly or partly in the roof, shall be at least 9ft. in height from the floor to the ceiling.

(2) Every room, wholly or partly in the roof of any building, shall be at least 8ft. 6in. in height vertically from the floor to the ceiling or roof for not less than one-half the area of the room.

(3) Corridors and passage-ways passing under a staircase shall not be less than 7ft. in height under the staircase.

(4) Stairs shall have a clear headway of at least 6ft. 6in.

(5) The clear height above or below a mezzanine floor construction shall be not less than 7ft.

Rooms Over or Adjoining Stables or Garages.

243. Every room, other than a store room, constructed over or adjoining a stable or garage, shall be separated from the stable or garage by a floor or walls rendered impervious to foul air.

Ventilation of Rooms.

244. (1) In addition to the ventilation specified under regulations 252 and 254 of this schedule, every room shall be provided with ventilators of which the total area in square inches shall be not less than the capacity of the room in cubic feet divided by 40. Rooms in which electric or gas cooking appliances are installed shall be provided with additional ventilation to the satisfaction of the surveyor.

(2) Every shop having only one entrance, in which the depth exceeds twice the width thereof, shall be provided with a system of mechanical ventilation approved by the surveyor unless through natural ventilation can be obtained.

(3) (*a*) Every factory, warehouse, restaurant or shop shall contain at least 400 cub. ft. of clear air space for each person employed therein. In the calculation of such air space no air space higher than 14ft. above the level of the floor of the factory, warehouse, restaurant or shop in which the same is being calculated shall be taken into consideration.

(*b*) Every factory, warehouse, restaurant and shop, and every part thereof, shall be provided with means of ventilation by openings for the inlet and outlet of air in the proportion of not less than 12 sq. in. of inlet openings and 12 sq. in. of outlet openings for each person employed in the factory, warehouse, restaurant, or shop, or part thereof, the space to be calculated exclusive of all bars, ornamentations, or obstructions thereto.

(*c*) The outlet openings referred to in the last preceding paragraph shall be placed at the highest practical point in the factory, warehouse, restaurant or shop, or part thereof.

Ventilation and Lighting of Staircases.

245. Every staircase shall be effectively ventilated and lighted either naturally or artificially, provided that in the latter case the lighting circuit is a separate one and controlled from the stair enclosure, and continuous in operation while the building is occupied.

Flues and Ventilating Shafts.

246. Unless otherwise permitted by the council, a flue or ventilating shaft shall not project beyond the building alignment of any wall abutting on a street or way, nor shall it be fixed against any building on the face adjoining any street or way.

Ventilation Under Floors.

247. Any building, the floor of which is immediately above the ground, having a wooden floor other than a floor constructed of solid wood bedded on concrete, shall have a space, not being in any case less than 6in. between the ground and the undersides of the bearers or floor joists, to admit of ventilation through the external walls by means of openings properly protected by rat-proof air-bricks or gratings and by adequate openings through other walls under floors for cross ventilation equivalent to 2 sq. in. of effective air space to every 1ft. run of walling: Provided that the surveyor may sanction in writing a space less than 6in. between the ground and the undersides of the bearers of floor joists in cases in which the surface beneath the floor is asphalted, cemented, or covered with an approved damp-resisting covering.

Frontage of Dwelling-House Buildings.

248. No dwelling-house shall be built unless the house will have a clear frontage to a street or way which is not less than 30ft. in width, or if the street or way is less than that width, within 15ft. of the centre line of the said street or way, and no building of any class shall be built so as to deprive and leave without such clear frontage or space, as the case may be, any dwelling-house which has been previously built having such clear frontage or space, unless it is a house built within an area of land which is afterwards subdivided into allotments fronting to a street or way, and having a depth therefrom of not less than 99ft.

Space in Connection with Dwelling-House Buildings.

249. (1) No dwelling-house (other than an hotel) shall be erected upon an allotment of land of less area than 3,960 sq. ft. or such other area (not being less than 3,960 sq. ft.) as the council may prescribe by by-law.

Every portion of a dwelling-house (other than a residential flat building or multiple dwelling within the meaning of regulation 324 of this schedule and other than an hotel) which is constructed or altered for separate occupation as a dwelling-house, shall be deemed to be a dwelling-house for the purposes of this regulation.

(2) Any part of any allotment of land over which any right of way has been granted shall not be deemed to be part of the area of the allotment.

(3) Notwithstanding the provisions of paragraph (1) of this regulation the council of the Municipality of the City of Adelaide may by resolution passed separately in respect of each case approve of the erection of a dwelling-house upon an allotment of less area than 3,960 sq. ft. but not less than 3,000 sq. ft. if—

(*a*) the dwelling-house is to be erected on the site of a dwelling-house existing at the time of the commencement of this Act; and

(*b*) the council is satisfied that the erection of the dwelling-house will not create undesirable conditions.

(4) No dwelling-house (other than an hotel) together with its appurtenances shall occupy more than two-thirds of the allotment of land upon which it is erected: Provided that the council may grant approval to the erection of any such dwelling-house in one occupancy occupying more than two-thirds of an allotment in replacement of an existing dwelling-house which occupies more than two-thirds of that allotment.

(5) It shall not be necessary to provide an open space for any hotel other than an accessible flat roof of area equal to one-third of the whole area of the site, exclusive of bulkheads for stairs and lift engine rooms.

(6) Where situated on a site considered by the council to be an established shopping locality, the council may permit a dwelling-house in one occupancy or any dwelling-house which is a shop and dwelling combined to occupy not more than four-fifths of the allotment, subject to the unbuilt upon area being not less than 500 sq. ft. in area. In a case where the one-fifth of the allotment is less than 500 sq. ft., if in a sewered district, the balance of the 500 sq. ft. may be provided in the form of an accessible flat roof.

In any case where the dwelling-house portion is wholly above the ground floor, the open space required by this regulation may be provided in the form of a flat roof over the shop portion of the building.

(7) Caretaker's quarters shall have an open space or area not less than 200 sq. ft. in area, being not less than 10ft. wide which may be provided by means of an accessible flat roof.

(8) The foregoing provisions shall not apply to houses abutting on a public park or on an open space (other than a street or way) of an acre or more in area which is dedicated to the public or the maintenance of which as an open space is permanently secured to the satisfaction of the council.

(9) The provisions of this regulation shall not apply to any residential flat building or multiple dwelling within the meaning of regulation 324 of this schedule, but every such residential flat building and multiple dwelling shall comply with the provisions of Part XXI. of this schedule.

Angles of Light in Light Courts.

250. (1) In this regulation unless inconsistent with the context or subject matter—

"angle of light" with reference to any window in a wall of a light court means the angle formed by the vertical plane of the face of such wall and a line drawn from a point in such vertical plane and on the basic light level of such wall bisecting diagonally a rectangle having for two of its sides the basic height and the basic width of such light court:

"basic height of a light court" with reference to any wall of a light court means the vertical distance from the basic light level of such wall to the level of the top of the parapet or eaves of the opposite wall of such light court:

"basic light level" of a wall of a light court means the level of the lowest horizontal line on the lowest window or windows in such wall which permits the volume of light to be admitted through such window or windows into the room or floor lighted thereby:

"basic width of a light court" with reference to any wall of a light court means the shortest horizontal distance from the face of such wall at the basic light level to the vertical plane of the face of the wall or parapet of the topmost storey on the opposite boundary of the light court, or, if none, to the vertical plane of the opposite boundary of the light court:

"height of a light court" with reference to any wall of a light court means the vertical distance from the sill of the lowest window in such wall to the level of the top of the parapet or eaves of such wall:

"light court" means a court wholly open at the top constructed or adapted for admitting light to a building and includes such parts of light courts of adjoining buildings abutting on the common boundary of such buildings as will when combined form a common court provided that reciprocal light easements thereover have been permanently created to the satisfaction of the council and includes also a street or way over which such building is permanently entitled to access of light:

"volume of light" means the volume of light capable of being admitted to a room or floor through the superficies of window required by regulation 252 of this schedule:

"wall of a light court" includes the wall or walls enclosing one side of a light court notwithstanding that at the level of upper storeys any of such walls is set back from the vertical plane of the lowest wall:

"width of a light court" means the shortest distance from the face of a wall of a light court at any given level to the face of the opposite wall, if any, at the same level, or, if none, to the vertical plane of the opposite boundary of the light court.

(2) Every window abutting on a light court other than windows lighting corridors, lavatories and sanitary conveniences, shall have an angle of light not less than the angle of light resultant from the ratio basic height to basic width

of the light court in the table hereunder applicable to such window and shall receive at such angle of light unobstructed light from the sky: Provided that where the opposite boundary of the light court on which such window abuts is also the boundary of an adjoining property such window need not receive such unobstructed light but shall be deemed to have the required angle of light if a window at the same basic light level erected on such opposite boundary would have the angle of light resultant from the ratio applicable according to the class of building under division II. of the said table.

TABLE.

Description of Window and Class of Building.	Ratio of Basic Height to Basic Width.
DIVISION I.—In all cases where windows other than those mentioned in division III. of this table are erected in opposite sides of a light court—	
(*a*) Factories and buildings of the domestic class other than dwelling-houses	4½ to 1
(*b*) Dwelling-houses	3 to 1
DIVISION II.—In all cases where windows other than those mentioned in division III. of this table are erected in one side only of two opposite sides of a light court—	
(*a*) Factories and buildings of the domestic class other than dwelling-houses	3½ to 1
(*b*) Dwelling-houses	2½ to 1
DIVISION III.—In the case of windows lighted from a light court which opens on to a street not less than 33ft. in width and is of uniform width for its full depth from such street such windows being distant from the street alignment not more than twice the width of such light court—	
All classes of buildings	6 to 1

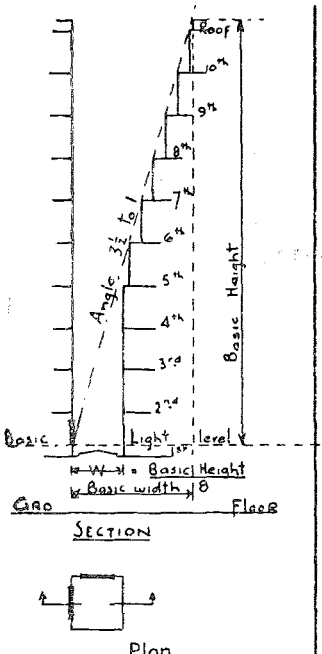
(3) The minimum widths of any light court shall be as follows:—

I. In the case of factories and buildings of the domestic class the minimum width at the basic light level measured from any wall wherein a window is constructed shall not be less than one-eighth of the basic height of the light court:

II. In the case of buildings of the warehouse class, other than factories, the minimum width shall not be less than one-eighth of the height of the court and one-tenth where the light court abuts on a right-of-way:

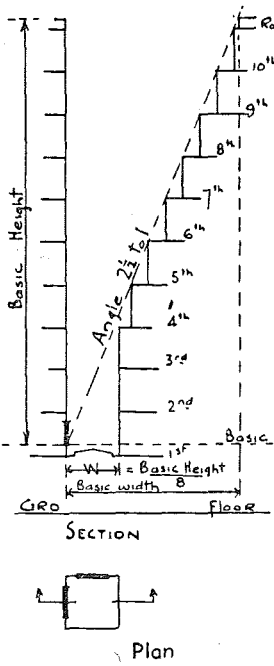
III. For all buildings of more than one storey in height the minimum width of any light court shall not be less than six feet:

ANGLES OF LIGHT - EXPLANATORY DIAGRAMS.



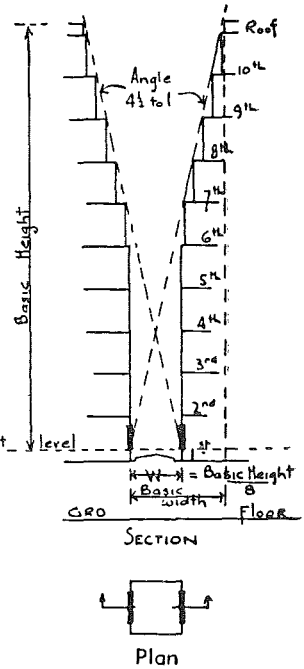
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Illustrating Regulation 250, Division II. (a) of Table.



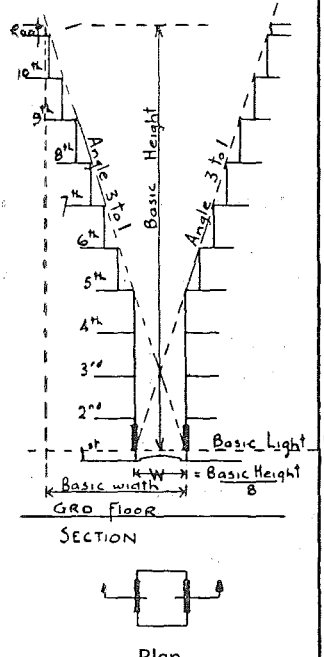
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Illustrating Regulation 250, Division II. (b) of Table.



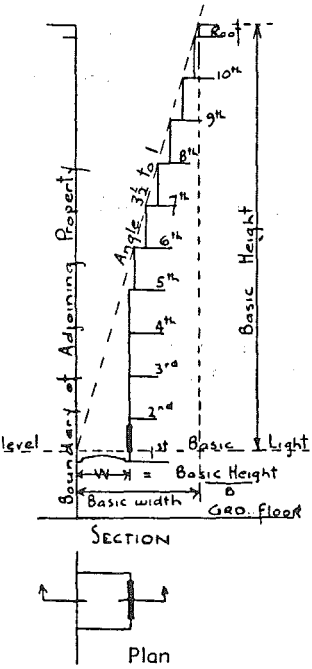
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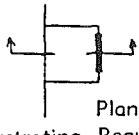
Illustrating Regulation 250, Division I. (a) of Table.



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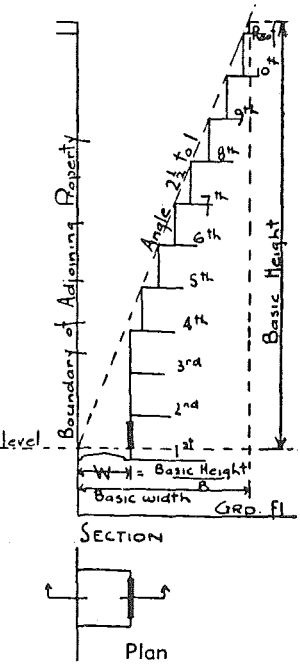
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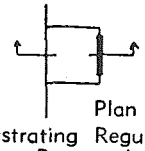




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Illustrating Regulation 250, Paragraph (2).



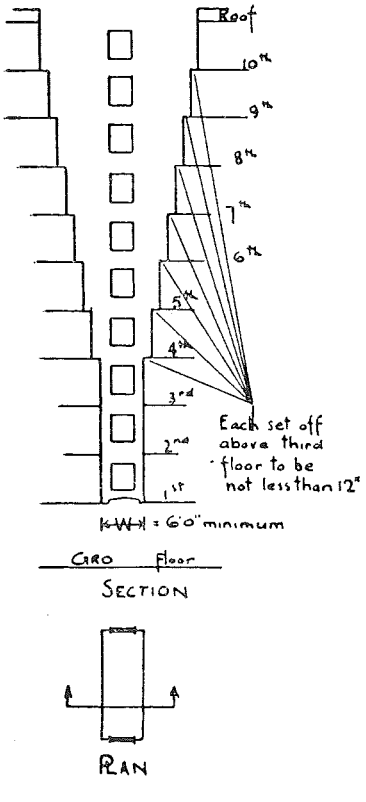


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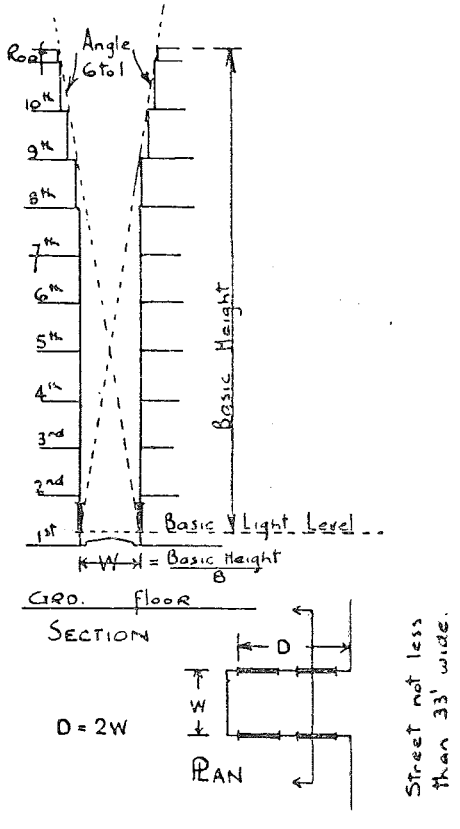
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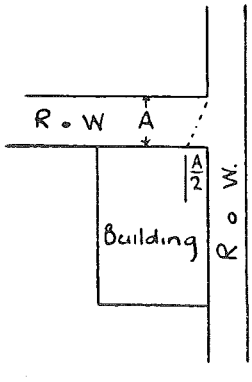
ANGLES OF LIGHT. - EXPLANATORY DIAGRAMS.

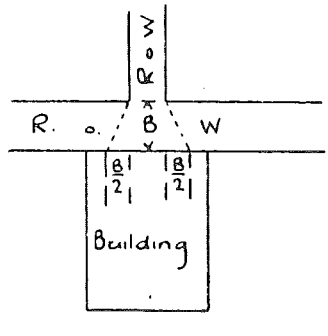
Illustrating Regulation 250, Paragraph (3) (iv.).



Illustrating Regulation 250, Division III. of Table







Illustrating Regulation 250, Paragraph (4).

IV. In the case of a light court having windows in one wall or opposite walls only the minimum width from any wall which neither contains any window required to have an angle of light nor is opposite to a wall containing such a window, shall not be less than six feet and where the number of storeys abutting on such light court exceeds three shall not be less at the level of each additional storey than the width at the level of the storey immediately below plus one foot.

(4) In cases where a street or way being a light court abuts wholly or partly on a building and is intersected by or connected with another street or way at right angles thereto the surveyor may permit windows, not having the required angle of light, to be constructed in that section of the wall of the building abutting on the light court and located within a distance of half the width of such court on one or both sides of the intersecting street or way.

Drainage of Inner Courts and Ventilating Shafts.

251. All inner courts and ventilating shafts enclosed on four sides shall be paved with an impervious material, graded to carry water quickly to the inlet of a drain constructed to discharge stormwater clear of the building or to discharge the stormwater into a drainage well.

Light and Ventilation.

252. (1) Unless otherwise provided or unless exempted by the council, every room shall have windows as follows:—

I. If the windows open into unrestricted space, the total superficies of the windows shall be equal to at least one-fifteenth of the floor area of the room:

II. If the windows open into a light court, the total superficies of the windows shall be equal to at least one-eighth of the floor area of the room:

III. If the windows open into a verandah, sunporch, sleepout or conservatory, the total superficies shall be one-tenth of the floor area of the room, and in the outer wall of any such sunporch, sleepout, conservatory or similar structure there shall be windows opening into unrestricted space with a total superficies equal to at least one-fifteenth of the combined floor area of the room and the sunporch, sleepout, or conservatory:

IV. The windows of any such room shall be constructed so that a portion thereof equal to at least one-thirtieth of the floor area of the room can be opened to ven-

tilation and the windows of any such sunporch, sleepout, or conservatory shall be constructed so that at least one-half thereof can be opened for ventilation:

v. For the purpose of this paragraph, the superficies of a window shall be the total superficies clear of the sash frames and free from any obstruction to the light.

(2) Each such window in a room shall extend to at least 7ft. above the floor level, but every room used for habitation purposes shall have at least one window of 9 sq. ft. superficies as aforesaid, of which one-half can be opened.

(3) A room having no external wall not opening into a sunporch, sleepout, conservatory or similar structure, or a room constructed wholly or partially in the roof, may be lighted through the roof by a dormer window, with a total superficies clear of the sash frames and free from any obstruction to the light, equal to at least one-twelfth of the floor area of the room, and shall be so constructed that a portion of such window equal to at least one twenty-fifth of such floor area, can be opened, and the opening in each case shall extend to at least 5ft. above the floor level; or any such room, except in a dwelling-house, may be lighted by a lantern light or skylight, of which a portion equal to at least one twenty-fifth of the floor area can be opened.

(4) The provisions of this regulation shall not apply to basements lighted by mechanical means in which a system of mechanical ventilation, continuous in operation, is provided to the approval of the surveyor. In any such case the maximum amount of natural light obtainable shall be availed of to the surveyor's satisfaction.

Exempted Rooms.

253. The following rooms are exempted from the operation of regulation 252 of this schedule if the provisions of this regulation are complied with:—

(*a*) Strongrooms designed and constructed as such:

(*b*) Box rooms, and similar places for storage purposes only, which do not exceed 50 sq. ft. in area:

(*c*) Cold stores, or other rooms where it is certified by the surveyor that such exemption is necessary for the purpose of trade or manufacture:

(*d*) Passage ways, corridors, staircases, and lift cages, if used for intercommunication purposes only, provided that the same are naturally lit by means of borrowed lights or otherwise, and ventilated to the approval of the surveyor:

(*e*) Rooms used for sanitary or lavatory purposes only shall have windows of a minimum area of 2 sq. ft. for each closet or each 2ft. of urinal space therein, with a minimum window area of 2 sq. ft. of which at least 2 sq. ft. shall open into the open air, or alternatively such windows as are above specified may be replaced by an opening of 2 sq. ft. in area for each 2 sq. ft. of window area required opening into an adequate ventilating shaft of a minimum cross section of 12 sq. ft. with a minimum width of 3ft. ventilated naturally or mechanically to the satisfaction of the surveyor. Where any such room has a window which can be closed there shall also be provided an air brick or a ventilator, either of which shall lead into the open air. The surveyor in special cases may require other means of ventilation to be provided either in addition to or in substitution for any of the means of ventilation referred to in this paragraph:

(*f*) If any portion of a room is enclosed by a wall, partition, screen, or similar structure, the enclosed section shall be provided with light and ventilation as if it were a separate room, always provided that if at least one-half of the area of the enclosing structure is of glass and a space of at least 6in. is left for ventilation between the top of the enclosing structures and the ceiling then such enclosed section shall be deemed to be sufficiently lighted and ventilated through such enclosing structure. Any such enclosing structures shall not be used to separate portions of rooms in different tenancies:

(*g*) Rooms without windows may be constructed in private dwellings and flats provided that every such room opens without obstruction directly into another room which has one or more windows opening directly into the outer air as prescribed in this Part of this schedule and provided the area of glass is not less than one-tenth of the combined floor areas of the two rooms, and the opening between such rooms is not less than 60 sq. ft. in area.

Ventilation of Basements.

254. Rooms in basements which are used for habitation purposes, including dining rooms, restaurants, tea rooms, billiard rooms, hairdressing saloons, offices, and shops, shall

be ventilated with a system of mechanical ventilation to the satisfaction of the surveyor if, in his opinion, satisfactory natural ventilation cannot be obtained.

Skylights, Etc.

255. All skylights and lantern lights in courts or wells and on roofs of fire-resisting construction shall have metal glazing bars of metals and sections approved by the surveyor and be glazed with wired glass.

Pavement Lights and Area Gratings.

256. Pavement lights and gratings to areas encroaching into the footway shall be enclosed by concrete, solid masonry or brickwork, surmounted by a proper stone or concrete kerb, and be covered with an approved horizontal iron grating, or be fitted with floor lights not over 6in. square or less than ¼in. thick, set in metal frames, level with the surface of the footway, and secured to the kerbing by being run thereto with lead, zinc, or other material approved by the surveyor, and must be maintained in good order and condition to the satisfaction of the surveyor. Prisms set in reinforced concrete may be used. No such light or area shall extend from the building line under the footway in streets or ways over 30ft. in width, more than 1ft. 6in.; or in streets or ways 30ft. or less in width more than 1ft. Pavement lights shall be supported at least every 4ft. by means of reinforced concrete or steel joists or by other means approved by the surveyor. No floor shall encroach beyond the street alignment over any portion of a street or way.

Windows in Upper Storeys.

257. Every window in every building above the first storey shall be equipped with a suitable device which will permit the cleaning of the exterior of the window without undue danger to the person cleaning the window. The device shall be of such pattern and construction as will reasonably and safely answer the purpose for which it is intended; provided, however, that if any window is of such construction that it may be easily cleaned from the inside, it need not be so equipped.

PART XVII.

PART XVII.

PRIVIES AND PLUMBING.

Privy.

258. (1) A room containing any privy or urinal adjoining any room used for living and sleeping or working purposes, or a room for public entertainment purposes, shall be separated from it by a partition not less than 2½in. thick of impervious material, and shall be floored with impervious material.

(2) Privies and rooms containing privies and urinals shall be constructed so as to comply with regulation 253 of this schedule.

(3) All privies built in the open, except those hereunder exempted, shall be built with stone or brick walls not less than 4½in. thick, or reinforced concrete walls not less than 3in. thick, and shall have impervious floors and roof coverings as provided for other buildings. The walls of privies serving dwellings constructed pursuant to the provisions of Part IX. or Part X. of this schedule may be constructed in manner provided by either of those Parts.

(4) The provisions of this regulation are in addition to the provisions of section 108 of this Act.

Gas Piping.

259. (1) Gas-piping shall be of best quality wrought iron or other metal, approved by the surveyor, and pipe fittings shall be of wrought iron, malleable cast-iron, or other metal approved by the surveyor.

(2) All gas pipes shall be properly supported.

(3) Composition or lead pipes shall not be used in any building for conveying gas except for connections that are exposed to view.

Rainwater Pipes.

260. All stormwaters led under a building shall be carried in cast-iron pipes with lead joints properly caulked, or in stone-ware pipes caulked with cement mortar and surrounded with concrete not less than 3in. thick, or in reinforced concrete pipes properly caulked with lead or cement, the joints of which are of the spigot and faucet type or shall be carried by any other similar means approved by the surveyor.

PART XVIII.

DOMESTIC OUTBUILDINGS, GARAGES, BATHROOMS, LAUNDRIES, SLEEPOUTS, SUNPORCHES AND CONSERVATORIES.

261. (1) Notwithstanding any other provisions of this schedule, any domestic outbuilding not used for human habitation, garage, bathroom, laundry, sleepout, sunporch or conservatory, which is appurtenant to a dwelling-house (all of which are hereinafter in this Part included in the term and referred to as "outbuildings") may be constructed as provided by this Part.

(2) The provisions of this Part shall not apply to any outbuilding which is not appurtenant to a dwelling-house nor to any outbuilding which is more than one storey in height or which exceeds three squares in area.

262. (1) Except as otherwise provided by this Part, any outbuilding which is not more than 9ft. in height and not more than three squares in area, may be erected in manner provided by Part IX. or Part X. of this schedule.

(2) Any outbuilding which is more than 9ft. in height and is not more than one storey in height nor more than three squares in area, shall have walls of brickwork at least 4½in. thick stiffened with piers at least 9in. x 9in. thick at intervals not exceeding 6ft., or walls of reinforced concrete at least 3in. thick, and when built within 3ft. of any boundary shall have a parapet at least 12in. in height.

263. No portion of any garage or of any other outbuilding (other than a bathroom, laundry, sleepout, sunporch or conservatory) shall come within 5ft. of any dwelling-house or other building in the same or other occupation or within 3ft. of any boundary of any adjoining allotment of land unless all the walls are of brickwork at least 4½in. thick in cement mortar, stiffened with piers at least 9in. x 9in. thick at intervals not exceeding 6ft. or are of reinforced concrete at least 3in. thick, and unless there is a parapet at least 12in. in height.

264. (1) Except as provided by paragraph (2), any outbuilding (other than a sleepout, sunporch or conservatory) erected within 5ft. of the street alignment shall have the wall nearest the street alignment of brickwork at least 4½in. thick or of reinforced concrete at least 3in. thick.

(2) The council may by notice in writing authorize the erection of any outbuilding within 5ft. of the street alignment, notwithstanding that it does not comply with the provisions of paragraph (1).

(3) Notwithstanding the provisions of paragraph (1), and notwithstanding that the outbuilding is to be erected in the manner provided by paragraph (1), the council may refuse approval of the erection of any outbuilding to be erected within 5ft. of any street alignment if the council is of opinion that the erection of the outbuilding would injuriously affect the value or amenities of any property in the vicinity.

265. No door or window in the wall of any outbuilding shall open within 3ft. of land in any other occupation, or within 5ft. of any building on any land in any other occupation. The provisions of this regulation do not apply to land over which there is any easement of right-of-way.

266. Floors of garages shall be of fire-resisting materials and, if of wood, shall be hardwood at least 2in. thick.

267. (1) The provisions of Part XX. of this schedule shall not apply to any sleepout, sunporch or conservatory appurtenant to a dwelling-house.

(2) The walls of any sleepout or sunporch which is appurtenant to a dwelling-house and which does not form portion of the main building may be of timber frame construction provided that an area of walling equal to not less than 50 per cent. of the floor area is fitted with hinged or sliding glass windows, venetian shutters or other open screens. The timber-frame walls may be sheathed externally with metal of at least No. 26 Birmingham gauge, hardwood of a minimum nominal thickness of 1in., asbestos-cement or compressed wood fibre sheets of a minimum thickness of 3/16in., compressed plates of straw or other material of a minimum thickness of 2in., stucco on No. 26 gauge metal lathing, or other material approved by the surveyor.

(3) The lower portion of the walls of any sleepout or sunporch, if of brick or reinforced concrete up to a height not exceeding 4ft. above the floor level, may be 4½in. thick if of brick or 3in. if of reinforced concrete, but if more than 4ft. must comply with the regulations for external walls. The necessary frames, sashes, and doors of any sleepout or sunporch may be of timber.

(4) Conservatories to any dwelling-house may be constructed in similar manner to sleepouts excepting that open screens shall not be required.

268. No portion of any sleepout, sunporch, or conservatory constructed with timber-frame walls shall come within 3ft. of any street or way or the boundary of the allotment on which it stands, unless separated therefrom by a brick wall not less than 4½in. in thickness, or a wall of reinforced concrete not less than 3in. thick.

PART XIX.

PIERS, PILLARS, COLUMNS, GIRDERS AND STRUCTURAL STEEL.

Definition.

269. In this Part the term "pier" or "pillar" includes all columns and stanchions, or an assemblage of metal or timber sections forming columns or stanchions properly riveted or bolted together.

Brick or Stone Piers.

270. (1) No isolated pier of brick or stone shall exceed in height 8 times the least dimension of the pier if built in lime mortar and 12 times if built in cement mortar. Any such pier shall be not less than 9in. in width. Piers carrying only the roofs of verandahs may be of such greater height as may be approved by the surveyor.

(2) Isolated piers of reinforced concrete may be of such height as is approved by the surveyor.

Foundations.

271. All isolated piers, and all pillars, when resting on or in the ground, shall rest on solid natural or artificial foundations, and shall have footings of brick, stone, or concrete, where necessary, properly designed and proportioned to take the loads transferred to them from the members above.

Factors of Safety.

272. The regulation of maximum allowable unit stress to ultimate strength in the case of columns and pillars shall be as follows:—

Metal other than cast iron or mild steel ..	1 to 4
Cast iron, unless otherwise stated	1 to 8
Mild steel	1 to 3·5
Timber	1 to 5
Isolated brick or masonry piers of natural artificial stone, other than reinforced concrete columns	1 to 10

unless otherwise stated in regulation 41 of this schedule. Reinforced concrete columns shall comply with Australian Standard Specification No. CA 2.

Column Fixings.

273. Proper provision shall be made to distribute column loads to foundations and footings. Columns with ends machined for seating on a machined end or bloom base shall

have ample area to transmit safely the full load in bearing. Angle cleats on such columns shall not be assumed to transmit any of the column load to the slab or bloom base.

Column ends may be fitted with gussets and a base plate.

In the case of a column with ends machined for seating on a base plate of rolled material, the rivets through the column, gussets, and angle cleats shall be designed to distribute the column load uniformly, or as nearly so as practicable, over the whole of such base plate, and in no case shall be designed to carry less than 60 per cent. of the column load. In the case, however, of columns with unmachined ends, the whole of the load shall be assumed to be transmitted to the base plate by the rivets through the column.

All connecting angles and gusset plates shall be fitted in place before column ends are machined.

Cast bases shall be planed on the surfaces to be in contact with steel, and the bottom surfaces, resting on dressed masonry or concrete, shall be rough machined.

Both sides of the shoe plates and cap plates shall be either planed or levelled to ensure an even bearing on the members in contact with them.

Plates over 1½in. in thickness shall be planed on the surface in contact with steel.

Cast Pillars.

274. (1) In any cast-iron or cast-steel pillar, the metal shall not be, in any part, of less thickness than three-quarters of an inch or less than one-twelfth of the least lateral dimensions, and holes shall be drilled on each side of the cast columns to determine the thickness of the metal. The pillar shall not have an unsupported length of more than twenty times its least lateral dimensions or more than eighty times its least radius of gyration.

(2) The caps and bases of cast pillars shall be in one piece with the columns, or be connected thereto with a properly turned and faced joint, sufficiently fixed.

(3) All cast pillars shall be turned or faced top and bottom to a true face at right angles to the axis when in contact with metal.

(4) All joints in cast pillars shall be at or near the level of the floor, and shall be fixed and made with not less than four bolts at least three-quarters of an inch in diameter.

(5) The foot of all cast pillars shall have such area as may be necessary to properly distribute the load on the footings or other support.

Stresses in Cast Pillars.

275. In cast-iron or cast-steel pillars the actual working stress per square inch shall not exceed that given in the following table, and in like proportion for intermediate ratios:—

Where the length divided by least radius of gyration equals—

80	1·9 tons
60	2·4 tons
40	3·0 tons
20	3·5 tons

For allowable stresses in steel columns see regulation 98 of this schedule.

Pillars in Walls.

276. Where a pillar is built into a wall, except in buildings of frame construction, the radius of gyration of that pillar in the direction of the thickness of the wall shall be taken for the purpose of the above table.

Timber Columns.

277. The safe load for columns of any variety of timber, except such as may be otherwise determined by the surveyor, shall be fixed by the following formula:—

Safe load in pounds per square inch up to an $\frac{l}{d}$ ratio not exceeding 40.

$$W = f\left(1 - \frac{l}{60d}\right)$$

l = length in inches.
d = least dimension in inches.
f = allowable compressible strength of timber to be used.
W = safe total load.

Loading.

278. The proportion of floor and other loads to be transferred to columns shall be as set out in Part II. of this schedule.

Eccentric Loading of Pillars or Columns.

279. (1) In the case of columns having loading eccentric to the axis and parallel therewith, the bending moment about each principal axis shall be calculated with proper regard to the eccentricity of the loading, and the maximum compressive stress at the extreme fibre due to the bending actions shall be added to the axial loading per square inch. The sum of these stresses at the extreme fibre shall not exceed F_2.

Where $F_2 = fc + 16{,}800 \left[1 - \frac{fc}{F_1}\right] \left[1 - 0{\cdot}002 \frac{l}{r}\right]$

F_1 = the working stress per sq. in. specified in Reg. 23.

fc = the total axial loading on the column in pounds divided by the gross cross sectional area of the column in square inches.

$\frac{l}{r}$ = ratio of effective column length to least radius of gyration.

(2) In cases where a beam is connected to a continuing column, the bending moment in the column due to the eccentricity of the reaction from the beam may be regarded as divided between the column lengths above and below the level of the beam proportionately to their stiffnesses.

$\left[\frac{\text{moment of inertia}}{\text{length}} = \frac{I}{l}\right]$, account being taken of all bending or shearing forces at any joint.

(3) In continuing columns of all bending moments due to eccentricities of loading at any one floor level may be disregarded at the levels of the floor beams immediately above and below, provided that the column at these latter levels is effectively restrained in relation to the eccentric load.

(4) Eccentric loading shall not be permitted on cast-iron columns or pillars.

Columns on Girders.

280. Where columns are supported by girders, the computed deflection of the girder under the loads tabulated in Part II. of this schedule must in no case exceed one fifteen-hundredth part of the span, the total limit of the amount of deflection of the girder being 0·3 of an inch in any case.

Camber and Deflection.

281. All trusses and plate girders having a span greater than 40ft. shall have at least such initial camber that with the full live load at the centre of the span the camber will not be entirely taken out by deflection. The maximum deflection in any beam, truss or girder under full live load conditions shall not exceed one three-hundred and twenty-fifth of the span.

Chafing, Lagging.

282. The bases of columns in buildings of the warehouse class shall be protected against chafing by wood or other lagging.

Bearing of Girders.

283. (1) Every metal girder, other than a girder properly connected to a metal stanchion or acting as a cantilever, shall have a bearing in the direction of its length of 4in. at least at each end upon a wall or other support, and every girder shall have such columns, stanchions, piers of brick, concrete, or stone, or corbels, as may be necessary, to ensure the stability of the superstructure. All girders and columns or stanchions supporting a wall, floor, or roof of fire-resisting construction shall be of metal or reinforced concrete approved by the surveyor and shall be protected from fire as provided by Part VII. of this schedule.

(2) Every metal girder bearing upon a wall shall be borne by a template or corbel of stone, concrete, or iron, tailed into the wall and of an area to ensure that the safe bearing loads do not exceed those set out in regulation 41 of this schedule.

(3) Every concrete girder bearing on a wall or similar support with which it is not cast homogeneously shall have a bearing at each end in length equal to its breadth, and in no case less than 9in. When not cast *in situ* any such girder shall be properly bedded on a rich cement grout.

Expansion Space.

284. At each end of every metal girder, except those in frame construction or those encased in concrete, a space shall be left equal to one-quarter of an inch for every 10ft., and also for any fractional part of 10ft. of the length of the girder, to allow for expansion.

Structural Steelwork.

285. (1) All structural metal work shall be cleaned of all scale, dust, and rust, and, except where in contact with concrete, be thoroughly coated before erection with one coat of boiled oil, oil paint, or other material approved by the surveyor, and where accessible after erection shall receive at least one additional coat.

(2) All connections in structural steelwork shall be made by means of rivets, except where rivets cannot be driven, in which case fitted bolts may be used in reamered holes, or alternatively, the surveyor may approve for use either wholly or in part any other method such as welding, that he considers suitable.

Concrete Work.

286. Concrete columns and girders shall comply with Part VIII. of this schedule.

PART XX.

PART XX.

FIRE PROTECTION AND ESCAPES.

Public Buildings.

287. Every building intended to be used as a public building shall have all walls, partitions, floors and staircases constructed of fire-resisting materials. All spaces used for storage must have floors of fire-resisting construction above them. The floors of buildings not exceeding two storeys in height, or, in the case of a theatre, three storeys, may be of timber construction. Cellars and basements shall not be reckoned as a storey if the floors immediately above them are of fire-resisting construction.

Hotels, Boarding-houses, Etc.

288. Every building intended to be used as an hotel, boarding-house, apartment-house, club, sanatorium, or similar institution, shall, if more than three storeys in height, have all floors, ceilings and staircases constructed of fire-resisting materials other than wood. Cellars and basements shall not be reckoned as storeys if the floors immediately above them are of fire-resisting construction.

Number of Floors of Non Fire-resisting Construction.

289. No building of any class shall be erected or altered to contain more than four storeys with floors of non fire-resisting construction. All other storeys of any such building shall have fire-resisting floors.

Structural Supports to be Fire Protected.

290. All portions of the structure of any building which support—

(*a*) a wall of fire-resisting construction; or

(*b*) a floor of fire-resisting construction; or

(*c*) a roof of fire-resisting construction,

shall be of fire-resisting construction also.

Cubical Extent of Buildings.

291. No building of the warehouse class shall extend to more than 350,000 cub. ft., unless divided by walls of the same thickness as cross walls, or by floors of fire-resisting construction, in such manner that no division thereof extends to more than 350,000 cub. ft. unless a sprinkler installation is

Reg. 291. CORPORATION OF THE CITY OF ADELAIDE v. FOY AND GIBSON PROPRIETARY LIMITED (1930) S.A.S.R. 170; 3 Austn. Digest 57. The construction of "fire-isolated" stairs from the top to the bottom of a building is to be treated as the construction of one staircase.

provided, in which case any division thereof may be increased to 500,000 cub. ft. or unless there is provided throughout the whole of the building an automatic fire alarm approved by the surveyor which will on the outbreak of fire give an alarm to a fire brigade, in which case any division thereof may be increased to 400,000 cub. ft. Staircases and lift-wells connecting two or more divisions shall be fire-isolated by brick walls not less than 9in. thick, or reinforced concrete walls not less than 4in. thick. Doors opening on to such staircases and lift-wells shall be tin clad wooden doors. Buildings of fire-resisting construction shall not be limited as regards cubical extent.

Consent to Larger Dimensions.

292. (1) In cases in which additional cubical extent is necessary for any building to be used for any trade or manufacture, and the council is satisfied in respect of the site that proper arrangements have been or will be made and maintained for lessening, so far as reasonably practicable, danger from fire, the council may consent to such building containing additional cubical extent.

(2) The consent shall continue in force only while the said building is actually used for the purpose of the trade or manufacture in respect of which the consent was granted.

Borrowed Lights in Party Structures, Etc.

293. (1) Borrowed lights may be inserted in the enclosing walls of lifts and staircases.

(2) When inserted in party structures or when inserted in walls enclosing fire-isolated staircases borrowed lights shall be glazed with wire glass secured with metal beads, or approved glass prisms set in fixed fireproof frames. No one opening shall exceed 15 sq. ft., or contain less than three panels, each of which shall be of equal area. The total area of the openings shall not exceed 20 per centum of the area of the wall in each storey.

Uniting Buildings.

294. (1) Buildings shall be deemed to be united when any opening fitted with a door approved by the surveyor is made in the party wall or the external walls dividing such buildings, or when such buildings are so connected that there is access from one building to the other without passing into the open air; but buildings shall not be deemed to be united when they are connected only by an unenclosed gangway of fire-resisting construction.

(2) Buildings shall not be united except where they are wholly in one occupation, but doorways will be allowed in party structures opening on to staircases, landings, or

passages, if such doorways are protected with tin clad doors approved by the surveyor, and are hung so as not to block the egress space of the landings or passages.

(3) Buildings shall not be united if, when so united and considered as one building only, the buildings would not be in conformity with the provisions of these regulations.

Openings in Party Wall.

295. Openings in any party wall, division wall, or in two external walls dividing buildings of the warehouse class, which if taken together would extend to more than 350,000 cub. ft., or 500,000 cub. ft. if a sprinkler installation is provided, or 400,000 cub. ft. if an automatic fire alarm is installed as provided in regulation 291 of this schedule, shall be constructed in accordance with the following provisions:—

(*a*) Openings shall not exceed 60 superficial feet in area, excepting in sprinklered buildings when the opening may be 80 superficial feet in area, and such opening, or openings, taken together, shall not exceed one-half the length of the wall or walls on each floor of the building in which they occur:

(*b*) Openings shall have the floor, jambs, and head formed of brick, stone or iron, and be closed by a tin-clad door fitted to rebated frames without woodwork of any kind, or hung to slide, and any doors, sliding doors and shutters in such openings shall be fitted with bolts or other fastenings, and be capable of being opened from either side, and shall be constructed in an efficient manner. Openings exceeding 60 superficial feet in area shall have doors on both sides of the wall. In the alternative, such doors and shutters may, instead of being constructed as abovementioned, be constructed of fire-resisting materials approved by the surveyor.

Separation of Buildings.

296. Whenever any buildings which have been united cease to be in one occupation, all openings made for the purpose of uniting the same in any party wall between the buildings, or in any external wall, shall be stopped up with fire-resisting materials as approved by the surveyor.

Notice to be Given.

297. Whenever any buildings which have been united cease to be in one occupation, the owner thereof, or, if the buildings are the property of different owners, then each of such

owners, shall forthwith give notice to the surveyor, and shall cause any openings made in the party or external wall to be stopped up as aforesaid.

Party Structures Required.

298. (1) Whenever any building is either wholly or partially used, occupied as, or converted into a shop or shops, and whenever any building is divided or converted into separate occupations or tenements, the shop or shops or the portion or portions of the said buildings so separately occupied shall be divided vertically and horizontally by party structures and separated from other buildings by party structures.

If the party structure vertically dividing the topmost storey of any such shops or portions separately occupied is not carried up to the under side of a roof covering of fire-resisting material, the ceilings of such shops or portions shall be of fire-resisting construction.

(2) Paragraph (1) of this regulation shall apply in the cases hereinafter mentioned only to the extent mentioned in this paragraph:—

I. If any dwelling-house not exceeding two storeys in height is constructed or altered to contain not more than four separate occupations, the portions of the building need not be separated as aforesaid:

II. If any dwelling-house not exceeding two storeys in height is constructed or altered to contain more than four separate occupations it shall be sufficient compliance with paragraph (1) of this regulation if the building is divided as aforesaid so as to separate each portion of the building constructed for not more than four separate occupations from the remainder of the building:

III. If any building not exceeding two storeys in height is constructed or altered to contain not more than four lock-up shops which do not exceed 50 squares in aggregate area and 125,000 cub. ft. in aggregate cubical content, the portions of the building need not be separated as aforesaid:

IV. If any building not exceeding two storeys in height is constructed or altered to contain more than four lock-up shops, it shall be sufficient compliance with paragraph (1) of this regulation if the building is divided as aforesaid so as to separate from the remainder of the building each portion of the building constructed to contain not more than four lock-up shops which do not exceed 50 squares in aggregate area and 125,000 cub. ft. in aggregate cubical content:

v. If any building is constructed or altered to contain separate sets of chambers or offices (with or without caretaker's quarters), the building need not by reason of such sets of chambers or offices or such quarters, be separated as aforesaid.

In all such cases any portion or portions of the said buildings so separately occupied shall have dividing walls of not less than 4½in. brickwork, 3in. reinforced concrete, 3in. hollow terra-cotta, or other hollow blocks approved by the surveyor and set in cement mortar.

(3) If any building is erected over any public way leading to premises in other occupation, the building shall be separated vertically and horizontally from the public way by party structures. This paragraph does not apply to a gangway connecting two buildings.

(4) The provisions of this regulation are in addition to and not in substitution for the provisions of regulation 302 of this schedule.

Construction of Party Structures.

299. Every party structure shall be constructed of fire-resisting materials throughout.

Shop Front Entrances.

300. Shop front entrances which return along passages or lobbies of fire-resisting construction (one of the walls of which is a party structure) may be returned to a depth not greater than the width of such passage or lobby: Provided that any shop front entrance may be returned to a greater depth if it is protected on the outer face thereof (in manner approved by the surveyor) with self-coiling rolling corrugated steel shutters running in metal grooves and fitted with proper appliances on the outside thereof suitable for raising or lowering, or by a sprinkler system approved by the surveyor.

Limitation of Floor Area.

301. If any building which contains separate sets of chambers or offices, or rooms tenanted, or constructed or adapted to be tenanted by different persons, extends to more than 50 squares in area, the building shall be separated by a cross wall or cross walls of the thickness specified in regulation 69 of this schedule with a parapet or parapets so that each part so separated shall not exceed 50 squares in area. This provision shall not apply to buildings of fire-resisting construction throughout with fire-isolated staircases.

Combined Shop and Dwelling.

302. In every building constructed or adapted to be used in part for purposes of trade or manufacture, and in part as a dwelling-house, in which the portion used for the purpose of trade and manufacture exceeds 20,000 cub. ft. in cubical extent, the portion used for the purpose of trade or manufacture, or both, shall be vertically and horizontally separated from the portion used as a dwelling-house by party structures. Doorways for communicating between the two parts of such building shall be fitted with self-closing doors of fire-resisting materials hung in frames of fire-resisting materials.

Habitable Room over Garage.

303. Any habitable room built over a garage shall have a floor and walls of fire-resisting material.

Construction of Lift Shafts and Lift Engine Rooms.

304. (1) The shaft of every lift shall be constructed and enclosed with brickwork not less than 9in. thick, reinforced concrete not less than 4in. thick, or other fire-resisting materials, as follows:—

I. The sides of the shaft of every such lift shall be enclosed throughout its height, and such shaft shall be enclosed, in cases where such shaft is not carried down to the foundations of the building, at the bottom, and, in cases where the shaft is not carried up to the roof of the building, at the top:

II. The shaft of any lift constructed within the well-hole of a fire-resisting staircase and landings may be enclosed with open metal grilles or guards and open metal doors.

(2) The walls and roof of every lift engine room shall be constructed with brickwork not less than 9in. thick, reinforced concrete not less than 4in. thick or other fire-resisting material approved by the surveyor.

Doorways to Lift Shafts.

305. Doorways to lift shafts of buildings over four storeys in height, including basement, if any, shall be fitted with fire-resisting doors in which may be inserted fire-resisting glazing not exceeding 5 sq. ft. in area, in panes not exceeding 16 sq. in., held in position with metal beads.

Doorways to lift shafts of buildings four storeys or less in height, including basement, if any, may be fitted with doors constructed of softwood at least 2in. thick or constructed of hardwood framing and battens. These doors shall not exceed 7ft. in height.

Goods Lift.

306. No goods lift shall be constructed in or communicate with an enclosed staircase in any building of the warehouse class.

Prevention of Fire in Connection with Windows and Openings in Certain Cases.

307. All openings in any external wall of a building of the warehouse class, or of a building of the domestic class exceeding three storeys in height, which are distant less than 20ft. in any diagonal direction from any opening in any external wall of any other building, shall be fitted with solid iron or armoured doors, tin-clad shutters, or shutters of wire gauze: Provided that this provision shall not apply to shop fronts in an arcade building fitted with a sprinkler installation approved by the surveyor, or to windows constructed with approved frames and sashes of metal and glazed with wire-rolled glass prisms or electro copper glazing of not less than ¼in. in thickness.

Openings Abutting on Other Occupation.

308. All openings that abut on or are within 3ft. of land in other occupation shall be fitted with fire-resisting glazing as for vertical party structures, or alternatively the openings shall be protected with solid iron armoured or gauze shutters. All openings in external walls abutting on enclosed light courts common to separate buildings shall be fitted with metal frames and sashes and glazed with wire-rolled glass or prisms, or protected with tin-clad or wire gauze shutters.

Skylights in Courts or Wells.

309. All skylights or lantern-lights which are placed in courts or wells constructed in buildings, or constructed on roofs of fire-resisting construction, shall, so far as regards the frames and glazing thereof, be constructed of fire-resisting materials and wire-glazing respectively.

Rooms Used for Storage of Inflammable Liquids, Etc.

310. Every room or other portion of a building, whether in existence before the commencement of this Act or erected thereafter, used for the storage of petroleum or any produce of petroleum, turpentine, or other similar volatile fluids, or for the storage of inflammable cinematograph films, or carbide, or other highly inflammable or dangerous material, shall have walls, floors, and ceilings of fire-resisting construction, be properly ventilated and provided with reservoirs to receive any possible leakage from the contents. The doors of such room or other portion of a building shall, unless opening directly to the outer air, be tin-clad or iron-cased.

Water Service for Fire Extinction.

311. (1) A water supply service for fire extinction, approved by the surveyor, shall be provided for—

(*a*) every building over three storeys in height;

(*b*) every building proposed to be used as a factory;

(*c*) every building over 20 squares in area proposed to be used as a shop; and

(*d*) every timber yard:

Provided that in any case where so approved by the surveyor, there may be provided in lieu of a water supply service, chemical fire extinguishers approved by the surveyor and to the number required by him.

(2) All buildings exceeding the maximum height permitted for buildings of ordinary construction shall be provided with a rising main not less than 3in. in diameter up to the roof level, with a 2½in. outlet and fire hose cock on each floor and on the roof in positions approved by the surveyor, and provided with back pressure and stop valves and screwed cap connections to which a fire brigade's pump can be attached.

Stairs.

312. (1) Every building which is more than three storeys in height, and every building which is two storeys or more in height and is intended for use as a factory, shall be provided with alternative stairs approved by the surveyor, one of which may be an external fire-escape stair. Cellars and basements shall not be reckoned as a storey for the purposes of this regulation if the floors immediately above them are of fire-resisting construction. All stairways shall, as far apart as practicable, lead to separate exits. A second stair shall not be necessary in any factory building of not more than three storeys in height in which not more than 150 persons are employed on the floors above the ground floor, if the one stairway provided is fire-isolated by brick walls not less than 9in. thick, or by walls of reinforced concrete not less than 4in. thick.

(2) All stairs (other than stairs in a private dwelling-house) shall be constructed of fire-resisting materials and the lining, if any, of the underneath of the stairs and landings shall be constructed of fire-resisting materials.

(3) Stairs shall also comply with the provisions of regulations 182, 320, and 327 of this schedule.

313. All walls and partitions enclosing staircases which are required to be fire-isolated shall be constructed of fire-resist-

Reg. 312. CORPORATION OF THE CITY OF ADELAIDE v. FOY AND GIBSON PROPRIETARY LIMITED (1930) S.A.S.R. 170; 3 Austn. Digest 57. Stairs from the top to the bottom of a building are to be treated as one stairway.

ing materials, but those enclosing other staircases may be constructed of 4½in. brickwork, 3in. reinforced concrete, 3in. hollow terra-cotta, or other approved hollow blocks set in cement mortar.

314. The egress space of each stairway from the two topmost storeys of every building over three storeys in height above the ground level shall be not less than 2ft. 8in. in width and for the remaining storeys not less than 3ft. 4in. in width.

Exits from Factories.

315. The exits from factories in which not more than 25 persons are employed shall be at least 2ft. 8in. in width, but if more than 25 persons and not exceeding 100 are employed the exits shall be at least 3ft. 4in. in width. If a greater number than 100 persons is employed the width of exits shall be increased 20in. for every additional 100 persons or proportion thereof.

Stairways and Exits from Shops.

316. The number and width of stairways and exits from shops shall be in accordance with the following tables:—

TABLE A.

Exits and stairways required for retail shops used for the sale of drapery, millinery, and fancy goods, or any other class of goods combined with drapery, millinery and fancy goods.

Area of each Floor in Square Feet.	Number and Width of Stairs and Exits.	Total Width of Stairs and Exits.
Up to 600	1 2ft. 8in.	2ft. 8in.
More than 600 and not more than 1,000	2 2ft. 8in. or 1 2ft. 8in. if fire isolated	5ft. 4in. 2ft. 8in.
" 1,000 " " 2,000	2 3ft. 4in.	6ft. 8in.
" 2,000 " " 4,000	1 5ft. 0in. } One stair to be 1 3ft. 4in. } fire isolated	8ft. 4in.
" 4,000 " " 6,000	2 5ft. 0in.	10ft.
" 6,000 " " 8,000	2 5ft. 0in. 1 3ft. 4in.	13ft. 4in.
" 8,000 " " 10,000	3 5ft. 0in.	15ft.
" 10,000 " " 12,000	2 5ft. 0in. } One 5ft. stair to 2 3ft. 4in. } be fire isolated	16ft. 8in.
" 12,000 " " 14,000	3 5ft. 0in. 1 3ft. 4in.	18ft. 4in.
" 14,000 " " 16,000	4 5ft. 0in.	20ft.
" 16,000 " " 18,000	4 5ft. 0in. } Two stairs to be 1 3ft. 4in. } fire isolated	23ft. 4in.
" 18,000 " " 20,000	5 5ft. 0in.	25ft.
" 20,000 " " 22,500	4 5ft. 0in. } Two 5ft. stairs to 2 3ft. 4in. } be fire isolated	26ft. 8in.
" 22,500 " " 25,000	6 5ft. 0in.	30ft.
" 25,000	Stairs and exits as required by the surveyor	

Reg. 316. CORPORATION OF THE CITY OF ADELAIDE v. FOY AND GIBSON PROPRIETARY LIMITED (1930) S.A.S.R. 170; 3 Austn. Digest 57. Stairs from the top to the bottom of a building are to be treated as one stairway.

TABLE B.

Exits and stairways required for retail shops other than those used for the sale of drapery, millinery, or fancy goods or any other class of goods combined with drapery, millinery, or fancy goods.

Area of each Floor in Square Feet.	Number and Width of Stairs and Exits.	Total Width of Stairs and Exits.
Up to 600	1 2ft. 8in.	2ft. 8in.
More than 600 and not more than 1,000	2 2ft. 8in. or	5ft. 4in.
	1 2ft. 8in. if fire isolated	2ft. 8in.
" 1,000 " " 2,000	1 2ft. 8in. ; 1 3ft. 4in.	6ft.
" 2,000 " " 4,000	2 3ft. 4in. One stair to be fire isolated	6ft. 8in.
" 4,000 " " 6,000	1 5ft. 0in. ; 1 3ft. 4in.	8ft. 4in.
" 6,000 " " 8,000	2 5ft. 0in.	10ft.
" 8,000 " " 10,000	2 5ft. 0in. ; 1 3ft. 4in.	13ft. 4in.
" 10,000 " " 12,000	3 5ft. 0in.	15ft.
" 12,000 " " 14,000	2 5ft. 0in. ; 2 3ft. 4in. One 5ft. stair to be fire isolated	16ft. 8in.
" 14,000 " " 16,000	3 5ft. 0in. ; 1 3ft. 4in.	18ft. 4in.
" 16,000 " " 18,000	4 5ft. 0in.	20ft.
" 18,000 " " 20,000	4 5ft. 0in. ; 1 3ft. 4in. Two stairs to be fire isolated	23ft. 4in.
" 20,000 " " 22,500	5 5ft. 0in.	25ft.
" 22,500 " " 25,000	2 3ft. 4in. ; 4 5ft. 0in. Two 5ft. stairs to be fire isolated	26ft. 8in.
" 25,000	Stairs and exits as required by the surveyor	

The width of stairs in tables A and B from the third to the sixth floors may be reduced to the width required for the next lower area, and from the sixth floor upwards may be again reduced to the width required for the next succeeding lower area, but no stairs shall be reduced to a less width than 3ft. 4in., except for a floor area of 1,000 sq. ft. or less. If it is impracticable to provide the number of stairs required in table A or table B, the total width required by such tables may be provided in such manner as may be approved by the council.

Where fire isolated stairs in addition to the number required by the above-mentioned tables A and B are provided, each of such additional stairs may be accepted in lieu of two open stairs of similar capacity.

Doors to Fire Enclosed Staircases.

317. (1) Doors to staircases required to be fire-enclosed shall be fire-resisting self-closing doors not less than 6ft. 6in. in height and shall open on to landings. Any such door may be kept open by means of a fusible link approved by the surveyor.

(2) If any door as mentioned in paragraph (1) is provided and provision is made as aforesaid for keeping it open, self-closing doors approved by the surveyor may be fitted into the

opening but so as not to cause any obstruction or to interfere with the operation of the fire-resisting door. No such door shall be fitted with any lock other than a panic bolt or bolts approved by the surveyor.

(3) All doors of any kind mentioned in paragraph (1) or paragraph (2) shall, if hinged, open outwards.

Internal Approaches to Doorways.

318. No aisle shall be less than 2ft. 8in. wide. The aggregate width of aisles or gangways shall be equal to the egress space required. No corridor or passageway shall be less in width than the egress space required for doors opening thereon, and shall be not less than 8ft. in height. All passageways and means of egress shall be lighted and ventilated.

Obstructions to Stairs, Passages, Etc.

319. (1) No obstruction of any kind whatsoever shall be placed or kept in or upon any aisle, gangway, corridor, passageway, exit, staircase or landing in any building, so as to in any way reduce the width, area, or spaces prescribed in regard to any such aisle, gangway, corridor, passageway, exit, staircase or landing respectively.

(2) Continuous passageways, aisles or corridors leading directly to every exit and so arranged as to be conveniently accessible to every occupant shall be maintained at all times on all floors of all buildings.

(3) No rooms for storage shall be built under any escape stairway or landings unless completely fire-isolated therefrom.

(4) No combustible material shall be stored under or upon any escape stairway.

External Escape Stairs.

320. (1) External escape stairs shall be constructed of fire-resisting materials, and in the case of buildings exceeding three storeys in height, shall be constructed of metal not less than ¼in. in thickness or reinforced concrete.

(2) External escape stairs may, with the consent of the council, be erected in lanes from the level of the first floor upwards, provided such stairs be constructed of metal not less than ¼in. in thickness, of jarrah or other fire-resisting timber not less than 2in. thick. From the level of the first floor downwards the stair shall be continued as an internal stair, and, where necessary, fire-isolated.

Windows and Doors Near Escape Stairs.

321. All windows within 5ft. of an external escape stairs shall be constructed with metal frames and sashes, and be glazed with wire rolled plate glass, and all doors opening to the escape stairs shall be of fire-resisting construction.

Repair of Fire Escape Staircase.

322. Every fire escape staircase, whether internal or external, and whether erected before or after the commencement of this Act, shall be maintained and kept in good and substantial repair and fit for use to the satisfaction of the surveyor.

Gangways.

323. Gangways may, with the consent of the council, be erected over lanes to connect buildings in the one occupation, provided such gangways be constructed of fire-resisting materials.

PART XXI.

RESIDENTIAL FLAT BUILDINGS AND MULTIPLE DWELLINGS.

324. (1) In this Part, unless inconsistent with the context or subject matter, or some other meaning is clearly intended:—

"flat" means a suite of rooms which is wholly occupied or designed or intended or adapted to be occupied as a separate domicile; the term includes a suite of rooms in the nature of what is commonly known as a service flat:

"multiple dwelling" means a dwelling-house any part or parts of which are either rented, leased, let or hired out to be occupied, or adapted for occupation as the abode, residence or home of two or more families living independently of each other and in which some of the accommodation is used or is adapted to be used in common:

"residential flat building" means a building containing two or more flats.

(2) A row of two or more dwelling-houses such as are commonly known as terrace, semi-detached or maisonnette houses shall not be deemed to be a residential flat building or a multiple dwelling.

Use of Buildings as Flats or Multiple Dwellings.

325. Where it is proposed to use or alter a building so that it may be used as a residential flat building or multiple dwelling, the whole building, before being used, or when so altered, shall comply with the provisions of this Part which apply to residential flat buildings or multiple dwellings, as the case may be.

Proportion of Site that May be Covered.

326. (1) No residential flat building or multiple dwelling (both of which are hereinafter in this regulation included in the term "building") shall be erected except subject to the following restrictions:—

I. The allotment of land upon which the building is erected shall be not less than 3,960 sq. ft. in area:

II. The allotment of land shall abut upon the street alignment to a width of at least 40ft.:

III. For every habitable room included in the building there shall be left in the allotment an open space of at least 150 sq. ft. which shall not be occupied by the building and its appurtenances, but in no case shall the building and its appurtenances occupy more than two-thirds of the allotment:

IV. The building shall not be erected nearer to the boundary of any adjoining allotment than a distance of 4ft. for a building which is either of one or two storeys above the ground on the side towards that adjoining allotment, and in the case of a building of more than two storeys, nearer than a distance of 4ft. with an additional 18in. for every additional storey above two storeys.

V. If the area between a boundary and any wall of the building is used as a light court, the building shall comply with regulation 250 of this schedule.

(2) In addition to complying with the requirements of this regulation, the building shall comply with any additional requirements (whether of any kind specified in this regulation or not) which may be required under any by-law made by the council.

(3) If any such building is erected within the portion of the Municipality of the City of Adelaide which is bounded by North Terrace, West Terrace, South Terrace, and East Terrace, the provisions of subdivisions III. and IV. of paragraph (1) of this regulation shall not apply to the building,

but the building shall comply with the following requirements:—

I. There shall be an open space in the allotment at least 1,320 sq. ft. in area which is not occupied by the building and its appurtenances:

II. Any space which is less than 6ft. in length and 6ft. in width shall not be included as open space for the purpose of subdivision I. hereof:

III. There shall be provided a principal means of entrance to the building from a street or way and, in addition, a second and separate means of entrance to the building from a street or way which, in the opinion of the surveyor, is suitable to be used for the domestic services of the building:

IV. The building shall comply with regulation 250 of this schedule.

Height of Buildings.

327. (1) In a residential flat building or multiple dwelling which is more than two storeys in height and is not of fire-resisting construction—

(*a*) the building shall not be more than four storeys in height: Provided that when a residential flat building or multiple dwelling has a greater number of storeys above the ground floor in one part than another, on account of the grade of the site, one-half of the sum of the least and greatest number shall be considered the number of storeys;

(*b*) if wooden floors are used ceilings shall be constructed of sheet metal, asbestos-cement sheets, fibrous plaster sheets or other fire-resisting materials approved by the surveyor;

(*c*) all stairs shall be constructed of fire-resisting materials;

(*d*) the external and internal walls shall be of brick, stone, concrete or other incombustible material;

(2) For the purposes of the application to a residential flat building or multiple dwelling of regulation 298 of this schedule, every flat or, as the case may be, every part of the multiple dwelling separately occupied shall be deemed to be a separate occupation.

(3) Walls of all outhouses, sheds, or garages erected in connection with any residential flat building or multiple dwelling shall be constructed in brick, stone or concrete, or other incombustible material approved by the surveyor.

Kitchens, Bathrooms, Privies, Etc.

328. (1) In every residential flat building each flat shall contain a bathroom and a privy connected to a drainage system approved by the surveyor and shall contain a kitchen or place at least 70 sq. ft. in area where food may be prepared and in which there is a sink with running water over it connected to a drainage system approved by the surveyor.

(2) In every residential flat building there shall be provided a laundry with wash troughs and copper, or other means of washing clothes, with water laid thereto, for each six flats or fraction of six in the building: Provided that the council may in any case it thinks desirable, approve of a less number of laundries being provided but in every residential flat building at least one such laundry shall be provided.

(3) In a flat containing not more than four habitable rooms the privy may be fixed in the bathroom; in a flat containing five or more habitable rooms the privy shall be fixed in a separate compartment.

(4) The minimum width of the bathroom in each flat shall be 5ft. and the minimum floor area 35 superficial square feet, where the privy is in a separate compartment, but the size shall be increased by not less than 18in. in length or width where the privy is fixed in the bathroom.

(5) The minimum width of a privy shall be 3ft. and the minimum floor area 15 superficial feet.

(6) The height of the bathroom or of a privy shall be not less than 8ft. 6in. from floor to ceiling.

(7) The floor surfaces of bathrooms and laundries shall be of impervious material properly graded and drained. The walls of bathrooms and laundries shall have a smooth impervious surface for a height of at least 4ft. such as glazed tiles or cement rendering. The floor surfaces of privies shall be of impervious material properly graded to a suitable outlet.

329. (1) A multiple dwelling shall contain a kitchen at least 100 sq. ft. in area and shall contain a laundry.

(2) A multiple dwelling shall contain a privy and a bathroom for every eight persons or fraction of eight persons residing in the building. Every such privy and bathroom shall be in separate compartments and shall be connected to a drainage system approved by the surveyor and be of the dimensions and constructed in a manner provided by paragraphs (4), (5), (6), and (7) of regulation 328 of this schedule.

Cellars or Basements.

330. No cellar or basement shall be used or occupied as a habitable room in any residential flat building or multiple dwelling.

Privacy.

331. In every residential flat building containing more than one bedroom, each bedroom shall be accessible without passing through another bedroom, and there shall be either a bathroom and a privy which is accessible from each bedroom, or one bathroom and one privy which is accessible without passing through a bedroom.

Garbage.

332. The owner of every residential flat building and every multiple dwelling shall provide for each flat, or in the case of a multiple dwelling, for each family, a means satisfactory to the council for the destruction of garbage or for conveying garbage to a common receptacle; or shall provide separate and suitable receptacles for each flat or family, for holding garbage until it is removed, together with places for such receptacles in the open air, or in some closed-off closet or space, so that the garbage shall be free from offence; and shall also provide means satisfactory to the council whereby such receptacles may be removed without having to be conveyed through the main or front entrance of the building.

Light Courts and Ventilating Shafts.

333. Light courts and ventilating shafts shall be in accordance with Part XVI. of this schedule. Every court and ventilating shaft in a residential flat building or multiple dwelling shall be open to the sky and unobstructed from at least 3ft. above the floor of the lowest room having windows or doors facing the light court.

Fire Escapes.

334. (1) If in any residential flat building there is more than one flat on or above the first floor level, there shall be provided at least two stairs in the building.

(2) One of the stairs shall, subject to the special provisions of this regulation, comply with the general provisions in Part XX. of this schedule and be so constructed as to be directly accessible from each flat which has not direct communication with the ground, be shut off by self-closing fire-resisting doors which can be easily opened and have an automatic fastening capable of being opened readily from the inside, and be so constructed that it shall not be necessary to pass the well or shaft of any other stairs or unprotected lift shaft to reach the stairs, and in such manner that a fire

bursting through the windows or doors of any one room could not block all of such stairs at the same time. The said stairs shall extend from the roof, if flat, or the top floor, in other cases, to the ground level.

335. (1) In every multiple dwelling which is three or more storeys in height, there shall be provided at least two stairs.

(2) One of the stairs shall, subject to the special provisions of this regulation, comply with the general provisions of Part XX. of this schedule and shall be so constructed as to be shut off by self-closing fire-resisting doors which can be easily opened and have an automatic fastening capable of being opened readily from the inside, and be so constructed that it shall not be necessary to pass the well or shaft of any other stairs or unprotected lift shaft to reach the stairs, and in such manner that a fire bursting through the windows or doors of any one room could not block all of such stairs at the same time. The said stairs shall extend from the roof, if flat, or the top floor, in other cases, to the ground level.

Third schedule revoked by regulations, Gazette, 12th December, 1940, p. 1441.

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SCHED. IV.

THE FOURTH SCHEDULE.

Fourth schedule substituted by regulations, Gazette, 12th December, 1940, p. 1441.

STREET VERANDAHS, BALCONIES, PORTICOES AND AWNINGS.

1. Verandahs and porticoes shall be of cantilever or suspension form unless otherwise permitted by the council. The fascia shall finish flush with the face of the kerb.

2. All girders, rafters, purlins, and other framing shall be of steel or iron unless otherwise permitted by the council. Steel or iron girders shall be encased and the underside of verandahs shall be lined if required by the surveyor and in the manner directed by him.

3. Two inch by 1in. timber battens may be used for the encasing of girders and the attaching of the linings. The timber battens shall be secured to girders, rafters, and purlins by clip bolts, and no timber framing shall be used to support battens.

4. The cantilever and fascia girders shall not exceed 20in. in depth for verandahs more than 12ft. in width and 12in. in depth for verandahs not less than 12ft. in width.

5. Unless otherwise permitted by the council the roofs of verandahs shall have a pitch of ½in. per foot towards the building, and shall be covered with No. 24 Birmingham gauge galvanized corrugated iron secured to purlins with galvanized iron bolts or clips and washers at the tops of corrugations. The iron shall be lapped 1½ corrugations at sides and not less than 9in. at ends of sheets and shall be riveted every 12in. at sides and at every third corrugation at ends.

6. Box-gutters shall be formed at or near the building line and shall be made out of No. 24 Birmingham gauge galvanized iron well lapped, riveted, and soldered at ends of each sheet, and be supported on metal straps or shall be made of asbestos-cement and constructed in manner approved by the surveyor.

7. Downpipes shall be of sufficient capacity efficiently to discharge rainwater falling on roofs. The bottom 6ft. length of pipes shall be wrought or cast-iron. Pipes shall be chased to a height of 9ft. into walls or piers, or set back so as not to project beyond the face of the building, and shall discharge under the footway into the street channel or be connected up to underground stormwater drains.

8. Skylights may be provided in verandahs over 12ft. in width. Glass shall be wire-rolled plate glass in single lengths set in glazing bars approved by the surveyor.

9. All verandahs with steel posts shall be of the form and dimensions approved by the council.

10. Balconies and awnings shall be constructed in manner approved by the council.

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Fifth schedule repealed by 1919, 1929, s. 40.

SCHED. VI.

Sixth schedule substituted by regulations, Gazette, 12th December, 1940, p. 1441.

THE SIXTH SCHEDULE.

MIRRORS AND SHOW CASES.

1. Show cases shall be constructed of plate glass with metal moulds or wood moulds encased in metal not less than No. 26 gauge.

2. Mirrors and show cases shall be affixed flat against a wall, pier, or pilaster.

3. Show cases shall not extend more than 4½in. from the face of such wall, pier, or pilaster.

4. Moulds shall not project more than ½in. beyond the face of the glass in any mirror or show case, except in the case of cap moulds more than 9ft. above the levels of the pavement.

5. No door to any show case shall be hung so as to open outwards on to any street.

6. Backs of mirrors and show cases and also the bases of show cases may be of three-ply hardwood.

7. Mirrors and show cases shall be detachable from walls, piers, or pilasters, and shall be fixed 12in. above the pavement level. Brackets approved by the surveyor may be used in addition to wall plugs.

8. Tiling on any wall, pier, or pilaster shall not project beyond the street alignment as fixed by the surveyor.

SCHED. VII.

Seventh schedule substituted by regulations, Gazette, 12th December, 1940, p. 1441.

THE SEVENTH SCHEDULE.

FIRE-RESISTING MATERIAL.

In this Act the term "fire resisting" when used with reference to materials shall include:—

1. For general purposes—

(1) Brick work constructed of bricks, well-burnt, hard and sound, or of bricks of other manufacture approved by the surveyor, properly bonded, and solidly put together with mortar, compounded of lime or cement and sharp clean sand, hard, clean broken brick, broken stone, grit or hard clinker.

(2) Solid and durable natural or artificial stonework approved by the surveyor.

(3) Iron, steel, copper and any other metal which is approved by the surveyor.

(4) Concrete composed of broken brick, tile, stone or pumice mixed with sand and cement, or calcined gypsum in proportions approved by the surveyor.

(5) Reinforced concrete.

2. For staircases—

(1) In the case of external and fire-isolated staircases, jarrah, and in the case of other staircases, hardwood approved by the surveyor The stringers and bearers shall be not less than 2in. thick; the treads, risers and landings not less than 1½in. thick, and the ceilings and soffits (if any) of—

(*a*) plaster or cement, or of any combination of asbestos and cement sheeting which is approved by the surveyor;

(*b*) tongued and grooved boards of hardwood approved by the surveyor, not less than ⅜in. in thickness; or

(*c*) metal sheeting not less than No. 26 Birmingham gauge in thickness.

(2) Reinforced concrete.

(3) Iron or steel not less than ¼in. in thickness.

3. For floors—

(1) Brick, tile, terra-cotta, or concrete, not less than 4½in. thick, in combination with iron or steel.

(2) Reinforced concrete not less than 3in. thick.

(3) Reinforced concrete in combination with hollow blocks approved by the surveyor, in which case the thickness of concrete above the blocks shall not be less than 2½in.

4. For roofs—

(1) Brick, concrete, terra-cotta or reinforced concrete not less than 3in. thick.

(2) Reinforced concrete in combination with hollow blocks approved by the surveyor, in which case the thickness of concrete above the blocks shall be not less than 2½in.

5. For roof coverings over roofs of fire-resisting construction supported by iron or steel—

(1) Sheet metal of not less than No. 26 Birmingham gauge.

(2) Slates.

(3) Cement or terra-cotta roofing tiles.

(4) Combinations approved by the surveyor of cement and asbestos not less than 3/16in. in thickness in the form of corrugated sheets, or of units not exceeding 2 sq. ft. in area.

(5) Reinforced concrete.

6. For internal partitions forming party structures and enclosing walls of lift shafts and fire-isolated staircases—

(1) Brickwork, concrete or other incombustible material approved by the surveyor not less than 9in. thick.

(2) Terra-cotta not less than 6in. thick.

(3) Reinforced concrete not less than 4in. thick.

7. Glazing: In the case of glazing for vertical party structures and fixed borrowed lights in partitions of fire-resisting construction—wired glass not less than ¼in. in thickness, in sheets not exceeding 30in. x 24in., the sheets being secured in metal frames with metal beads. In the case of glazing for horizontal party structures—floor lights of glass not less than ¾in. in thickness, or more than 6in. square, set in metal or other incombustible frames; this shall only apply to floors of lobbies, passages and landings.

8. Fire-resisting doors shall be in accordance with the specifications of the Fire and Accident Underwriters' Association of South Australia promulgated at the time of the making of these regulations.

9. Any material approved from time to time by the surveyor as fire-resisting for a specific purpose.

SCHED. VIII.

THE EIGHTH SCHEDULE.

FEES PAYABLE TO THE COUNCIL.

The following fees shall be charged and received by the council for acts done or to be done by the council or the surveyor under the provisions of this Act, and for permits and licences issued by the council:—

A. Fees in Respect of New Buildings or Additions.

5s. per square up to 20 squares.

2s. 6d. per square over 20 squares.

Eighth Schedule. EMMETT & SONS LIMITED v. THE CORPORATION OF THE CITY OF ADELAIDE (1926) S.A.S.R. 333; 3 Austn. Digest 39. Fees payable under paragraphs A, B, and C are not alternative. Computation fees are payable notwithstanding that the computations are made by a contractor and merely checked by the surveyor.

1s. per square for each additional storey based on floor of greatest area.

Minimum fee, 10s.: Provided that the minimum fee in respect of any application dealing with any outhouse or other appurtenance to be erected in connection with any building already erected at the time of such application, and the estimated cost of which does not exceed £50, shall be 5s.

B. Fees in Respect of Structural Alterations.

For every structural alteration made to any building the fees shall be one-fourth of the fee charged in the case of new buildings or additions, but shall in no case be less than 10s.

C. Other Fees.

For the following duties performed by the surveyor, where such duties are not performed incidentally to the building or rebuilding of or adding to or altering any building in respect of which any other fees may be payable, that is to say—

	£	*s.*	*d.*
Showcase or mirror	0	10	0
Construction of stairs	1	0	0
Cutting away chimney breasts, etc.	1	0	0
Arches or floors	1	0	0
Openings in party or external walls	0	10	0
Condemning party fence walls	0	10	0
Inspection and removal of ruinous buildings	2	0	0
Surveying party walls, etc.	1	0	0
Surveying hoardings	1	0	0
Installation of petrol tank	1	0	0
Erection or construction of room for the storage of petrol, films, carbide or other inflammable materials	1	0	0
Installation of new shop front	1	0	0
Installation of new shop front requiring the provision of new girders or columns	2	0	0
Furnace, chimney shaft, or similar shaft for ventilation or other purposes, if not exceeding 75ft. in height	2	0	0
If exceeding 75ft. and not exceeding 100ft. in height	2	10	0
For every additional 10ft. or portion of 10ft. in height	0	10	0
Carrying of a flue from an oven, stove, steam boiler, furnace, or close fire into an old flue	0	10	0

Computation fees in respect of reinforced concrete and frame construction buildings:—

One-tenth of 1 per centum on value of the building up to £10,000; and

One-twenty-fifth of 1 per centum on the amount exceeding £10,000, but in no case less than £1.

Calculation fee on brick or stone buildings in which the floors are carried by internal pillars or columns—

1/15 of 1 per centum for first £10,000; and
1/30 of 1 per centum for the remainder.

Calculation fee for reinforced concrete or fire-resisting floors, including girders or beams, £2.

Calculation fee for reinforced concrete or fire-resisting floors without girders or beams, £1.

Calculation fee in connection with reinforced concrete stairs, £1.

Fees for special services:—In respect of any other act by any officer of the council in respect of any permit, licence, or sanction issued by the council not otherwise provided for, £1.

TABLES OF ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA.

TABLE OF PUBLIC GENERAL ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA, INCLUDING CROSS REFERENCES.

The following table contains a list of the public Acts of general application of the Parliament of South Australia which were unrepealed as at 24th March, 1941.

In the case of an Act reprinted in Volumes 1 to 8 of the South Australian Statutes, 1837-1936, a reference is given in the table to the volume and page where the Act is printed. In the case of any other Act a reference is given to the annual volume of Statutes in which the Act is printed.

Since the publication of the South Australian Statutes, 1837-1936, some Acts have been reprinted pursuant to the Amendments Incorporation Act, 1937. The table contains a reference to all such reprinted Acts; in some instances, the reprinted Act has been included in the annual volume of Statutes and in those cases a reference is given to the volume and page where the Act is reprinted.

The table also includes cross references to the subject matters dealt with by legislation.

Title or Subject Matter.	Volume.	Page.
ABATTOIRS ACT, 1911-1936	1	1
ABATTOIRS ACT AMENDMENT ACT, 1938	1938	190
Abattoirs *see also* Health: Local Government: Metropolitan and Export Abattoirs: Port Lincoln Abattoirs.		
ABORIGINES ACT, 1934	1	38
ABORIGINES ACT AMENDMENT ACT, 1939	1939	49
ABORIGINES ACT, 1934-1939 (*As reprinted pursuant to the Amendments Incorporation Act*, 1937)	1939	371
Absinthe *see* Food and Drugs.		
Absconding Debtors *see* Debtors: Local Court: Supreme Court.		
Accidents, Notice of *see* Hospitals: Road Traffic.		
Accumulations *see* Law of Property.		
Action, Survival of Causes of *see* Survival of Causes of Action.		
Acts, Administration of *see* Administration of Acts.		

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Acts Republication Act, 1934	1	73
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WAR FUNDS REGULATION ACT, 1916-1935	8	534
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WAR SERVICE HOMES AGREEMENT ACT, 1934	8	542
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TABLE OF PUBLIC ACTS WHICH ARE OBSOLETE OR SUPERSEDED OR OF LOCAL OR RESTRICTED APPLICATION.

The following table contains a list of the public Acts of the Parliament of South Australia which were unrepealed as at 24th March, 1941, and which were of a local or restricted application or of which the operation had been superseded by Commonwealth legislation or wholly or partially exhausted. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes Act, 1837-1936.

Title of Act.	Year.	Number.
Adelaide Electric Supply Company's Act, 1931 ..... *See also* (in the Table of Private Acts) The South Australian Electric Light and Motive Power Company's Act, 1897 *and* The Adelaide Electric Supply Company's Act, 1922	1931	2009
The Adelaide Gaol Reserve Alteration Act, 1911	1911	1039
Adelaide Park Lands Act, 1928	1928	1868
The Adelaide Park Lands Alteration Act, 1913	1913	1140
Adelaide Park Lands Alteration Act, 1917	1917	1275
Adelaide Park Lands Appropriation Act, 1880	1880	171
The Adelaide Show Grounds Act, 1913	1913	1136
Adelaide Show Grounds Act Amendment Act, 1923	1923	1590
Adelaide Show Grounds Act Amendment Act, 1925	1925	1706
Adelaide Show Grounds Act Amendment Act, 1935	1935	2202
Alberton Cemetery Act, 1938	1938	2396
Angas Recreation Park Act, 1937	1937	2347
Appropriation Act, 1936	1936	2295
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Appropriation Act, 1939	1939	10
Appropriation Act, 1940	1940	17
Appropriation Act (No. 2), 1940	1940	30
The Copyright Act, 1878	1878	95
The Drought Relief Act, 1914	1914	1165
Drought Relief Act Amendment Act, 1920	1920	1433
Drought Relief Act, 1919	1919	1397
Drought Relief Act, 1923	1923	1557
Drought Relief Act, 1926	1926	1731
Drought Relief Act, 1927	1927	1832
Drought Relief Act, 1928	1928	1886
Drought Relief (Extension) Act, 1929	1929	1926
The Encounter Bay, Goolwa, and Waitpinga Boundaries Act	1884	313
Farmers Relief Act, 1931	1931	1996
Farmers Relief Act Extension Act, 1931	1931	2057
Farmers Relief Act, 1932	1932	2100

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French Red Cross Fund Act, 1940	1940	26
Frost Relief Act, 1927	1927	1829
Funding Loan Act, 1932	1932	2086
Gladstone Park Lands Act, 1880	1880	178
Glenelg Soldiers' Memorial Site Act, 1921	1921	1468
Hailstorm Relief (Validation) Act, 1925	1925	1664
Henley and Grange Alignment Act, 1940	1940	8
Hummock Hill to Iron Knob Tramway Extension Act, 1927	1927	1821
See also (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, *and* (in the Table of Private Acts) The Broken Hill Proprietary Company, Limited's, Hummock Hill to Iron Knob Tramway and Jetties Act, 1900		
The Insolvent Act, 1886	1886	385
The Insolvent Act Amendment Act, 1887	1887	404
The Insolvent Act Amendment Act, 1896	1896	655
The Insolvent Act Further Amendment Act, 1914	1914	1162
Insolvent Act Further Amendment Act, 1915	1915	1191
Insolvent Act Further Amendment Act, 1918	1918	1340
Insolvent Act Amendment Act, 1925	1925	1709
Jubilee Exhibition Act, 1885	1885	351
Lady Kintore Cottages Act, 1920	1920	1430
Largs Fort Encroachment Act, 1884	1884	330
Main Roads Fund Act, 1920	1920	1424
Main Roads Fund Act, 1922	1922	1535
The Married Woman's Property Amendment Act, 1898	1898	701
Mile End Overway Bridge Act, 1925	1925	1713
The Morphett Street Bridge Act	1881	222
Motor Spirit Vendors' Agreement (Validation) Act, 1927.	1927	1791
Mount Bold Waterworks Act, 1931	1931	2050
North Terrace and Railway Lands Act, 1926	1926	1742
North Terrace Alignment Act, 1925	1925	1715
North Terrace (Alignment) Act, 1929	1929	1928
Parliamentary Buildings Act, 1877	1877	87
Police Pensions Act, 1930	1930	1952
The Poonindie Exchange Act, 1895	1895	631
Port Adelaide Canal Supplementary Act, 1889	1889	473
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Port Adelaide Public Recreation Ground Act, 1878	1878	91
Port Adelaide Reserves Act, 1871	1871	6
Port Adelaide Water Frontage Act, 1886	1886	373
Port Adelaide Water Frontage Act, 1902	1902	810
The Port Adelaide Water Frontage Act, 1910	1910	1012
Port Augusta Park Lands Act, 1882	1882	258
The Port Lincoln Catholic Church Property Act	1879	134
Port Pirie Drill Hall Site Act, 1921	1921	1470
Port Pirie Laboratory Site Act, 1922	1922	1537
Port Pirie Park Lands Act, 1932	1932	2090
Public Purposes Loan Act, 1933	1933	2109
Public Purposes Loan Act, 1934	1934	2146
Public Purposes Loan Act, 1935	1935	2226
Public Purposes Loan Act, 1936	1936	2262
Public Purposes Loan Act, 1937	1937	2345

Title of Act.	Year.	Number.
Public Purposes Loan Act, 1938	1938	2386
Public Purposes Loan Act, 1939	1939	7
Public Purposes Loan Act, 1940	1940	6
The Public Service Superannuation Fund Act, 1902	1902	792
Public Service Superannuation Fund Act Amendment Act, 1919	1919	1360
Pyap Irrigation Trust Act Amendment Act, 1926	1926	1772
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The Railway and Corporation Lands Act, 1904	1904	853
Railway Acts—		
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Adelaide and Gawler Town Railway Act, 1854	1854	18
The Adelaide and Gawler Town Railway Extension Act	1857-8	10
The Adelaide and Gawler Town Railway Further Extension Act	1858	2
Adelaide City and Port Railway Act, 1851	1851	1
Adelaide and Port Railway Loan Act, 1852	1852	12
Adelaide and Port Railway Loan Act, 1853	1853	18
The Adelaide and Port Adelaide Railway Extended Accommodation Act, 1873	1873	2
The Adelaide Loop-Line Railway Act, 1908	1908	966
The Adelaide Loop-Line Railway Act Amendment Act, 1909	1909	995
Adelaide to Nairne Railway Act, 1878	1878	117
Angle Pole Railway Act, 1887	1887	413
Barunga Gap Railway, 1877	1877	72
Blyth to Gladstone Railway Act, 1891	1891	522
The Brinkworth to Port Broughton Railway Act, 1910	1910	1015
Broadening of Gauge (Brinkworth to Gladstone) Act, 1925	1925	1667
Bumbunga to Lochiel Railway Act, 1923	1923	1595
Burra and Hallett Railway Act, 1876	1876	31
The Darke's Peak Railway Act, 1909	1909	982
The Darke's Peak Railway Act Amendment, 1911	1911	1042
The District Railways Act, 1911	1911	1067
Dry Creek and Port Adelaide Railway Act, 1866	1866-7	15
The Dry Creek and Port Adelaide Deviation Act, 1911	1911	1051
Farina Town and Hergott Springs Railway Act, 1881	1881	226
Forrester's to Burra Railway Act, 1867	1867	20
The Gawler to Angaston Railway Act, 1907	1907	942
The Gawler to Angaston Railway Act Amendment Act, 1909	1909	984
The Gawler to Angaston Railway Act Amendment Act, 1910	1910	1016
The Gawler Town Railway Further Extension Act to Section 1403	1859	20
The Gladstone and James Town Railway Act, 1876	1876	28
Gladstone and Laura Railway Act, 1882	1882	253
The Glenelg Railways Purchase Act, 1899	1899	726
The Goodwood to Willunga Railway Act, 1909	1909	993
The Goodwood to Willunga Railway Act, 1910	1910	1017
The Grange and Henley Beach Railway Act, 1898	1898	698

Title of Act.	Year.	Number.
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The Grange and Henley Beach Railway Alteration Act, 1911	1911	1041
The Goolwa Loop Line Railway Act, 1913	1913	1145
The Guaranteed Railways Act Amendment Act, 1913	1913	1113
Hallett to Terowie Railway Act, 1878	1878	97
Hamley Bridge and Balaklava Railway Act, 1877	1877	62
The Harbor and Railway Act, 1901	1901	765
The Harbor and Railway Extension Act, 1910	1910	1011
Hergott Springs and Primrose Springs Railway Act, 1883	1883	281
The Hundred of Solomon and Decres Bay Railways Act, 1912	1912	1080
The Hundred of Solomon and Decres Bay Railway Act Amendment Act, 1913	1913	1142
Kadina and Wallaroo Railway Act, 1877	1877	76
Kadina and Wallaroo Railway Act, 1879	1879	149
Kadina to Barunga Gap Railway Act, 1876	1876	40
Kapunda and North-West Bend Railway Act, 1876	1876	27
Kielpa to Mangalo Hall Railway Act, 1916	1916	1265
Kimba to Buckleboo Railway Act, 1923	1923	1592
Kowulka Railway Act, 1922	1922	1536
The Laura to Booleroo Centre Railway Act, 1907	1907	941
The Laura to Booleroo Centre Railway Act Amendment Act, 1910	1910	1014
Moonta and Gawler Town Railways Acts Repealing Act, 1931	1931	2038
Mount Barker and Strathalbyn Railway Act, 1881	1881	221
Mount Gambier and Naracoorte Railway Act, 1884	1884	327
The Mount Hope Railway Act, 1912	1912	1094
The Mount Pleasant, Sedan, and Truro Railways Act, 1914	1914	1180
The Nairne to the Victorian Border Railway Act, 1882	1882	265
Nairne to Victorian Border Railway Deviation Act, 1924	1924	1622
Naracoorte to Tatiara Railway Act, 1879	1879	131
North-Western Railways System Development Act, 1917	1917	1307
Palmer to Monarto Railway Act, 1916	1916	1266
The Paringa to Renmark Railway Act, 1914	1914	1177
The Peebinga, Paringa, Loxton and Waikerie Railways Act, 1912	1912	1088
Pinnaroo Railway Act	1903	831
Pinnaroo Railway Act Amendment Act, 1907	1907	928
The Pinnaroo Railway Act Further Amendment Act, 1908	1908	955
The Pinnaroo Railway Act Further Amendment Act, 1914	1914	1176
The Petersburg and Border Railway Act, 1884	1884	328
The Petersburg and Border Railway Amendment Act, 1886	1886	377
The Port Adelaide and Semaphore Railway Act, 1874	1874	13
Port Adelaide and Semaphore Railway Act Amendment Act, 1875	1875	14

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Railway Acts—*continued.*		
The Port Adelaide and Semaphore Railway Amendment Act, 1880	1880	174
Port Adelaide and Semaphore Railway Deviation Act, 1917	1917	1297
Port Adelaide and Semaphore Railway Deviation Act Amendment Act, 1922	1922	1526
The Port Adelaide, Glanville, and Largs Additional Railway Act, 1908	1908	965
Port Augusta and Government Gums Railway Act, 1876	1876	26
The Port Augusta and Northern Railway Act, 1862	1862	28
The Port Broughton Railway Act	1873	7
The Port Lincoln Railway Act, 1905	1905	882
The Port Lincoln Railway Extension Act, 1907	1907	932
The Port Lincoln Railway Extension Act, 1909	1909	985
The Port Pirie Railway Act	1873	8
The Port Wakefield and Kadina Railway Act	1873	9
The Port Wakefield to Hoyles Plains Tramway Act, 1866	1866-7	25
The Port Wakefield and Hoyle's Plains Tramway Extension Act	1873	10
Railway Crossings (Bowden) Act, 1922	1922	1524
The Railway Deviations Act, 1896	1896	661
Railways Guarantees Abolition Act, 1917	1917	1288
Railways Guarantees Abolition Act Amendment Act, 1918	1918	1328
Railways Transfer Act, 1927	1927	1840
Renmark to Barmera Railway Act, 1925	1925	1675
The Riverton to Spalding Railway Act, 1913	1913	1129
Rivoli Bay North and Mount Gambier Railway Act, 1876	1876	30
The Robertstown Railway Act, 1911	1911	1070
The Robertstown Railway Act Amendment Act, 1912	1912	1081
Roseworthy to Forresters Railway Act, 1866-7	1866-7	24
Roseworthy to Forrester's Railway Amendment Act, 1867	1867	18
The Salisbury to Long Plains Railway Act, 1913	1913	1139
The South-Eastern Railway Act, 1871	1871	7
Strathalbyn and Middleton Tramway Act, 1866	1866	1
The Strathalbyn and Victor Harbor Railway Act, 1883	1883	294
The Tailem Bend and Brown's Well Railway Act, 1909	1909	980
Tatiara to Border Town Railway Act, 1881	1881	200
Terowie to Pichirichi Railway Act, 1878	1878	103
Victor Harbor and Strathalbyn Tramways Amendment Act, 1869-70	1869-70	14
The Wallaroo Railway Station Extension Act, 1886	1886	371
Wallaroo to Moonta Railway Act, 1890	1890	490
Wanbi to Moorook Railway Act, 1923	1923	1586
Wandana to Penong Railway Act, 1917	1917	1292
The Wandilo and Glencoe Railway Act, 1903	1903	843
The Wandilo and Glencoe Railway Act Amendment Act, 1909	1909	990
The Wilmington Railway Act, 1913	1913	1137

Title of Act.	Year.	Number.
Road (Hundred of MacDonnell) Acquisition Act, 1923 ..	1923	1578
Road (Thebarton State School) Acquisition Act, 1918 ...	1918	1345
Road (Wirrabara Forest) Acquisition Act, 1917	1917	1315
Roads Loan Act, 1923	1923	1579
Roads (Magill Home and Yatala Quarry) Acquisition Act, 1915	1915	1219
South-Eastern Lands Contract Annulment Act, 1917....	1917	1300
Statute Law Revision Act, 1934	1934	2168
Statute Law Revision Act, 1935	1935	2246
Statute Law Revision Act, 1936	1936	2293
Statute Law Revision Act (No. 2), 1936	1936	2316
Strathalbyn Soldiers' Memorial Gardens Act, 1940	1940	51
Succession Duties (Peter Waite Benefactions) Act, 1920..	1920	1422
Supply Act (No. 1), 1936	1936	2260
Supply Act (No. 2), 1936	1936	2275
Supply Act (No. 1), 1937	1937	2338
Supply Act (No. 2), 1937	1937	2339
Supply Act (No. 1), 1938	1938	2382
Supply Act (No. 2), 1938	1938	2385
Supply Act (No. 1), 1939	1939	1
Supply Act (No. 2), 1939	1939	2
Supply Act (No. 1), 1940	1940	1
Supply Act (No. 2), 1940	1940	3
The Teachers Superannuation Act, 1890	1890	485
The Teachers Superannuation Amendment Act, 1897 ...	1897	684
The Teachers Superannuation Further Amendment Act, 1904	1904	868
Teachers Superannuation Act Further Amendment Act, 1922	1922	1508
Teachers Superannuation Act Amendment Act, 1928....	1928	1857
The Transcontinental Railway Grant Act, 1911.....	1911	1069
The Transcontinental Railway Land Grant Amendment Act, 1912	1912	1079
Transcontinental Railway Land Grant Act Amendment Act, 1924	1924	1608
The University Land Act, 1929	1929	1944
Victor Harbor Foreshore Act, 1917	1917	1281
Victor Harbor Foreshore Act, 1926	1926	1750
Voluntary Wheat Pool Agreement Ratification Act, 1924.	1924	1620
Voluntary Wheat Pool Agreement Ratification Act, 1925	1925	1690
Wallaroo Park Lands Resumption Act, 1924	1924	1626
The Wallaroo Railway Lands Act, 1912.....	1912	1085
The West Terrace Cemetery Extension Act, 1904	1904	852
The Wolseley Educational Lands Resumption Act, 1883 .	1883-4	301
Young Men's Christian Association of Port Pirie Act, 1918	1918	1349

TABLE OF PRIVATE ACTS.

The following table contains a list of the private Acts of the Parliament of South Australia which were unrepealed as at 24th March, 1941. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Title of Act.	Year.	Number.
The Adelaide Electric Supply Company's Act, 1922..... *See also* The South Australian Electric Light and Motive Power Company's Act, 1897 *and* (in the Table of Public Acts of Restricted Application) The Adelaide Electric Supply Company's Act, 1931	1922	—
The Adelaide Fruit and Produce Exchange Act, 1903 ...	1903	—
Adelaide Marine and Fire Assurance Company Act, 1864	1864	—
The Adelaide Marine and Fire Assurance Company Act Amendment Act, 1881	1881	—
The Adelaide Marine and Fire Assurance Company Further Amendment Act, 1885	1885	—
Adelaide Synagogue Act, 1881	1881	—
The Adelaide Synagogue Act, 1881, Amendment Act	1895	—
Adelaide Workmen's Homes Incorporated Act, 1933.....	1933	—
Angas College Trusts Act, 1921	1921	—
Australian Mutual Provident Society Act, 1874	1874	—
Australian Trust Company Act, 1861	1861	—
Bagot's Executor Company Act	1910	—
Bank of Adelaide Act, 1865	1865	—
The Bank of Adelaide Act Amendment Act, 1904	1904	—
The Bank of Adelaide Act Amendment Act, 1920.....	1920	—
The Bank of Adelaide's Registration under the Companies Act 1892 Act	1928	—
Boy Scouts Association—South Australian Branch—Incorporation Act.....	1940	—
The Catholic Church Endowment Society, Incorporated, Sale of Lands Act	1896	—
The Church of England Clergy Superannuation Act, 1935	1935	—
Church of England Endowment Society Act	1891	—
Church of England Succession Act	1893	—
Church of Saint Mary Magdalene, Adelaide, Alteration of Trusts Act, 1919	1919	—
The Church of The Holy Trinity, Adelaide, Revocation and Alteration of Trusts and Sale of Land Act, 1919....	1919	—
Commercial Bank Act, 1878	1878	—
The Corporation of St. John's Church Act, 1886	1886	—
The Corporation of St. John's Church Act, 1886, Amendment Act, 1920	1920	—
The David Bower Estate Act, 1920	1920	—
The East-End Market Act, 1872	1872	—
Elders Executor Company's Act, 1910	1910	—
Elders Executor Company's Amendment Act, 1915.....	1915	—
Executors Company's Act, 1885	1885	—
Executors Company's Amendment Act, 1900	1900	—
Executors Company's Amendment Act, 1915	1915	—
Farmers Co-operative Executors Act, 1919	1919	—

Title of Act.	Year.	Number.
Hagen Lands Act, 1852	1852	—
James Brown Memorial Trust Incorporation Act, 1894	1894	—
The James Umpherston Trusts Act, 1926	1926	—
Kensington and Norwood Boundaries Act, 1878	1878	—
Kingsland Irrigation Company Act, 1922	1922	—
Leigh Trust Incorporation Act, 1929	1929	—
The Liverpool and London and Globe Insurance Company's Act of 1879	1879	—
The Loxton District Hospital Purposes Act, 1927	1927	—
Mercantile Marine Insurance Company Act, 1869-70	1869-70	—
The Mercantile Marine and Fire Insurance Company's Amending Act	1878	—
The Methodist Church Act, 1911	1911	—
Methodist Ladies College Incorporation Act, 1920	1920	—
The Methodist Union Act, 1900	1900	—
Moonta Gas Company's Act	1873	—
Moonta Gas Company's Sale Act, 1882	1882	—
Murray River Company Act, 1853	1853	—
National Bank of Australasia Act, 1859	1859	—
National Bank of Australasia Amendment Act, 1860	1860	—
National Bank Act Amendment Act, 1863	1863	—
National Marine and Fire Insurance Company Act, 1867	1867	—
National Marine Insurance Company's Act Amendment Act, 1873	1873	—
The Parkin Trust Incorporated Act, 1926	1926	—
Paxton Title Act, 1885	1885	—
Port Adelaide Canal Act	1887	—
See also (in the Table of Public Acts of Restricted Application) The Port Adelaide Canal Supplementary Act, 1889		
The Presbyterian Church of South Australia Act	1899	—
Prince Alfred College Incorporation Act, 1878	1878	—
The Provincial Gas Company's Act	1868-9	—
Pyap Irrigation Trust Act, 1923	1923	—
See also (in the Table of Public Acts of Restricted Application) The Pyap Irrigation Trust Act Amendment Act, 1926		
Railways Acts—		
See also Railway Acts (in the Table of Public Acts of Restricted Application)		
Adelaide City and Port Railway Act, 1850	1850	1
Adelaide City and Port Railway Guarantee Act, 1850	1850	4
The Broken Hill Proprietary Company, Limited's Hummock Hill to Iron Knob Tramway and Jetties Act, 1900	1900	—
See also (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, *and* (in the Table of Public Acts of Restricted Application) The Hummock Hill to Iron Knob Tramway Extension Act, 1927		
Glenelg Railway Act Further Amendment Act, 1889	1889	—
Grange and Military Road Railway Act	1878	—
Largs Bay Railway Act	1882	—
The Wallaroo Railway Act	1861	—

Title of Act.	Year.	Number.
Railway Acts—*continued.*		
The Wallaroo Railway Amendment Act, 1862	1862	—
The Wallaroo Railway Further Amendment Act	1875	—
Returned Sailors and Soldiers' Imperial League Club (Licensing) Act, 1934	1934	—
River Murray Navigation Company Act, 1853	1853	—
Royal Institution for the Blind Act, 1934	1934	—
Saint Andrew's Church, Walkerville, Alteration of Trusts Act	1919	—
Saint Paul's Church, Port Adelaide, Sale of Lands Act	1914	—
Saint Peter's Collegiate School Ordinance, 1849	1849	1
Saint Peters Collegiate School Ordinance Amendment Act	1889	—
The Salvation Army (South Australian) Property Trust Act, 1931	1931	—
Scotch College, Adelaide, Incorporated Act, 1922	1922	—
Stirling Trust Estate Act, 1857-8	1857-8	—
South Australian Banking Company Act, 1843	1843	—
South Australian Company Act, 1840	1840	8
South Australian Company's Land Act, 1852	1852	—
The South Australian Electric Light and Motive Power Company's Act, 1897	1897	—
See also The Adelaide Electric Supply Company's Act, 1922, *and* (in the Table of Public Acts of Restricted Application) The Adelaide Electric Supply Company's Act, 1931		
The South Australian Gas Company's Act, 1861	1861	—
South Australian Gas Company Amendment Act, 1874	1874	—
The South Australian Gas Company's Further Amendment Act, 1882	1882	—
South Australian Gas Company's Act, 1912	1912	—
South Australian Gas Company's Act, 1919	1919	—
See also (in the Table of Public General Acts) the Gas Act, 1924		
South Australian Marine and Fire and Life Assurance Company Act, 1842	1842	—
South Australian Mining Association Act, 1851	1851	10
South Australian Mutual Insurance Association Act, 1853	1853	—
South Australian Mutual Life Assurance Society Act, 1880	1880	—
The South Australian Wesleyan Methodists Act, 1887	1887	—
South Australian Widows' Fund and General Annuity Endowment Society Act, 1850	1850	13
The Spicer Cottages Trust Act, 1934	1934	—
The Spicer Cottages Trust Act Amendment Act, 1938	1938	—
St. George's Church, Woodforde, Revocation of Trusts and Sale of Lands Act, 1920	1920	—
The Thorngate Estate Act	1911	—
The Town and Country Bank Act, 1881	1881	—
Union Bank of Australia Act, 1850	1850	11
Way College Incorporation Act, 1899	1899	—
The Wyatt Benevolent Institution Incorporated Act	1935	—

TABLE OF ACTS REPEALED.

The following table contains a list of all Acts which have been repealed since the publication in April, 1937, of the South Australian Statutes, 1837-1936.

Title of Act Repealed.	Title of Repealing Act.
The Adelaide Gunpowder Magazine Act ...	Statute Law Revision Act, 1937
The Amendments Incorporation Act, 1914 .	Amendments Incorporation Act, 1937
Collections for Unemployment Act, 1930 ...	Collections for Charitable Purposes Act, 1939
Commonwealth Powers (Air Navigation) Act, 1921	Air Navigation Act, 1937
Cornsacks Act, 1931	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1932	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1933	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1934	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1935	Statute Law Revision Act, 1937
The Guardianship of Infants Act, 1887.....	Guardianship of Infants Act, 1940
Juries Act, 1844.....	Statute Law Revision Act, 1937
Loans for Fencing and Water Piping Act, 1930	Loans for Fencing and Water Piping Act, 1938
Margarine Act, 1934	Margarine Act, 1939
Money-lenders Act, 1924	Money-lenders Act, 1940
Public Library, Museum, and Art Gallery, and Institutes Act, 1936	Libraries and Institutes Act, 1939
State Salaries (Commonwealth Taxation) Act, 1916	Statute Law Revision Act, 1937

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

This table contains a list of Acts which have been amended by Acts passed since the publication in April, 1937, of the South Australian Statutes, 1837-1936. Under the title of every Act so amended are shown the sections affected, the number and section of the amending Act, and the page of the Annual Volume of Statutes in which the section of the amending Act is printed.

The table also contains notes, placed against references to the appropriate sections of the Acts affected, of the reported decisions of the Privy Council, the High Court of Australia, the Supreme Court of South Australia, and the Industrial Court of South Australia, relating to the interpretation of those sections. The cases so noted are those comprised in reports published since 1st April, 1937, and include the cases reported up to the end of the following volumes, namely, 63 Commonwealth Law Reports and 15 South Australian Industrial Reports, and the cases reported up to page 859 of 1940 Appeal Cases and up to page 314 of 1940 South Australian State Reports. Cases comprised in reports published before 1st April, 1937, are noted in footnotes to the relevant sections of the Acts printed in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Act Affected.	How Affected.
Abattoirs Act, 1911-1936 (Vol. 1, p. 1)	s. 3. Amended by No. 2421, s. 2, 1938, p. 190 s. 4. Amended by No. 2421, s. 3, 1938, p. 190 s. 13. Substituted by No. 2421, s. 4, 1938, p. 191 s. 26. Substituted by No. 2421, s. 5, 1938, p. 191 s. 27. Amended by No. 2421, s. 6, 1938, p. 192 s. 34. Amended by No. 2421, s. 7, 1938, p. 192 s. 40. Amended by No. 2421, s. 8, 1938, p. 192 s. 41. Amended by No. 2421, s. 9 (1), 1938, p. 192 s. 42. Amended by No. 2421, s. 9 (1) and (2), p. 192 s. 43. Amended by No. 2421, s. 9 (1) and (3), pp. 192, 193 s. 45. Amended by No. 2421, s. 10, 1938, p. 193 s. 46. Amended by No. 2421, s. 11, 1938, p. 193 s. 48. Amended by No. 2421, s. 12, 1938, p. 193 s. 50. Amended by No. 2421, s. 13, 1938, p. 194 s. 51. Amended by No. 2421, s. 14, 1938, p. 194 s. 53. Amended by No. 2421, s. 15, 1938, p. 194 s. 55. Amended by No. 2421, s. 16, 1938, p. 194 s. 62. Amended by No. 2421, s. 17, 1938, p. 194 s. 65. Amended by No. 2421, s. 18, 1938, p. 194 s. 73. Amended by No. 2421, s. 19, 1938, p. 194 s. 74. Substituted by No. 2421, s. 20, 1938, p. 195 s. 79. Amended by No. 2421, s. 21, 1938, p. 195
Aborigines Act, 1934 (Vol. 1, p. 38)	This Act, as amended by No. 14, 1939, p. 49, and with notes of judicial decisions, is reprinted in the 1939 volume, p. 371

Act Affected.	How Affected.
Acts Interpretation Act, 1915-1936 (Vol. 1, p. 55)	s. 15. *Spiller v. Webb and another* (1940) S.A.S.R. 102 s. 22. *International Hotel Limited v. McNally* 14 A.L.J. 267 s. 37. *Day v. Hunkin* (1938) 61 C.L.R. 65; 12 A.L.J. 269, affirming *Day v. Hunkin* (1938) S.A.S.R. 121, which reversed *Day v. Hunkin* (1937) S.A.S.R. 453
Administration and Probate Act, 1919-1936 (Vol. 1, p. 79)	s. 61. Amended by No. 2368, s. 2 (1), 1937, p. 102 s. 52. *In re Hawker* (1939) S.A.S.R. 426 s. 21. *In re Knabenschuh* (1938) S.A.S.R. 136 s. 55. *In re Gardiner* (1938) S.A.S.R. 6 s. 70. *In re Babbage. Cave v. Babbage* (1936) S.A.S.R. 356 s. 112. Substituted by No. 2368, s. 3, 1937, p. 102 s. 113. Repealed by No. 2368, s. 3, 1937, p. 102 s. 122. Amended by No. 2368, s. 4, 1937, p. 103 Second schedule. Repealed by No. 2368, s. 5, 1937, p. 103
Adoption of Children Act, 1925-1934 (Vol. 1, p. 140)	s. 14. Amended by No. 4, s. 2, 1940, p. 6
Agricultural College Act, 1936 (Vol. 1, p. 208)	s. 4. Amended by No. 2410, s. 3, 1938, p. 112 s. 4a. Enacted by No. 2410, s. 4, 1938, p. 112 ss. 9 and 10. Repealed by No. 15, s. 2, 1940, p. 37 s. 14. Enacted by No. 15, s. 3, 1940, p. 37
Agricultural Graduates Land Settlement Act, 1922-1935 (Vol. 1, p. 212)	s. 9. Amended by No. 2403, s. 2, 1938, p. 82
Animals and Birds Protection Act, 1919-1934 (Vol. 1, p. 242)	This Act as amended by No. 2390, 1938, p. 19, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 285
Anzac Highway Agreement Act, 1937 (1937, p. 25)	s. 7. Enacted by No. 28, s. 2, 1940, p. 80
The Bills of Sale Act, 1886-1935 (Vol. 1, p. 329)	s. 9. *Burns v. McFarlane* 14 A.L.J. 264 s. 11 (2). *Riedel v. Freeman Motors* (1938) S.A.S.R. 261, affirmed by *Riedel v. Freeman Motors Limited* (1938) S.A.S.R. 364 s. 11 (6). Amended by No. 52, s. 3, 1940, p. 158 s. 17. Amended by No. 52, s. 4, 1940, p. 158 ss. 19a to 19e. Enacted by No. 52, s. 5, 1940, pp. 158-161 s. 28. Amended by No. 52, s. 6, 1940, p. 161 Sixth schedule. Amended by No. 52, s. 7 (1), 1940, p. 161 Seventh schedule. Amended by No. 52, s. 7 (2), 1940, p. 161
Births and Deaths Registration Act, 1936 (Vol. 1, p. 345)	s. 4. Amended by No. 21, s. 2, 1940, p. 56 ss. 36a to 36e. Enacted by No. 21, s. 3, 1940, pp. 57, 58
Botanic Garden Act, 1935 (Vol. 1, p. 375)	s. 5. Amended by No. 22, s. 3, 1940, p. 59 s. 7. Substituted by No. 22, s. 4, 1940, p. 59 ss. 7a and 7b. Enacted by No. 22, s. 4, 1940, p. 60 s. 10a. Enacted by No. 22, s. 5, 1940, p. 60
Bread Act, 1936 (Vol. 1, p. 418)	s. 6. *Shephard v. Cashmore* (1937) S.A.S.R. 525
Broken Hill Proprietary Company's Indenture Act, 1937 (1937, p. 75)	s. 4. Repealed by No. 13, s. 12, 1940, p. 28
Building Act, 1923-1935 (Vol. 1, p. 424)	This Act, as amended by No. 53, 1940, p. 162 and by regulations *Gazette* 12th December, 1940, p. 1441, and with notes of judicial decisions, is reprinted in this volume, p. 353

Act Affected.	How Affected.
Building Societies Act, 1881-1936 (Vol. 1, p. 513)	This Act, as amended by No. 2411, 1938, p. 114, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 307
Bush Fires Act, 1933-1935 (Vol. 1, p. 536)	This Act, as amended by No. 27, 1939, p. 143, and with notes of judicial decisions, is reprinted in the 1939 volume, p. 392
Chaff and Hay Act, 1922 (Vol. 1, p. 560)	s. 9. Amended by No. 2384, s. 2, 1938, p. 4 s. 22. Amended by No. 2384, s. 3, 1938, p. 4
The Companies Act, 1934-1935 (Vol. 1, p. 597)	s. 8. Amended by No. 46, ss. 3 and 26, 1939, pp. 349, 356 s. 27a. Enacted by No. 46, s. 4, 1939, p. 349 s. 35. Amended by No. 46, s. 26, 1939, p. 356 s. 37. Amended by No. 46, s. 26, 1939, p. 356 s. 53. *Smith v. Commonwealth Homes Limited* (1937) S.A.S.R. 337, affirmed by *Commonwealth Homes and Investment Company Limited v. Smith* (1937) 59 C.L.R. 443; 11 A.L.J. 348 s. 56. Amended by No. 46, s. 5, 1939, p. 350 s. 57. Amended by No. 46, s. 6, 1939, p. 350. s. 64. Amended by No. 46, s. 26, 1939, p. 356. s. 76. *In re Colton, Palmer & Preston, Limited* (1936) S.A.S.R. 434 s. 107. Amended by No. 46, s. 26, 1939, p. 356. s. 124. *Commonwealth Homes and Investment Company Limited v. Mackellar* (1939) 63 C.L.R. 351; 13 A.L.J. 382 s. 125. Amended by No. 46, s. 7, 1939, p. 350 s. 129. Amended by No. 46, ss. 8, and 26, 1939, pp. 350, 356. s. 130. Amended by No. 46, s. 26, 1939, p. 356 s. 133. Amended by No. 46, s. 26, 1939, p. 356 *South Norseman Gold Mines No Liability v. MacDonald* (1937) S.A.S.R. 53 s. 139. Amended by No. 46, s. 9, 1939, p. 351 s. 147. Amended by No. 46, s. 10, 1939, p. 351 s. 149. Amended by No. 46, s. 26, 1939, p. 356 s. 153. Amended by No. 46, s. 11, 1939, p. 351 s. 154. Amended by No. 46, s. 12, 1939, p. 351 s. 158a. Enacted by No. 46, s. 13, 1939, p. 352. s. 161. Amended by No. 46, s. 14, 1939, p. 353 s. 165. Amended by No. 46, s. 15, 1939, p. 353 s. 166. Amended by No. 46, s. 16, 1939, p. 353 s. 176. Amended by No. 46, ss. 17 and 26, 1939, pp. 353, 356 s. 179. Amended by No. 46, s. 18, 1939, p. 354 s. 194. Amended by No. 46, s. 26, 1939, p. 356 s. 196. Amended by No. 46, s. 26, 1939, p. 356 s. 206. Amended by No. 46, s. 19, 1939, p. 354 s. 270. Amended by No. 46, s. 20, 1939, p. 354 s. 293. Amended by No. 46, s. 26, 1939, p. 356 s. 311. Amended by No. 46, s. 21, 1939, p. 354 s. 316. Amended by No. 46, s. 22, 1939, p. 354 s. 358. Amended by No. 46, s. 23, 1939, p. 354 s. 361a. Enacted by No. 46, s. 24, 1939, p. 354 s. 361b. Enacted by No. 46, s. 24, 1939, p. 355 s. 361c. Enacted by No. 46, s. 24, 1939, p. 355 s. 366. *In re E. and B. Chemicals and Wool Treatment Proprietary Limited* (1939) S.A.S.R. 441; (1940) S.A.S.R. 267 s. 367. Amended by No. 46, s. 26, 1939, p. 356 s. 368. Amended by No. 46, s. 25, 1939, p. 356 ss. 377 and 395. In *re Lasscock's Nurseries Limited (In Liquidation)* 1940 S.A.S.R. 251 Second schedule. Amended by No. 46, s. 26, 1939, p. 356 *Re Lasscocks' Nurseries Limited (In Liquidation); McPhail v. Mitton* 14 A.L.J. 270

Act Affected.	How Affected.
Constitution Act, 1934-1936 (Vol. 2, p. 1)	s. 20. Amended by No. 31, s. 3, 1940, p. 89 s. 28. Amended by No. 2381, s. 3, 1937, p. 134, and by No. 49, s. 3, 1939, p. 368. s. 31. *Stott v. Parker* (1939) S.A.S.R. 98. s. 33. Amended by No. 31, s. 4, 1940, p. 90 s. 43. *Stott v. Parker* (1939) S.A.S.R. 98 s. 46a. Enacted by No. 48, s. 3, 1939, p. 365. s. 51. Amended by No. 48, s. 4, 1939, p. 366. s. 54a. Enacted by No. 48, s. 5, 1939, p. 366. s. 55. Amended by No. 2381, s. 4, 1937, p. 134, and by No. 48, s. 6, 1939, p. 366.
Control of Advertisements Act, 1916-1935 (Vol. 2, p. 40)	s. 4. *Miller v. Penfolds Wines Limited* (1937) S.A.S.R. 11 s. 10. *Miller v. Penfolds Wines Limited* (1937) S.A.S.R. 11
Cornsacks Act, 1938 (1938, p. 124)	s. 9. Amended by No. 6, s. 3, 1939, p. 18
Criminal Law Consolidation Act, 1935 (Vol. 2, p. 81)	s. 14. *Rex v. Coventry* (1938) S.A.S.R. 79. Special leave to appeal to the High Court refused; *The King v. Coventry* (1938) 59 C.L.R. 633; 12 A.L.J. 67 s. 38. Substituted by No. 54, s. 3, 1940, p. 179 s. 50. Amended by No. 54, s. 4, 1940, p. 180 s. 51. Amended by No. 54, s. 4, 1940, p. 180 s. 52. Amended by No. 54, s. 4, 1940, p. 180 s. 52a. Enacted by No. 54, s. 5, 1940, p. 180 s. 63. Amended by No. 54, s. 6, 1940, p. 180 s. 77. Substituted by No. 54, s. 7, 1940, p. 180 s. 77a. Enacted by No. 54, s. 7, 1940, p. 181 s. 82. *R. v. Lindner* (1938) S.A.S.R. 412 s. 170. Substituted by No. 54, s. 8, 1940, p. 183 s. 184. *Dowd v. Dayman* (1939) S.A.S.R. 70 s. 195. *Brook v. Crafter* (1937) S.A.S.R. 366 s. 197a. Enacted by No. 54, s. 9, 1940, p. 183 s. 199. Amended by No. 54, s. 10, 1940, p. 184 s. 200. Amended by No. 54, s. 11, 1940, p. 184 s. 300. *R. v. Costello and others* (1937) S.A.S.R. 150 s. 319. *R. v. Martin* (1937) S.A.S.R. 70 *Rex v. Tregaskis* (1937) S.A.S.R. 358 s. 328a. Enacted by No. 54, s. 12, 1940, p. 185 s. 352. *R. v. Burch* (1939) S.A.S.R. 270 s. 353. *R. v. Semaschko* (1936) S.A.S.R. 337 *Rex v. Butler* (1939) S.A.S.R. 265 s. 354. *R. v. Lindner* (1938) S.A.S.R. 412 s. 367. *Rex v. Tregaskis* (1937) S.A.S.R. 358 s. 369. *R. v. McPherson* (1939) S.A.S.R. 181
Crown Lands Act, 1929-1936 (Vol. 2, p. 219)	This Act, as amended by No. 2363, 1937, p. 88, No. 2408, 1938, p. 95, No. 3, 1939, p. 5, and No. 40, 1939, p. 250, and with notes of judicial decisions, is reprinted in the 1939 volume, p. 414. *See also* the following paragraph
Crown Lands Act, 1929-1939 (1939, p. 414)	s. 44. Amended by No. 23, s. 3, 1940, p. 61 Part VI. Heading amended by No. 23, s. 4, 1940, p. 62 s. 53. Amended by No. 23, s. 5, 1940, p. 62 s. 170a. Amended by No. 23, s. 6, 1940, p. 62 s. 178. Amended by No. 23, s. 7, 1940, p. 62 s. 199. Amended by No. 23, s. 8, 1940, p. 62 s. 210. Amended by No. 23, s. 9, 1940, p. 62 s. 211a. Enacted by No. 23, s. 10, 1940, p. 63 s. 212. Amended by No. 23, s. 11, 1940, p. 63 s. 214. Repealed by No. 23, s. 12, 1940, p. 63 s. 216. Repealed by No. 23, s. 13, 1940, p. 63 s. 221. Amended by No. 23, s. 14, 1940, p. 63 s. 222. Amended by No. 23, s. 15, 1940, p. 63 s. 223. Amended by No. 23, s. 16, 1940, p. 64 s. 226. *Badenoch v. Nuske* (1940) S.A.S.R. 160

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Crown Lands Act, 1929-1939 (1939, p. 414)—*continued.*	s. 227. *Badenoch v. Nuske* (1940) S.A.S.R. 160 s. 227a. Enacted by No. 23, s. 17, 1940, p. 64 s. 228a. Enacted by No. 23, s. 18, 1940, p. 64 s. 232. Amended by No. 23, s. 19, 1940, p. 65 s. 262b. Enacted by No. 23, s. 20, 1940, p. 65 s. 263b. Enacted by No. 23, s. 21, 1940, p. 65 s. 271a. Enacted by No. 23, s. 22, 1940, p. 66 s. 271b. Enacted by No. 23, s. 22, 1940, p. 66 s. 275. Amended by No. 23, s. 23, 1940, p. 67 *Chapman v. Strawbridge* (1910) S.A.L.R. 118 s. 293. Amended by No. 23, s. 24, 1940, p. 67 s. 294a. Enacted by No. 23, s. 25, 1940, p. 67
Dairy Cattle Improvement Act, 1921-1934 (Vol. 2, p. 343)	s. 7a. Enacted by No. 49, s. 2, 1940, p. 153
Dairy Industry Act, 1928-1935 (Vol. 2, p. 349)	s. 4. Amended by No. 2378, s. 3, 1937, p. 129, and by No. 37, s. 2 (2), 1939, p. 217 s. 8. Amended by No. 37, s. 2 (2), 1939, p. 217 s. 11. Amended by No. 37, s. 2 (2), 1939, p. 217
Dairy Produce Act, 1934-1935 (Vol. 2, p. 336)	s. 5. Amended by No. 12, s. 3, 1940, p. 23 s. 15a. Enacted by No. 2345, s. 3, 1937, p. 12 s. 26. Amended by No. 2345, s. 4, 1937, p. 13, by No. 2393, s. 3, 1938, p. 39 and by No. 12, s. 4, 1940, p. 23
Dentists Act, 1931-1936 (Vol. 2, p. 396)	s. 21. *Taylor v. The Dental Board of South Australia* (1940) S.A.S.R. 306 s. 45. *In re the Dentists Act*, 1931-1936. *Ex parte Schonfeldt* (1939) S.A.S.R. 380
Discharged Soldiers Settlement Act, 1934-1935 (Vol. 2, p. 422)	s. 24. Amended by No. 24, s. 3, 1940, p. 68 ss. 24a to 24c. Enacted by No. 24, s. 4, 1940, pp. 69, 70 ss. 29a and 29b. Enacted by No. 24, s. 5, 1940, p. 71
Dried Fruits Act, 1934 (Vol. 2, p. 462)	s. 8. Amended by No. 2415, s. 3, 1938, p. 136 s. 18. Substituted by No. 2415, s. 4, 1938, p. 136 s. 23. Amended by No. 2415, s. 5, 1938, p. 137 s. 24. Amended by No. 2415, s. 6, 1938, p. 137 s. 24a. Enacted by No. 2415, s. 7, 1938, p. 138 s. 33. Amended by No. 2415, s. 8, 1938, p. 139 s. 34. Amended by No. 2415, s. 9, 1938, p. 139 s. 35. Amended by No. 2415, s. 10, 1938, p. 139 s. 39. Repealed by No. 2415, s. 11, 1938, p. 139
Early Closing Act, 1926-1935 (Vol. 2, p. 477)	s. 35. Amended by No. 18, s. 3, 1940, p. 46 s. 36. Amended by No. 18, s. 4, 1940, p. 46 s. 39. Amended by No. 18, s. 5, 1940, p. 46 s. 50. Amended by No. 18, s. 6, 1940, p. 47 s. 53. Amended by No. 18, s. 7, 1940, p. 47 s. 56. Amended by No. 18, s. 8, 1940, p. 47 s. 72. *Gurry v. Badenoch* (1936) S.A.S.R. 441 s. 75. Amended by No. 18, s. 9, 1940, p. 47 s. 76. Amended by No. 18, s. 10, 1940, p. 47 s. 78. Repealed by No. 18, s. 11, 1940, p. 47
Education Act, 1915-1935 (Vol. 2, p. 525)	s. 62. Substituted by No. 32, s. 4, 1940, p. 122
Electoral Act, 1929-1934 (Vol. 2, p. 567)	s. 13. Amended by No. 2379, s. 2, 1937, p. 130 s. 71. Amended by No. 2379, s. 3, 1937, p. 130 s. 73. Amended by No. 2379, s. 4, 1937, p. 131 s. 96. Amended by No. 2379, s. 5, 1937, p. 131 s. 103. Amended by No. 2379, s. 6, 1937, p. 131
Employees Registry Offices Act, 1915-1934 (Vol. 2, p. 632)	s. 2a. Enacted by No. 41, s. 3, 1939, p. 259

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Evidence Act, 1929-1933 (Vol. 2, p. 649)	s. 42. Amended by No. 40, s. 3, 1940, p. 129 s. 43. Amended by No. 40, s. 4, 1940, p. 129 s. 43a. Enacted by No. 40, s. 5, 1940, p. 130 s. 48a. Enacted by No. 40, s. 6, 1940, p. 130 s. 48b. Enacted by No. 40, s. 6, 1940, p. 130 s. 69. *Rex v. Butler* (1939) S.A.S.R. 265 Fourth schedule. Enacted by No. 40, s. 7, 490, p. 130
Farmers Assistance Act, 1933-1936 (Vol. 2, p. 707)	s. 12. Amended by No. 2418, s. 2, 1938, p. 170 s. 29. Amended by No. 2418, s. 3, 1938, p. 170 s. 31. *Chapman v. Wade* (1939) S.A.S.R. 298 s. 41. Amended by No. 33, s. 3, 1939, p. 195
Fauna and Flora Reserve Act, 1919-1935 (Vol. 2, p. 740)	s. 16a. Enacted by No. 25, s. 3, 1940, p. 73
Fibre and Sponges Act, 1909-1935 (Vol. 3, p. 27)	s. 7a. Enacted by No. 2369, s. 3, 1937, p. 104
Financial Emergency Act, 1931-1936 (Vol. 3, p. 46)	s. 14. Repealed by No. 2342, s. 3, 1937, p. 11 s. 15. Repealed by No. 2342, s. 3, 1937, p. 11
Financial Emergency Act Extension Act, 1934 (Vol. 3, p. 66)	s. 3. Amended by No. 39, s. 3, 1939, p. 249
Fire Brigades Act, 1936 (Vol. 3, p. 78)	s. 5. Amended by No. 2389, s. 3 (1), 1938, p. 18 s. 32. Amended by No. 2389, s. 3 (2), 1938, p. 18 s. 53. Amended by No. 2389, s. 2, 1938, p. 17 s. 58. Amended by No. 2389, s. 3 (3), 1938, p. 18
Fisheries Act, 1917-1935 (Vol. 3, p. 115)	This Act as amended by No. 2391, 1938, p. 29 and No. 2419, 1938, p. 171, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 338
Food and Drugs Act, 1908-1935 (Vol. 3, p. 139)	s. 15. Amended by No. 8, s. 3, 1939, p. 24 s. 15a. Enacted by No. 8, s. 4, 1939, p. 24
Friendly Societies Act, 1919-1936 (Vol. 3, p. 178)	s. 7. Amended by No. 32, s. 2, 1940, p. 92 s. 10. Amended by No. 2374, s. 3, 1937, p. 121 s. 10a. Enacted by No. 2425, s. 3, 1938, p. 233 s. 18. Amended by No. 2374, s. 4, 1937, p. 122
Hawkers Act, 1934 (Vol. 3, p. 425) ...	s. 20. *Ward v. Pearson* (1939) S.A.S.R. 419
Health Act, 1935-1936, (Vol. 3, p. 432)	s. 30. Amended by No. 33, s. 2, 1940, p. 93 s. 43. Amended by No. 33, s. 3, 1940, p. 94 s. 101. Amended by No. 33, s. 4, 1940, p. 94 s. 137. Substituted by No. 33, s. 5, 1940, p. 94 s. 146. Amended by No. 33, s. 6 (2), 1940, p. 94 s. 147. Amended by No. 33, ss. 6 (1) and 7, 1940, pp. 94, 95
Highways Act, 1926-1936 (Vol. 3, p. 483)	s. 11. Amended by No. 2388, s. 5, 1938, p. 16 s. 16. Amended by No. 2388, s. 5, 1938, p. 16 s. 31. Substituted by No. 2388, s. 3, 1938, p. 14 s. 31a. Amended by No. 2350, s. 4, 1937, p. 40 and repealed by No. 2388, s. 3, 1938, p. 14 s. 32. Amended by No. 2388, ss. 4 and 5, 1938, p. 16 s. 33. Amended by No. 2388, ss. 5 and 6, 1938, p. 16 s. 34. Amended by No. 2388, s. 5, 1938, p. 16 s. 35. Amended by No. 2350, s. 5, 1937, p. 40 s. 36. Amended by No. 2350, s. 6, 1937, p. 41
Hospitals Act, 1934 (Vol. 3, p. 531)...	s. 47. *Spiller v. Webb and another* (1940) S.A.S.R. 102
Immigration Act, 1923-1935 (Vol. 3, p. 554)	s. 10. Amended by No. 2344, s. 2, 1937, p. 14

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Impounding Act, 1920-1935 (Vol. 3, p. 563)	s. 3. Amended by No. 2413, s. 2, 1938, p. 129 s. 14. Amended by No. 2413, s. 3, 1938, p. 129 s. 19. Amended by No. 2413, s. 4, 1938, p. 129 s. 28. Amended by No. 2413, s. 5, 1938, p. 130 s. 46. Amended by No. 2413, s. 6, 1938, p. 130 s. 46a. Enacted by No. 2413, s. 7, 1938, p. 130 Fifth schedule. Amended by No. 2413, s. 8, 1938, p. 131
Income Tax Assessment Act, 1936 (Vol. 3, p. 593)	s. 26. *In re Carden* (1938) S.A.S.R. 175, affirmed by *The Commissioner of Taxes (South Australia) v. Executor Trustee and Agency Company of South Australia Limited* (1938) 63 C.L.R. 108; 12 A.L.J. 407 s. 254. *Pearson v. Redpath* (1940) S.A.S.R. 116
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Medical Practitioners Act, 1919-1935 (Vol. 5, p. 729)	s. 35. *Becker v. Miller* (1936) S.A.S.R. 125. Leave to appeal to the High Court refused, 57 C.L.R. 780 (note)
Mental Defectives Act, 1935-1936 (Vol. 5, p. 746)	s. 3. Amended by No. 31, s. 14 (3), 1939, p. 188 s. 4. Amended by No. 31, s. 3 (1), 1939, p. 182 s. 5. Substituted by No. 31, s. 2, 1939, p. 181 s. 8. Amended by No. 31, s. 4, 1939, p. 182 s. 11a. Enacted by No. 31, s. 5, 1939, p. 182 s. 32. Amended by No. 31, s. 6, 1939, p. 182 s. 33. Amended by No. 31, s. 7, 1939, p. 183 s. 37. Amended by No. 4, s. 2, 1939, p. 12 and by No. 31, s. 8, 1939, p. 183 s. 49. Amended by No. 4, s. 3, 1939, p. 12 s. 76. Amended by No. 31, s. 9, 1939, p. 183 s. 89. Amended by No. 4, s. 4, 1939, p. 13 s. 90. Amended by No. 4, s. 5, 1939, p. 13 s. 92a. Enacted by No. 4, s. 6, 1939, p. 13 s. 94. Amended by No. 4, s. 7, 1939, p. 14 s. 98. Amended by No. 4, s. 8, 1939, p. 14 s. 107. Substituted by No. 31, s. 10, 1939, p. 183 s. 111. Amended by No. 31, s. 11, 1939, p. 184 s. 112. *In re Whiting* (1938) S.A.S.R. 188 s. 114. Amended by No. 31, s. 12, 1939, p. 184 s. 127. Amended by No. 31, s. 13, 1939, p. 184 ss. 153a to 153d. Enacted by No. 31, s. 14 (1), 1939, pp. 185-187 s. 155. Repealed by No. 31, s. 14 (2), 1939, p. 187 s. 166. Amended by No. 31, s. 15, 1939, p. 188 ss. 169a and 169b. Enacted by No. 31, s. 16, 1939, pp. 188, 189 Third schedule. Amended by No. 31, s. 17, 1939, p. 189 Seventh schedule. Amended by No. 31, s. 18, 1939, p. 189 Eighth schedule. Amended by No. 31, s. 19, 1939, p. 189 Eleventh schedule. Amended by No. 31, s. 20, 1939, p. 189 Fifteenth schedule. Amended by No. 31, s. 21, 1939, p. 189 Twentieth schedule. Substituted by No. 31, s. 22, 1939, pp. 189, 190
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Mortgagors Relief Act, 1931-1936 (Vol. 6, p. 215)	s. 3. Amended by No. 20, s. 2, 1940, p. 54 s. 5. Amended by No. 20, s. 3, 1940, p. 55 s. 5a. Amended by No. 20, s. 4, 1940, p. 55 s. 6. *Peeks Limited v. Adelaide Oil Exploration Company Limited* (1937) S.A.S.R. 154 s. 8. Amended by No. 20, s. 5, 1940, p. 55 s. 9. Amended by No. 20, s. 6, 1940, p. 55 s. 12. Amended by No. 20, s. 7, 1940, p. 55
The Municipal Tramways Trust Act, 1935 (Vol. 6, p. 227)	s. 11. Amended by No. 60, s. 3, 1940, p. 301 s. 17. Amended by No. 60, s. 4, 1940, p. 302 s. 26. Amended by No. 60, s. 5, 1940, p. 302 s. 35. Amended by No. 60, s. 6, 1940, p. 302 s. 36. Amended by No. 60, s. 7, 1940, p. 303 s. 40. Amended by No. 60, s. 8, 1940, p. 303 s. 68. *Henwood and another v. The Municipal Tramways Trust* (1938) 60 C.L.R. 438; 12 A.L.J. 101, reversing *Henwood and another v. The Municipal Tramways Trust* (1937) S.A.S.R. 390 s. 86a. Enacted by No. 2366, s. 2, 1937, p. 98 s. 86b. Enacted by No. 2366, s. 2, 1937, p. 99
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Nurses Registration Act, 1920-1934 (Vol. 6, p. 340)	s. 21a. Enacted by No. 2405, s. 2, 1938, p. 85 s. 39a. Enacted by No. 2405, s. 3, 1938, p. 86 s. 44. Amended by No. 2405, s. 4, 1938, p. 86
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Pharmacy Act, 1935-1936 (Vol. 6, p. 501)	s. 33a. Enacted by No. 2354, s. 2, 1937, p. 51
Phylloxera Act, 1936 (Vol. 6, p. 518) ..	s. 5. Amended by No. 2367, s. 2, 1937, p. 100 s. 12. Repealed by No. 2367, s. 3, 1937, p. 100 s. 16. Substituted by No. 2367, s. 4, 1937, p. 101 s. 29a. Enacted by No. 2367, s. 5, 1937, p. 101
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Poor Persons Legal Assistance Act, 1936 (Vol. 6, p. 640)	s. 6. *Hastings v. Hastings* (1939) S.A.S.R. 57
Primary Producers' Debts Act, 1935-1936 (Vol. 6, p. 656)	s. 9. Amended by No. 5, s. 3, 1939, p. 16 s. 10. Amended by No. 5, s. 4, 1939, p. 16 s. 34a. Enacted by No. 2358, s. 3, 1937, p. 57 s. 36a. Enacted by No. 5, s. 5, 1939, p. 17
Public Charities Funds Act, 1935. (Vol 6, p. 697)	s. 26a. Enacted by No. 50, s. 2, 1940, p. 155
Public Service Act, 1936 (Vol. 7, p. 1)..	s. 28. *Day v. Hunkin* (1938) 61 C.L.R. 65; 12 A.L.J. 269, affirming *Day v. Hunkin* (1938) S.A.S.R. 121, which reversed *Day v. Hunkin* (1937) S.A.S.R. 453 s. 29. Amended by No. 45, s. 2, 1940, p. 143 s. 29a. Enacted by No. 45, s. 3, 1940, p. 144 s. 30. Amended by No. 45, s. 4, 1940, p. 145 s. 30a. Enacted by No. 2423, s. 2, 1938, p. 199 s. 40. Amended by No. 2377, s. 3, 1937, p. 126 s. 42. Amended by No. 2377, s. 4, 1937, p. 126 s. 49. Amended by No. 2375, s. 3, 1937, p. 123 s. 52. Amended by No. 2377, s. 5, 1937, p. 127 s. 56. *Morley v. Hunkin* (1938) 61 C.L.R. 81; 12 A.L.J. 271 reversing *Morley v. Hunkin* (1938) S.A.S.R. 111, which reversed *Morley v. Hunkin* (1937) S.A.S.R. 427 s. 57a. Enacted by No. 2377, s. 6, 1927, p. 127 s. 70. Amended by No. 2377, s. 7, 1937, p. 127 s. 74. Amended by No. 2375, s. 4, 1937, p. 123 s. 75. Amended by No. 2377, s. 8, 1937, p. 128 and by No. 2423, s. 3, 1938, p. 200 s. 75a. Enacted by No. 2377, s. 9, 1937, p. 128

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Public Works Standing Committee Act, 1927-1935 (Vol. 7, p. 47)	s. 25a. Enacted by No. 2, s. 3, 1940, p. 3
The Real Property Act, 1886-1936 (Vol. 7, p. 59)	s. 6. *The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia* (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying *Savings Bank of South Australia v. South-Eastern Drainage Board and another* (1939) S.A.S.R. 339 s. 69. *The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia* (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying *Savings Bank of South Australia v. South-Eastern Drainage Board and another* (1939) S.A.S.R. 339 s. 71. *Bodey v. Smith and another* (1938) S.A.S.R. 352 s. 96a. Enacted by No. 36, s. 6, 1939, p. 214 s. 97. *The English, Scottish, and Australian Bank, Limited v. Phillips* (1936-1937) 57 C.L.R. 302; 10 A.L.J. 458 s. 142a. Enacted by No. 36, s. 5, 1939, p. 213 s. 151. *The English, Scottish, and Australian Bank; Limited v. Phillips* (1936-1937) 57 C.L.R. 302, 10 A.L.J. 458 s. 169. Substituted by No. 36, s. 7, 1939, p. 214 ss. 255 and 256. Repealed by No. 36, s. 8, 1939, p. 226 s. 268. Amended by No. 36, s. 9, 1939, p. 216 Sixth schedule. Amended by No. 36, s. 10 (1), 1939, p. 216 Seventh schedule. Amended by No. 36, s. 10 (1), 1939, p. 216 Eleventh schedule. Amended by No. 36, s. 10 (2), 1939, p. 216 Nineteenth schedule. Amended by No. 36, s. 11, 1939, p. 216
Road and Railway Transport Act, 1930-1935 (Vol. 7, p. 320)	s. 9a. Enacted by No. 47, s. 3, 1939, p. 358 s. 9b. Enacted by No. 47, s. 3, 1939, p. 359 s. 14. Amended by No. 47, s. 4, 1939, p. 359 *Miller v. Hilton* (1937) 57 C.L.R. 400; 11 A.L.J. 74 *Crafter v. Burns* (1939) S.A.S.R. 152, affirming *Crafter v. Burns* (1939) S.A.S.R. 7. Special leave to appeal to the High Court refused, 62 C.L.R. 747 (note). *Dayman v. Gleader* (1939) S.A.S.R. 277, affirming *Dayman v. Gleader* (1939) S.A.S.R. 139 s. 18a. Enacted by No. 47, s. 5, 1939, p. 359 s. 18b. Enacted by No. 47, s. 5, 1939, p. 359 s. 18c. Enacted by No. 47, s. 5, 1939, p. 360 s. 22a. Enacted by No. 47, s. 6, 1939, p. 360 s. 23. Repealed by No. 47, s. 8, 1939, p. 360 s. 24a. Enacted by No. 47, s. 7, 1939, p. 360 s. 25. Amended by No. 47, s. 9, 1939, p. 360 s. 26. Repealed by No. 47, s. 10, 1939, p. 360 s. 27b. Enacted by No. 47, s. 11, 1939, p. 361 s. 27c. Enacted by No. 47, s. 11, 1939, p. 361 s. 27d. Enacted by No. 47, s. 11, 1939, p. 362 s. 27e. Enacted by No. 47, s. 11, 1939, p. 362 s. 28a. Enacted by No. 47, s. 12, 1939, p. 363 s. 28b. Enacted by No. 47, s. 12, 1939, p. 363 s. 32a. Enacted by No. 47, s. 13, 1939, p. 364 s. 35a. Enacted by No. 47, s. 14, 1939, p. 364 s. 35b. Enacted by No. 47, s. 14, 1939, p. 364 s. 35c. Enacted by No. 47, s. 14, 1939, p. 364 s. 35d. Enacted by No. 47, s. 14, 1939, p. 364

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Road Traffic Act, 1934-1936 (Vol. 7, p. 359)	This Act, as amended by No. 2416, 1938, p. 140, No. 23, 1939, p. 121, No. 34, 1939, p. 196, and No. 45, 1939, p. 338, and with notes of judicial decisions, is reprinted in the 1939 volume, p. 554. *See also* the following paragraph.
Road Traffic Act, 1934-1939 (1939, p. 554)	s. 7b. Amended by No. 61, s. 3, 1940, p. 304 s. 9. Amended by No. 61, ss. 4, 5, 1940, pp. 304, 305 s. 36a. Enacted by No. 61, s. 6, 1940, p. 305 s. 59. Amended by No. 61, s. 7, 1940, p. 306 s. 70b. *Gassner v. Frost* (1940) S.A.S.R. 295, affirming *Gassner v. Frost* (1940) S.A.S.R. 77 *Vears v. Kevins* (1940) S.A.S.R. 99 s. 70d. *Millar v. Miller* (1940) S.A.S.R. 185 s. 120. *Dayman v. Saris* (1939) S.A.S.R. 445 s. 128. *Dellamina v. Gibbs* (1940) S.A.S.R. 282 s. 130a. Substituted by No. 61, s. 8, 1940, p. 306 s. 131. Amended by No. 61, s. 9, 1940, p. 308 *Dayman v. Saris* (1939) S.A.S.R. 445 *Virgo v. Fiddaman* (1940) S.A.S.R. 17 *Matthew v. Flood* (1940) S.A.S.R. 48 *Bowden v. Petherick* (1940) S.A.S.R. 90 *Peters v. Beck* (1940) S.A.S.R. 204 s. 133. *Geraghty v. Angas and others* (1938) S.A.S.R. 455. Appeal to the High Court dismissed, 62 C.L.R. 747 (note). s. 136. *Noonan v. Johns* (1940) S.A.S.R. 4 s. 141. Amended by No. 61, s. 10, 1940, p. 308
The Sale of Goods Act, 1895-1936 (Vol. 7, p. 474)	s. 4. *Clements v. Hoppo* (1937) S.A.S.R. 231. Leave to appeal to the High Court refused, 59 C.L.R. 807 (note) s. 13. *Clarke v. McMahon* (1939) S.A.S.R. 64 s. 57a. Amended by No. 2357, s. 4, 1937, p. 56
Sandalwood Act, 1930-1936 (Vol. 7, p. 498)	s. 11. Amended by No. 9, s. 3, 1940, p. 19
Scaffolding Inspection Act, 1934 (Vol. 7, p. 557)	s. 3. Amended by No. 5, s. 2, 1940, p. 7
South Australian Housing Trust Act, 1936 (Vol. 7, p. 653)	s. 25. Substituted by No. 2371, s. 3, 1937, p. 107 s. 27. Amended by No. 2371, s. 4, 1937, p. 108 s. 28a. Enacted by No. 46, s. 3, 1940, p. 146 s. 29a. Enacted by No. 2371, s. 5, 1937, p. 108
South Australian Railways Commissioner's Act, 1936 (Vol. 7, p. 661)	ss. 53a to 53x. Enacted by No. 2400, s. 3, 1938, pp. 67-73
South-Eastern Drainage Act, 1931-1935 (Vol. 7, p. 721)	s. 42. *The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia* (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying *Savings Bank of South Australia v. South-Eastern Drainage Board and another* (1939) S.A.S.R. 339 s. 66. *The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia* (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying *Savings Bank of South Australia v. South-Eastern Drainage Board and another* (1939) S.A.S.R. 339 s. 90. *In re Cameron and Ryder* (1937) S.A.S.R. 143 s. 98. *In re Cameron and Ryder* (1937) S.A.S.R. 143 s. 101. *In re Cameron and Ryder* (1937) S.A.S.R. 143
Stamp Duties Act, 1923-1936 (Vol. 7, p. 762)	This Act as amended by No. 2359, 1937, p. 59, and with notes of judicial decisions, is reprinted in the 1937 volume, p. 221. *See also* the following paragraph.
Stamp Duties Act, 1923-1937 (1937, p. 221)	s. 31a. Enacted by No. 2387, s. 3, 1938, p. 12 Second schedule. Amended by No. 2387, s. 4, 1938, p. 13

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Statute Law Revision Act, 1937 (1937, p. 20)	s. 5. Repealed by No. 2368, s. 2 (2), 1937, p. 102
Subdivided Land Debts Act, 1932-1934 (Vol. 8, p. 83)	s. 15. *Lake Beach Estate Limited v. Mitchell* (1939) S.A.S.R. 209, reversing *Lake Beach Estate Limited v. Mitchell* (1938) S.A.S.R. 280
Succession Duties Act, 1929-1936 (Vol. 8, p. 90)	s. 3. Amended by No. 62, s. 2, 1940, p. 309 s. 4. *The Commissioner of Succession Duties* (*S.A.*) v. *Isbister*, 14 A.L.J. 406 s. 7. *In re Gall* (1939) S.A.S.R. 185 s. 13. *In re Gardiner* (1938) S.A.S.R. 6 s. 20. *In re Bowman* (1937) S.A.S.R. 274 s. 42a. Enacted by No. 21, s. 3, 1939, p. 112 ss. 55a to 55c. Enacted by No. 62, s. 3, 1940, pp. 309-311 s. 56. *In re Gall* (1939) S.A.S.R. 185 Second schedule. Substituted by No. 21, s. 4, 1939, p. 113 *In re Gardiner* (1938) S.A.S.R. 6 Third schedule. Substituted by No. 21, s. 5, 1939, p. 114
Superannuation Act, 1926-1935 (Vol. 8, p. 129)	s. 26c. Enacted by No. 2422, s. 3, 1938, p. 196 s. 26d. Enacted by No. 2422, s. 3, 1938, p. 197 s. 26e. Enacted by No. 14, s. 3, 1940, p. 35
Swine Compensation Act, 1936 (Vol. 8, p. 234)	s. 4. Amended by No. 29, s. 2, 1940, p. 82 s. 6. Amended by No. 29, s. 3, 1940, p. 82 s. 8. Amended by No. 29, s. 4, 1940, p. 82 s. 9. Amended by No. 29, s. 5, 1940, p. 83 s. 12. Amended by No. 29, s. 6, 1940, p. 83 s. 13. Amended by No. 29, s. 7, 1940, p. 83 s. 14. Amended by No. 29, s. 8, 1940, p. 84
Technical Education of Apprentices Act, 1917-1934 (Vol. 8, p. 243)	s. 2. Amended by No. 47, s. 3, 1940, p. 148 s. 11. Amended by No. 47, s. 4, 1940, p. 148 s. 17. Amended by No. 47, s. 5, 1940, p. 149 s. 18. Substituted by No. 47, s. 6, 1940, p. 150 s. 19. Repealed by No. 47, s. 6, 1940, p. 150
Testators Family Maintenance Act, 1918 (Vol. 8, p. 253)	s. 3. *In re Harris* (1936) S.A.S.R. 497 *In re Whiting* (1938) S.A.S.R. 188 *In re Schwerdt* (1939) S.A.S.R. 333 s. 13. *In re Whiting* (1938) S.A.S.R. 188
Town Planning Act, 1929 (Vol. 8, p. 261)	s. 22. *Adelaide Development Company Proprietary Limited v. Pohlner* (1933) 49 C.L.R. 25, affirming *Pohlner v. The Adelaide Development Company Limited* (1932) S.A.S.R. 346 *Lake Beach Estate Limited v. Mitchell* (1939) S.A.S.R. 209, reversing *Lake Beach Estate Limited v. Mitchell* (1938) S.A.S.R. 280
Trading Stamp Act, 1924-1935, (Vol. 8, p. 280)	s. 5a (2). *Rex v. Morgan. Ex parte Home Benefits (Proprietary) Limited* (1938) S.A.S.R. 266 *Home Benefits Proprietary Limited v. Crafter* *Household Benefits Proprietary Limited v. Crafter* (1938-1939) 61 C.L.R. 701 ; 13 A.L.J. 93
Trustee Act, 1936 (Vol. 8, p. 303)	s. 17a. Enacted by No. 10, s. 3, 1940, p. 20 s. 56. *In re Morish* (1939) S.A.S.R. 305 s. 91. Amended by No. 2346, s. 4, 1937, p. 22
University of Adelaide Act, 1935-1936 (Vol. 8, p. 352)	s. 25. Amended by No. 2340, s. 2, 1937, p. 3 s. 26. Amended by No. 2340, s. 3, 1937, p. 3 s. 27. Repealed by No. 2340, s. 4, 1937, p. 4 Third schedule. Repealed by No. 2340, s. 5, 1937, p. 4

Act Affected.	How Affected.
Vermin Act, 1931-1936 (Vol. 8, p. 396)	s. 53. Amended by No. 2409, s. 3 (2), 1938, p. 98 s. 158. Amended by No. 2409, s. 3 (2), 1938, p. 98 ss. 159 to 201. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 215. Amended by No. 2409, s. 3 (2), 1938, p. 98 ss. 222 to 224b. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 225b. Enacted by No. 24, s. 2, 1939, p. 122 ss. 245 and 246. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 256. Repealed by No. 2409, s. 3 (2), 1938, p. 98
Veterinary Surgeons Act, 1935-1936 (Vol. 8, p. 511)	s. 3. Amended by No. 2414, s. 5 (1), 1938, p. 134 s. 5. Amended by No. 2414, s. 2, 1938, p. 132 s. 6. Repealed by No. 2414, s. 3, 1938, p. 133 s. 9. Repealed by No. 2414, s. 3, 1938, p. 133 ss. 28a to 28f. Enacted by No. 2414, s. 4, 1938, pp. 133, 134 s. 30a. Enacted by No. 2414, s. 5 (2), 1938, p. 134 s. 31a. Enacted by No. 2414, s. 6, 1938, p. 135 s. 34. Amended by No. 2414, s. 5 (3), 1938, p. 135
Weights and Measures Act, 1934 (Vol. 8, p. 626)	s. 3. Amended by No. 27, s. 4 (2), 1940, p. 79 s. 6. Substituted by No. 9, s. 2, 1939, p. 27 s. 7. Substituted by No. 9, s. 2, 1939, p. 28 s. 8. Substituted by No. 9, s. 2, 1939, p. 28 s. 8a. Enacted by No. 9, s. 2, 1939, p. 28 s. 8b. Enacted by No. 9, s. 2, 1939, p. 28 s. 10. Repealed by No. 9, s. 3, 1939, p. 28 s. 13. Repealed by No. 9, s. 3, 1939, p. 28 s. 18. Amended by No. 9, s. 4 (1), 1939, p. 28 s. 21. Amended by No. 9, s. 4 (2), 1939, p. 28 s. 26. Amended by No. 9, s. 5, 1939, p. 29 s. 30. Amended by No. 2383, s. 2, 1938, p. 3 s. 32. Amended by No. 9, s. 6, 1939, p. 29 s. 35. Amended by No. 9, s. 7, 1939, p. 29 s. 37. Repealed by No. 9, s. 3, 1939, p. 28 s. 38. Amended by No. 9, s. 4 (3), 1939, p. 28 s. 40. Amended by No. 27, s. 2, 1940, p. 77 s. 41. Amended by No. 27, s. 3, 1940, p. 77 s. 45. Amended by No. 9, s. 8, 1939, p. 29 s. 48. Amended by No. 9, s. 9, 1939, p. 30 s. 49. Amended by No. 9, s. 4 (4), 1939, p. 29 s. 55. Substituted by No. 9, s. 10, 1939, p. 30 s. 56. Amended by No. 9, s. 11, 1939, p. 30 s. 57. Amended by No. 9, s. 12, 1939, p. 31 s. 57a. Enacted by No. 9, s. 13, 1939, p. 31 s. 57b. Enacted by No. 27, s. 4 (1), 1940, p. 78 s. 59. Amended by No. 9, s. 4 (5), 1939, p. 29 s. 61. Amended by No. 9, s. 4 (6), 1939, p. 29 s. 68. Amended by No. 9, s. 14, 1939, p. 31 Second schedule. Repealed by No. 9, s. 15, 1939, p. 31 Third schedule. Amended by No. 9, s. 16, 1939, p. 32
Wild Dogs Act, 1931 (Vol. 8, p. 657)	s. 3. Amended by No. 2392, s. 3, 1938, p. 37 s. 10. Amended by No. 2392, s. 4, 1938, p. 37 s. 11. Amended by No. 2392, s. 5, 1938, p. 38 s. 12. Amended by No. 2392, s. 6, 1938, p. 38 s. 13. Amended by No. 2392, s. 7, 1938, p. 38 s. 14. Amended by No. 2392, s. 8, 1938, p. 38
Wills Act, 1936 (Vol. 8, p. 665)	s. 6a. Enacted by No. 11, s. 3, 1940, p. 21 s. 25. *In re Marrie* (1938) S.A.S.R. 289; 12 A.L.J. 238

Act Affected.	How Affected.
Workmen's Compensation Act, 1932-1935 (Vol. 8, p. 693)	s. 3. Amended by No. 65, s. 3, 1940, p. 339 s. 4. *Chaplin v. Dunstan Limited* (1938) S.A.S.R. 245 (Decision given in action for negligence) *South Australian Stevedoring Company Limited v. Holbertson* (1939) S.A.S.R. 257 *Stafford v. Doman* (1940) S.A.S.R. 72 *Adelaide Stevedoring Company Limited v. Forst* 14 A.L.J. 332 s. 5. Amended by No. 65, s. 4, 1940, p. 339 s. 7. *Silver Top Taxi Service Proprietary Limited v. Batey* (1939) S.A.S.R. 403 s. 16. Amended by No. 65, s. 5, 1940, p. 340 s. 18. Amended by No. 65, s. 6, 1940, p. 340 s. 19. Amended by No. 65, s. 7, 1940, p. 340 s. 25. Amended by No. 65, s. 8, 1940, p. 340 s. 26. Amended by No. 65, s. 9, 1940, p. 340 s. 28. *Anstey v. Adelaide Electric Supply Company Limited* (1938) S.A.S.R. 338 s. 31. Amended by No. 65, s. 10, 1940, p. 341 s. 34a. Enacted by No. 65, s. 11, 1940, p. 341 s. 41. Amended by No. 65, s. 12, 1940, p. 341 s. 41a. Enacted by No. 65, s. 13, 1940, p. 341 s. 55. *Lewis and another v. Commerical Motor Vehicles Limited* (1939) S.A.S.R. 385 ss. 94a to 94g. Enacted by No. 2427, s. 3, 1938, pp. 274-276 s. 94h. Enacted by No. 2427, s. 3, 2938, p. 277 and amended by No. 65, s. 14, 1940, p. 342 ss. 94i and 94j. Enacted by No. 2427, s. 3, 1938, p. 277 s. 112. *Lewis and another v. Commercial Motor Vehicles Limited* (1939) S.A.S.R. 385
Workmen's Liens Act, 1893-1936 (Vol. 18, p. 733)	s. 6. *Metropolitan Brick Company v. Hayward and another* (1938) S.A.S.R. 462 s. 10. *In re Hawker* (1939) S.A.S.R. 426
Wrongs Act, 1936 (Vol. 8, p. 750)	s. 12. Amended by No. 18, s. 3, 1939, p. 97 s. 18. Amended by No. 18, s. 4, 1939, p. 98 and by No. 48, s. 3, 1940, p. 151 s. 20. Amended by No. 18, s. 5, 1939, p. 98 and by No. 48, s. 4, 1940, p. 151 *Matthew v. Flood* (1939) S.A.S.R. 389 *Adelaide Chemical and Fertiliser Co. Limited v. Carlyle* 14 A.L.J. 334, affirming *Carlyle v. Adelaide Chemical and Fertiliser Co. Limited* (1939) S.A.S.R. 458 ss. 23a to 23c. Enacted by No. 48, s. 5, 1940, pp. 151, 152 ss. 24 to 29. Enacted by No. 18, s. 6, 1939, pp. 99, 100

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

The following table includes, under the heading of the title of each Act, references to regulations, rules, by-laws, proclamations and notices made or given under that Act and in force as at 24th March, 1941. The reference given is to the *Government Gazette* in which the regulations, rules, by-laws, proclamations or notices are published.

References to by-laws made by local authorities are not given, but with these exceptions, the table includes references to all regulations, rules, and by-laws in force at the above date.

The table includes references to proclamations of general application, but does not include references to proclamations having only a limited or temporary application. Proclamations fixing the date of commencement of an Act or indicating the Minister of the Crown to whom the administration of an Act has been committed, are shown following the heading " Commencement " or " Administration ", as the case may be, and in every appropriate case particulars are given as to the date of commencement of the Act and the Minister to whom the administration of the Act is committed. Other proclamations are shown following a reference to the section of the Act under which the proclamations were made.

The table also includes references to notices given pursuant to any provision of an Act by the Governor, a Minister of the Crown, or other authority, in cases where the notices are of general application. These references are shown following a reference to the section of the Act under which the notices were given.

The regulations, rules, by-laws, proclamations and notices referred to in this table are those in force as at 24th March, 1941.

Abattoirs Act, 1911-1938.

Administration: Committed to the Minister of Agriculture *Gazette* 12th January, 1939, p. 74.
s. 12. Proclamation: *Gazette* 2nd March, 1922, p. 728.

Aborigines Act, 1934-1939.

Commencement: 1st April, 1937; *Gazette* 11th February, 1937, p. 285.
Commencement of the Aborigines Act Amendment Act, 1939: 1st February, 1940; *Gazette* 25th January, 1940, p. 117.
Administration: Committed to the Commissioner of Public Works *Gazette* 11th February, 1937, p. 285.
s. 14. Proclamations: *Gazette* 11th April, 1940, p. 720; 19th September, 1940, p. 569; 14th November, 1940, p. 1010.
General regulations: *Gazette* 10th May, 1917, p. 742; 21st August, 1919, p. 383; 12th October, 1922, p. 834; 22nd April, 1926, p. 1088; 25th July, 1940, p. 181.

Adelaide Show Grounds (By-laws) Act, 1929.

By-laws: *Gazette* 21st August, 1930, p. 351.

Administration and Probate Act, 1919-1937.

Rules of the Supreme Court in its testamentary causes jurisdiction : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021 ; 2nd June, 1938, p. 1265.

Regulations under the Fees Regulation Act, 1927 : relating to fees payable to the Public Trustee : *Gazette* 3rd December, 1931, p. 1033 ; relating to fees payable for Royal licence to apply for probate of deceased enemy subject's estate : *Gazette* 18th January, 1940, p. 73.

Administration of Justice Act, 1921-1926.

s. 5. Proclamations : *Gazette* 7th February, 1924, p. 322 ; 13th March, 1924, p. 660 ; 2nd July, 1925, p. 1 ; 17th June, 1926, p. 1509 ; 17th June, 1926, p. 1509 ; 11th November, 1926, p. 1191 ; 16th December, 1926, p. 1512.

(For details of proclamations, see the footnote in Volume 1, p. 136 of South Australian Statutes, 1837-1936.)

Rules of Court were made on 25th October, 1922, but have not been published in the *Gazette*.

Adoption of Children Act, 1925-1940.

Regulations : *Gazette* 25th February, 1926, p. 400 ; 22nd April, 1926, p. 1087 ; 9th September, 1937, p. 662.

Rules of Court were made on 23rd December, 1926, but have not been published in the *Gazette*.

Adulteration of Wine and Brandy Act, 1907-1935.

Commencement : 13th April, 1909 ; *Gazette* 8th April, 1909, p. 648.
Administration : Committed to the Chief Secretary *Gazette* 9th April, 1936, p. 813.
Regulations : *Gazette* 22nd October, 1908, p. 808.

Advances for Homes Act, 1928-1935.

Commencement : 2nd April, 1929 ; *Gazette* 28th March, 1929, p. 636.
Regulations : *Gazette* 28th March, 1929, p. 636.

Advances to Settlers Act, 1930.

Regulations : 20th December, 1934, p. 1283.

Agricultural Graduates Land Settlement Act, 1922-1938.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 1st March, 1923, p. 485.
Regulations : *Gazette* 8th March, 1923, p. 537 ; 26th April, 1928, p. 870.

Agricultural Seeds Act, 1938.

Commencement : 22nd June, 1939 ; *Gazette* 22nd June, 1939, p. 1458.
Regulations : *Gazette* 11th May, 1939, p. 1187 ; 21st March, 1940, p. 596.

Air Navigation Act, 1937.

Commencement : 12th January, 1938 ; *Gazette* 13th January, 1938, p. 53.

Alsatian Dogs Act, 1934.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1218.
Regulations : *Gazette* 9th January, 1936, p. 27.

Animals and Birds Protection Act, 1919-1938.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.
s. 8. Proclamations :
Under s. 8 (1) (*b*) : *Gazette* 23rd June, 1921, p. 1315 ; 7th January, 1926, p. 1 ; 4th March, 1926, p. 685 ; 3rd December, 1936, p. 1195.
Under s. 8 (1) (*c*)—
(i.) *Gazette* 29th November, 1928, p. 1137 ; 3rd February, 1938, p. 233.
(ii.) *Gazette* 23rd August, 1923, p. 413 ; 25th November, 1926, p. 1337 ; 15th March, 1928, p. 561.
(iii.) *Gazette* 29th June, 1933, p. 1093.
(iv.) *Gazette* 13th July, 1933, p. 47 ; 24th January, 1935, p. 327 ; 23rd November, 1939, p. 1380.
(v.) *Gazette* 23rd July, 1925, p. 167 ; 4th March, 1926, p. 685 ; 25th March, 1926; p. 865 ; 20th January, 1927, p. 121 ; 15th November, 1928, p. 1053 ; 20th December, 1928, p. 1277 ; 17th January, 1929, p. 105 ; 7th March, 1929, p. 513 ; 31st October, 1929, p. 1005 ; 28th January, 1932, p. 139 ; 3rd March, 1932, p. 435 ; 26th October, 1933, p. 900 ; 16th November, 1933, p. 1005; 14th December, 1933, p. 1167 ; 21st December, 1933, p. 1240 ;

Animals and Birds Protection Act, 1919-1938—*continued.*

25th January, 1934, p. 130; 22nd March, 1934, p. 843; 13th December, 1934, p. 1186; 20th December, 1934, p. 1219; 11th April, 1935, p. 1087; 28th November, 1935, p. 1285; 19th December, 1935, p. 1447; 19th December, 1935, p. 1446; 14th January, 1937, p. 34; 2nd September, 1937, p. 561; 3rd February, 1938, p. 233; 23rd November, 1939, p. 1380; 21st November, 1940, p. 1042.

Under s. 8 (1) (*d*): *Gazette* 12th December, 1907, p. 1297; 6th May, 1909, p. 847; 20th May, 1909, p. 954; 9th December, 1909, p. 1127; 27th March, 1913, p. 585; 8th June, 1916, p. 1217; 3rd August, 1916, p. 181; 1st February, 1917, p. 239; 10th June, 1920, p. 1399; 1st March, 1923, p. 486; 24th May, 1923, p. 1140; 5th April, 1923, p. 773; 24th December, 1925, p. 1661 (partly revoked 17th February, 1927, p. 337); 17th June, 1926, p. 1509; 6th September, 1928, p. 529; 31st October, 1929, p. 1005; 25th December, 1930, p. 1293; 17th December, 1931, p. 1115; 29th March, 1934, p. 931; 21st February, 1935, p. 548; 16th September, 1937, p. 697; 28th April, 1938, p. 898; 28th July, 1938, p. 165; 13th October, 1938, p. 975; 6th April, 1939, p. 835; 14th September, 1939, p. 745; 11th January, 1940, p. 34 (republished 18th January, 1940, p. 70); 12th December, 1940, p. 1425; 12th December, 1940, pp. 1425, 1426; 30th January, 1941, p. 95.

Under s. 8 (1) (*e*): *Gazette* 10th February, 1938, p. 293.

Under s. 8 (1) (*f*): *Gazette* 7th June, 1923, p. 1246; 12th November, 1936, p. 1065; 10th June, 1937, p. 1281.

Under s. 8 (1) (*h*): *Gazette* 12th December, 1935, p. 1390.

(For details of proclamations made prior to 9th June, 1937, see the footnotes in Volume 1, pp. 244-246 of the South Australian Statutes, 1837-1936.)

Regulations: *Gazette* 11th December, 1919, p. 1462 (gun, game licence forms); 17th May, 1923, p. 1082 (shipping opossum skins, Kangaroo Island); 24th May, 1928, p. 1087 (gun, game licence fees); 20th December, 1928, p. 1278 (prohibiting sale of ducks, teal, and maned goose); 19th June, 1930, p. 1137; 19th August, 1937, p. 440 (skin dealer's fee); 13th October, 1932, p. 743 (fee for permit to take animals and birds); 26th March, 1936, p. 714 (dealers in birds and fees).

Apiaries Act, 1931-1935.

Commencement: 22nd January, 1932; *Gazette* 21st January, 1932, p. 67.

Administration: Committed to the Minister of Agriculture *Gazette* 16th June, 1932, p. 1067.

s. 10. Proclamation: *Gazette* 11th February, 1932, p. 255.

s. 11. Proclamations: *Gazette* 19th May, 1932, p. 899; 30th November, 1933, p. 1091; 4th February, 1937, p. 229; 9th February, 1939, pp. 373 and 374.

s. 13. Proclamations: *Gazette* 11th February, 1932, p. 255.

(For details of proclamations under sections 10, 11, and 13, made prior to 8th February, 1939, see the footnotes in Volume 1, pp. 266-268 of the South Australian Statutes, 1837-1936.)

Regulations: *Gazette* 21st January, 1932, p. 68; 6th April, 1933, p. 551; 20th February, 1936, p. 457.

Arbitration Act, 1891-1934.

Rules of the Supreme Court: Order XXXIV. of Rules of Court, 1913, dated 10th December, 1913, (not published in the *Gazette*).

Rules of the Local Court: *Gazette* 8th July, 1909, p. 42.

Architects Act, 1939.

Commencement: 1st March, 1940; *Gazette* 15th February, 1940, p. 369.

Administration: Committed to the Chief Secretary: *Gazette* 22nd February, 1940, p. 409.

By-laws: *Gazette* 2nd May, 1940, p. 953.

Art Gallery Act, 1939.

Commencement: 1st February, 1940: *Gazette* 18th January, 1940, p. 69.

Regulations: *Gazette* 29th August, 1940, p. 451.

Associations Incorporation Act, 1929-1935.

Commencement: 16th December, 1929; *Gazette* 12th December, 1929, p. 1267.

Regulations: *Gazette* 12th December, 1929, p. 1268; 9th July, 1931, p. 34.

Auctioneers Act, 1934.

Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.

Audit Act, 1921-1936.

Commencement: 29th March, 1923; *Gazette* 29th March, 1923, p. 690.

Regulations: *Gazette* 31st October, 1940, p. 921.

Bills of Sale Act, 1886-1940.

Regulations appointing fees payable to the Registrar-General: *Gazette* 9th January, 1941, p. 31.

Births and Deaths Registration Act, 1936-1940.

Commencement: 1st May, 1937; *Gazette* 28th January, 1937, p. 188.
Administration: Committed to the Chief Secretary; *Gazette* 18th February, 1937, p. 334.

Botanic Garden Act, 1935-1940.

By-laws: *Gazette* 24th November, 1921, p. 1249; 26th November, 1925, p. 1408; 13th June, 1929, p. 1401.

Brands Act, 1933-1936.

Administration: Committed to the Minister of Agriculture *Gazette* 3rd January, 1935, p. 1
s. 22 (4) Proclamation: *Gazette* 24th December, 1936, p. 1322.
s. 53. Notice: *Gazette* 21st June, 1934, p. 1471.

Bread Act, 1936.

Commencement: 1st April, 1937; *Gazette* 11th February, 1937, p. 286.
s. 11. Proclamation: *Gazette* 1st July, 1937, p. 1.

Building Act, 1923-1940.

Administration: Committed to the Minister of Local Government *Gazette* 7th February, 1924, p. 324.
s. 3 (1) (*b*). For proclamations made under the Building Act, 1881, or the District Councils Act, 1914, see the footnote in Volume 1, p. 425, of the South Australian Statutes, 1837-1936.
s. 3 (1) (*c*). Proclamations:
(i.) Municipalities: *Gazette* 6th March, 1924, p. 595; 17th April, 1924, p. 925; 30th June, 1927, p. 1406; 18th March, 1926, p. 793; 21st May, 1925, p. 945; 16th December, 1937, p. 1710; 17th March, 1938, p. 607; 27th October, 1938, p. 1100; 23rd January, 1941, p. 71.
(ii.) District Council Districts: *Gazette* 29th May, 1924, p. 1207; 4th September, 1924, p. 1451; 24th July, 1924, p. 162; 16th October, 1924, p. 1018; 12th March, 1925, p. 433; 31st March, 1927, p. 741; 8th October, 1925, p. 846; 26th June, 1930, p. 1192; 22nd September, 1927, p. 712; 22nd March, 1928, p. 605; 17th May, 1928, p. 1033; 18th July, 1929, p. 113; 31st October, 1929, p. 1008; 14th November, 1929, p. 1085; 24th March, 1932, p. 547; 3rd November, 1932, p. 886; 30th August, 1934, p. 427; 13th August, 1936, p. 249; 8th March, 1934, p. 462; 5th December, 1935, p. 1333; 17th September, 1925, p. 680; 4th June, 1936, p. 1133; 14th January, 1926, p. 46; 29th April, 1937, p. 945; 16th September, 1937, p. 698; 10th February, 1938, p. 295; 8th December, 1938, p. 1451; 15th December, 1938, p. 1498; 9th March, 1939, p. 570; 15th June, 1939, p. 1418; 16th May, 1940, p. 1058; 11th July, 1940, p. 33; 24th October, 1940, p. 842; 6th March, 1941, p. 335.
(For details of proclamations made prior to 28th April, 1937, see the footnote in Volume 1, pp. 425-426 of the South Australian Statutes, 1837-1936.)
Regulations in substitution for the second, third, fourth, sixth and seventh schedules: *Gazette*, 12th December, 1940, p. 1441. (These regulations are reprinted in this volume, pp. 416-526).
Regulations prescribing forms: *Gazette* 26th June, 1924, p. 1411; 27th February, 1930, p. 443.

Building Societies Act, 1881-1938.

Commencement: 16th December, 1881; *Gazette* 15th December, 1881, p. 1747.
Regulations as to fees: *Gazette* 30th March, 1882, p. 1034.
Regulations as to qualifications of auditors: *Gazette* 29th March, 1934, p. 932.
General regulations: *Gazette* 20th July, 1939, p. 199

Bush Fires Act, 1933-1939.

Administration: Committed to the Minister of Agriculture *Gazette* 24th December, 1936 p. 1321.
s. 23. Proclamation: *Gazette* 27th February, 1936, p. 486.
Regulations: *Gazette* 11th July, 1940, p. 73.

Business Agents Act, 1938.

Commencement: 1st April, 1939; *Gazette* 19th January, 1939, p. 122.
Regulations: *Gazette* 9th March, 1939, p. 600; 24th August, 1939, p. 551; 30th May, 1940, p. 1164.

Cattle Compensation Act, 1939.

Commencement: 1st March, 1940; *Gazette* 15th February, 1940, p. 369.
Administration: Committed to the Minister of Agriculture *Gazette* 15th February, 1940, p. 369.
Regulations: *Gazette* 15th January, 1940, p. 403.

Chaff and Hay Act, 1922-1938.

Regulations: *Gazette* 17th November, 1938, p. 1269.

Children's Protection Act, 1936.

Commencement: 1st April, 1937; *Gazette* 11th February, 1937, p. 286.

Citrus Marketing Act, 1931.

Commencement: At 24th March, 1941, this Act had not been brought into operation.
Administration: Committed to the Minister of Agriculture *Gazette* 5th December, 1931, p. 1065.
Regulations for holding poll under section 39: *Gazette* 5th December, 1931, p. 1065.

Collections for Charitable Purposes Act, 1939.

Commencement: 1st February, 1940; *Gazette* 23rd November, 1939, p. 1379.
Administration: Committed to the Chief Secretary, *Gazette* 23rd November, 1939, p. 1379, s. 5. Proclamation: *Gazette* 23rd November, 1939, p. 1379.

Companies Act, 1934-1939.

Commencement: 1st March, 1935; *Gazette* 13th December, 1934, p. 1185.
Regulations: *Gazette* 11th May, 1939, p. 1138.
Rules of Court: *Gazette* 8th February, 1940, p. 233 (Rule 147 and the fourth schedule disallowed, *Gazette* 19th September, 1940, p. 570).

Compulsory Acquisition of Land Act, 1925.

Commencement: 27th February, 1928; *Gazette* 23rd February, 1928, p. 397.
Rules of Court: *Gazette* 10th May, 1928, p. 968.

Constitution Act, 1934-1940.

Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.

Control of Advertisements Act, 1916-1935.

Administration: Committed to the Minister of Immigration *Gazette* 3rd July, 1924, p. 1.
Regulations: *Gazette* 5th April, 1928, p. 726; 20th February, 1936, p. 458.

Control of Waters Act, 1919-1925.

Regulations: *Gazette* 25th October, 1934, p. 847.

Convicted Inebriates Act, 1913-1934.

Administration: Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.
s. 3. Proclamation: *Gazette* 26th February, 1914, p. 515.
Regulations: *Gazette* 16th July, 1914, p. 117; 2nd March, 1916, p. 413; 16th June, 1921, p. 1270; 17th July, 1924, p. 112; 3rd September, 1925, p. 572; 11th August, 1927, p. 348; 17th October, 1929, p. 891; 31st October, 1929, p. 1010.

Coroners Act, 1935.

Regulations: *Gazette* 17th June, 1937, p. 1308.

Cremation Act, 1891-1936.

Regulations: *Gazette* 27th June, 1901, p. 1324; 3rd March, 1904, p. 462; 19th April, 1923, p. 866; 2nd October, 1930, p. 665.
Regulation under the Fees Regulation Act, 1927, relating to fees for cremation: *Gazette* 24th November, 1927, p. 1229.

Criminal Law Consolidation Act, 1935-1940.

Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.
s. 321. Proclamations : *Gazette* 6th April, 1911, p. 603 ; 26th August, 1937, p. 497.
Rules of Court as to criminal appeals were made 1st September, 1925, but have not been published in the *Gazette*.
Rules of Court as to costs and treatment of appellant : *Gazette* 5th November, 1925, p. 1231.
Rules of Court as to payment for transcripts and documents : *Gazette* 19th November, 1925, p. 1358.
Regulations as to habitual criminals : *Gazette* 6th April, 1911, p. 606 ; 23rd November, 1916, p. 997.
Regulations as to payments to witnesses and others at criminal prosecutions : *Gazette* 27th October, 1938, p. 1102 ; 6th April, 1939, p. 837.
Regulation as to places of confinement under section 77 (2) : *Gazette* 6th March 1924, p. 596.

Crown Lands Act, 1929-1940.

Regulations : *Gazette* 26th February, 1891, p. 613 ; 22nd December, 1898, p. 1375 ; 13th February, 1902, p. 469 ; 3rd April, 1919, p. 644 ; 30th March, 1922, p. 944 ; 18th March, 1923, p. 486 ; 25th November, 1926, p. 1339 ; 9th June, 1927, p. 1266 ; 16th February, 1928, p. 330 ; 3rd May, 1934, p. 1176 ; 29th October, 1936, p. 997.
Regulations under the Crown Lands Act, 1929-1939, and the Fees Regulation Act, 1927, relating to the fee payable on noting instrument on Crown lease, etc ; *Gazette* 18th July, 1940, p. 86.

Dairy Cattle Improvement Act, 1921-1940.

Administration : Committed to the Minister of Agriculture *Gazette* 2nd February, 1922, p. 471.
s. 7a. Notice : *Gazette* 30th January, 1941, p. 97.
Regulations : *Gazette* 8th July, 1937, p. 30 ; 9th September, 1937, p. 661 ; 28th September, 1939, p. 904.

Dairy Industry Act, 1928-1937.

Commencement : 8th August, 1929 ; *Gazette* 8th August, 1929, p. 329.
s. 2. Proclamations : *Gazette* 8th August, 1929, p. 329 ; 19th July, 1934, p. 74 ; 21st January, 1937, p. 85 ; 11th November, 1937, p. 1297.
(For details of proclamations made prior to 10th November, 1937, see the footnote in Volume 2, pp. 349-350 of the South Australian Statutes, 1837-1936.)
General regulations : *Gazette* 21st August, 1930, p. 365 (regulations 42-58 of these regulations were disallowed by resolution of the Legislative Council *Gazette* 6th November, 1930, p. 946) ; 17th December, 1931, p. 1116 ; 5th May, 1932, p. 772 ; 27th April, 1933, p. 661 ; 2nd November, 1933, p. 934 ; 12th January, 1939, p. 116.
Regulations as to payment for milk and cream : *Gazette* 2nd November, 1933, p. 934.

Dairy Produce Act, 1934-1940.

Commencement : 13th December, 1934 ; *Gazette* 13th December, 1934, p. 1185.
Administration : Committed to the Minister of Agriculture *Gazette* 27th May, 1937, p. 1205.
Regulations : *Gazette* 11th April, 1935, p. 1119 ; 9th January, 1936, p. 26 ; 18th November, 1937, p. 1348.

Dangerous Drugs Act, 1934.

Commencement : 1st October, 1937 ; *Gazette* 15th April, 1937, p. 789.
Administration : Committed to the Chief Secretary *Gazette* 15th April, 1937, p. 789.
s. 4. Proclamations : *Gazette* 15th April, 1937, p. 790 ; 23rd September, 1937, p. 749 ; 23rd September, 1937, p. 750 ; 20th February, 1941, p. 225.
Regulations : *Gazette* 23rd September, 1937, p. 797 ; 9th December, 1937, p. 1588.

Debt Adjustment Act, 1929-1932.

Regulations : *Gazette* 16th January, 1930, p. 83.

Dentists Act, 1931-1936.

Rules of Court : *Gazette* 4th August, 1932, p. 183.
Regulations : *Gazette* 8th December, 1904, p. 1047 ; 26th October, 1905, p. 886 ; 26th March, 1908, p. 564 ; 30th April, 1914, p. 1005 ; 31st January, 1918, p. 181 ; 24th May, 1934, p. 1315 ; 28th June, 1934, p. 1520 ; 5th July, 1934, p. 2 ; 20th June, 1940, p. 1399; 5th September, 1940, p. 513.
Regulation under the Fees Regulation Act, 1927, relating to the fee payable on publication of the register of dentists : *Gazette* 11th November, 1937, p. 1307.

Discharged Soldiers Settlement Act, 1934-1940.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 644.

Regulations : *Gazette* 2nd December, 1920, p. 1429 ; 11th August, 1921, p. 270 ; 19th January, 1922, p. 100 ; 2nd March, 1922, p. 729 ; 6th April, 1922, p. 988 ; 30th August, 1923, p. 493 ; 31st January, 1924, p. 211 ; 7th August, 1924, p. 283 ; 18th February, 1926, p. 326 ; 17th February, 1927, p. 339 ; 28th April, 1927, p. 935 ; 12th May, 1927, p. 1044 ; 21st January, 1932, p. 69 ; 7th June, 1934, p. 1395 ; 18th April, 1935, p. 1136 ; 24th December, 1936, p. 1337 ; 30th January, 1941, p. 98.

Draught Stallions Act, 1932-1934.

Commencement : 1st July, 1933 ; *Gazette* 8th June, 1933, p. 973.

Administration : Committed to the Minister of Agriculture *Gazette* 8th June, 1933, p. 973.

s. 3 (3). Proclamations : *Gazette* 8th June, 1933, p. 973 ; 22nd December, 1938, p. 1542.

Regulations : *Gazette* 22nd June, 1933, p. 1054 ; 18th June, 1936, p. 1210.

Dried Fruits Act, 1934-1938.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934 p. 1218.

Regulations : *Gazette* 14th February, 1935, p. 495 ; 30th January, 1936, p. 272 ; 15th December, 1938, p. 1501.

Early Closing Act, 1926-1940.

Administration : Committed to the Minister of Industry *Gazette* 8th February, 1912, p. 225.

s. 14. Proclamations : *Gazette* 15th August, 1912, p. 376 ; 15th January, 1914, p. 127 ; 19th February, 1914, p. 449 ; 9th April, 1914, p. 858 ; 30th July, 1914, p. 262 ; 20th August, 1914, p. 488 ; 27th August, 1914, p. 533 ; 27th August, 1914, p. 534 ; 10th September, 1914, p. 624 ; 3rd December, 1914, p. 1187 ; 17th December, 1914, 1267 ; 21st January, 1915, p. 127 ; 6th May, 1915, p. 1089 ; 10th June, 1915, p. 1333 ; 19th August, 1915, p. 691 ; 20th January, 1916, p. 93 ; 27th July, 1916, p. 125 ; 1st May, 1919, p. 798 ; 11th December, 1919, p. 1461 ; 15th April, 1920, p. 1061 ; 10th June, 1920, p. 1399 ; 4th November, 1920, p. 1168 ; 11th November, 1920, p. 1199 ; 25th August, 1921, p. 382 ; 1st September, 1921, p. 442 ; 22nd September, 1921, p. 633 ; 10th November, 1921, p. 1105 ; 15th December, 1921, p. 1388 ; 22nd December, 1921, p. 1458 ; 2nd February, 1922, p. 472 ; 16th February, 1922, p. 568 ; 23rd February, 1922, p. 640 ; 9th March, 1922, p. 787 ; 15th June, 1922, p. 1487 ; 6th July, 1922, p. 1 ; 27th July, 1922, p. 165 ; 28th June, 1923, p. 1375 ; 19th July, 1923, p. 107 ; 23rd August, 1923, p. 414 ; 11th October, 1923, p. 834 ; 21st February, 1924, p. 457 ; 11th September, 1924, p. 654 ; 8th January, 1925, p. 26 ; 5th February, 1925, p. 195 ; 29th October, 1925, p. 1161 ; 12th August, 1926, p. 372 ; 2nd December, 1926, p. 1401 ; 2nd December, 1926, p. 1402 ; 20th January, 1927, p. 121 ; 27th October, 1927, p. 1007 ; 12th April, 1928, p. 773 ; 3rd December, 1938, p. 1171 ; 6th July, 1939, p. 1 ; 30th January, 1941, p. 95.

s. 15. Proclamation : *Gazette* 13th August, 1914, p. 425.

s. 23. Notices : *Gazette* 17th June, 1926, p. 1514 ; 24th December, 1925, p. 1665 ; 18th October, 1928, p. 903 ; 21st May, 1936, p. 1054 ; 15th September, 1938, p. 698.

s. 25*e*. Notice : *Gazette* 10th August, 1935, p. 242.

s. 59. Notices : *Gazette* 1st October, 1914, p. 769 ; 2nd January, 1936, p. 3 ; 6th October, 1927, p. 855 ; 29th May, 1913, p. 1148 ; 14th August, 1913, p. 428 ; 20th March, 1924, p. 715 ; 3rd August, 1939, p. 299 ; 6th June, 1940, p. 1258.

s. 69. Notice : *Gazette* 1st October, 1914, p. 769 ; 17th February, 1938, p. 368 ; 11th May, 1939, p. 1084.

(For details of proclamations and notices made prior to 16th February, 1938, under sections 14, 15, 23, 25*e*, 59, and 69, see the tables in Volume 2, pp. 521-523 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 2nd June, 1927, p. 1217 ; 1st December, 1932, p. 1038 ; 23rd December, 1937, p. 1810.

Easter Act, 1929.

Commencement : At 24th March, 1941, this Act had not been brought into operation.

Education Act, 1915-1940.

Commencement : 13th January, 1916 ; *Gazette* 13th January, 1916, p. 43.

Regulations as to religious instruction in public schools ; *Gazette* 16th January, 1941, p. 38 ; 20th February, 1941, p. 234.

General regulations : *Gazette* 31st August, 1939, p. 616 ; 2nd November, 1939, p. 1256 ; 16th November, 1939, p. 1376 ; 21st March, 1940, p. 597 ; 30th May, 1940, p. 1164 ; 12th December, 1940, p. 1438 ; 9th January, 1941, p. 30 ; 27th February, 1941, p. 279.

Electoral Act, 1929-1937.

Commencement: 19th December, 1929; *Gazette* 19th December, 1929, p. 1305.
Administration: Committed to the Attorney-General *Gazette* 20th May, 1937, p. 1150.
s. 13. Proclamation: *Gazette* 12th August, 1937, p. 373.
s. 14. Notices: *Gazette* 13th February, 1930, p. 323; 20th February, 1930, p. 374; 13th March, 1930, p. 531; 17th November, 1932, p. 959; 1st December, 1932, p. 1040; 23rd February, 1933, p. 285; 9th March, 1933, p. 373; 30th March, 1933, p. 522; 1st February, 1934, p. 196; 2nd August, 1934, p. 186; 16th August, 1934, p. 312; 23rd August, 1934, p. 375; 30th May, 1935, p. 1464; 6th June, 1935, p. 1502; 16th January, 1941, p. 40; 20th February, 1941, p. 234; 20th March, 1941, p. 422.
General regulations: *Gazette* 28th November, 1940, p. 1223.
Regulations as to joint Commonwealth and State electoral rolls: *Gazette* 10th February, 1921, p. 279; 16th May, 1929, p. 1003.

Electrical Articles and Materials Act, 1940.

Administration: Committed to the Minister of Industry and Employment: *Gazette* 30th January, 1941, p. 95.

Employees Registry Offices Act, 1915-1939.

Administration: Committed to the Minister of Industry and Employment *Gazette* 24th June, 1937, p. 1361.

Explosives Act, 1936.

Commencement: 1st July, 1937; *Gazette* 25th March, 1937, p. 644.
Administration: Commited to the Minister of Agriculture *Gazette* 25th March, 1937, p. 644.
s. 6. Definitions of explosives: *Gazette* 28th September, 1899, p. 793; 24th December, 1903, p. 1242; 13th December, 1906, p. 1141; 20th January, 1910, p. 68; 13th March, 1913, p. 493; 26th February, 1914, p. 518; 9th July, 1914, p. 67; 30th November, 1916, p. 1045; 1st March, 1917, p. 370; 10th July, 1919, p. 40; 29th July, 1920, p. 168; 8th December, 1921, p. 1317; 21st July, 1921, p. 98; 22nd July, 1926, p. 147; 7th June, 1928, p. 1211; 7th February, 1929, p. 260; 23rd April, 1931, p. 683; 11th August, 1932, p. 246; 25th March, 1937, p. 649-650; 2nd December, 1937, p. 1565; 3rd February, 1938, p. 235.
(For details of definitions made prior to 1st December, 1937, see the footnote in Volume 2, p. 679 of the South Australian Statutes, 1837-1936.)
s. 20. Proclamation: *Gazette* 17th December, 1903, p. 1182.
s. 24. Notice: *Gazette* 1st September, 1938, p. 589.
s. 30. Notices: *Gazette* 1st September, 1938, p. 474; 11th May, 1939, p. 1086.
s. 48. Proclamation: *Gazette* 8th December, 1938, p. 1452.
Regulations: *Gazette* 1st September, 1938, p. 556.

Fair Prices Act, 1924-1935.

Administration: Committed to the Minister of Industry *Gazette* 29th January, 1925, p. 149.

Farmers Assistance Act, 1933-1939.

Commencement: 1st January, 1934; *Gazette* 21st December, 1933, p. 1239.
Regulations: *Gazette* 27th September, 1934, p. 646; 4th October, 1934, p. 682.

Fauna and Flora Reserve Act, 1919-1940.

Administration: Committed to Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.
s. 17. Proclamations: *Gazette* 20th September, 1923, p. 678; 24th February, 1927, p. 397.
s. 18. Proclamation: *Gazette* 5th July, 1923, p. 2.
By-laws: *Gazette* 11th January, 1923, p. 39.

Fees Regulation Act, 1927.

Regulations: *Gazette* 24th November, 1927, p. 1225; 24th November, 1927, p. 1226; 24th November, 1927, p. 1227; 24th November, 1927, p. 1228; 24th November, 1927, p. 1229; 17th May, 1928, p. 1036; 31st May, 1928, p. 1147; 12th July, 1928, p. 46; 19th December, 1929, p. 1311; 11th September, 1930, p. 531; 4th December, 1930, p. 1131; 22nd October, 1931, p. 776; 3rd December, 1931, p. 1033; 8th June, 1933, p. 974; 30th August, 1934, p. 428; 20th September, 1934, p. 596; 22nd August, 1935, p. 374; 11th November, 1937, p. 1307; 18th January, 1940, p. 73; 18th July, 1940, p. 86.
(For details of regulations made prior to 10th November, 1937, see the table of regulations in Volume 2, p. 770 of the South Australian Statutes, 1837-1936.)

Fertilisers Act, 1918.

Administration: Committed to the Minister of Agriculture *Gazette* 21st January, 1937, p. 85.
Regulations: *Gazette* 27th February, 1919, p. 436; 25th September, 1919, p. 724.

Fibre and Sponges Act, 1909-1937.

Regulations : *Gazette* 29th August, 1918, p. 501.

Financial Emergency Act, 1931-1939.

Commencement : 23rd July, 1931 ; *Gazette* 23rd July, 1931, p. 93.
Rules of Court : *Gazette* 17th September, 1931, p. 492.

Financial Emergency Act Extension Act, 1934.

s. 4. Notice ; *Gazette* 29th November, 1934, p. 1113.

Firearms Registration Act, 1919-1934.

Commencement : 14th July, 1921 ; *Gazette* 14th July, 1921, p. 37.
s. 3. Proclamation : *Gazette* 29th September, 1928, p. 755.
Regulations : *Gazette* 24th February, 1921, p. 390.

Firearms Restriction (River Murray) Act, 1929.

Administration : Committed to the Minister of Agriculture *Gazette* 26th December, 1929, p. 1357.
s. 3. Proclamation : *Gazette* 26th December, 1929, p. 1357.
(For details of this proclamation, see the footnote in Volume 3, p. 75 of the South Australian Statutes, 1837-1936.)

Fire Brigades Act, 1936-1938.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 642.
Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.
s. 6. Proclamations : *Gazette* 24th June, 1937, p. 1361 ; 13th January, 1938, p. 53 ; 7th July, 1938, p. 1 ; 26th January, 1939, p. 245 ; 4th May, 1939, p. 1028 ; 8th June, 1939, p. 1382 ; 6th February, 1941, p. 147.
s. 7. Notices : *Gazette* 20th April, 1916, p. 823 ; 6th July, 1916, p. 34 ; 14th February, 1918, p. 323 ; 3rd July, 1919, p. 1 ; 2nd September, 1920, p. 525 ; 1st December, 1927, p. 1458 ; 8th December, 1927, p. 1546 ; 17th January, 1918, p. 89 ; 13th June, 1929, p. 1400 ; 20th June, 1929, p. 1487.
s. 31 (1) x. Proclamation : *Gazette* 10th December, 1925, p. 1528.
(For details of notices and proclamation under sections 7 and 31 (1) x., see the footnotes in Volume 3, pp. 80 and 89, of the South Australian Statutes, 1837-1936.)
By-laws relating to conditions of service for firemen : *Gazette* 19th July, 1900, p. 121.
By-laws relating to allowances and pensions : *Gazette* 11th February, 1926, p. 297 ; 3rd June, 1926, p. 1445 ; 15th July, 1926, p. 87 ; 19th August, 1926, p. 474.
Regulations : *Gazette* 29th July, 1937, p. 258 (nomination of members of the board) ; 31st May, 1906, p. 949 (volunteer fire brigades) ; 26th March, 1914, p. 748 (functions, duties, and powers of the chairman).

Fisheries Act, 1917-1938.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.
s. 6. Proclamations : *Gazette* 11th March, 1937, p. 529 ; 17th June, 1937, p. 1305 ; 30th September, 1937, p. 850 ; 4th November, 1937, p. 1189 ; 2nd December, 1937, p. 1513 ; 16th December, 1937, p. 1709 ; 17th February, 1938, p. 357 ; 28th April, 1938, p. 898 ; 8th September, 1938, p. 624 ; 13th October, 1938, p. 976 ; 23rd February, 1939, p. 465 ; 20th April, 1939, p. 915 ; 27th April, 1939, p. 980 ; 24th August, 1939, p. 494 ; 2nd November, 1939, p. 1212 ; 11th January, 1940, p. 34 ; 18th January, 1940, p. 71 ; 1st February, 1940, p. 169 ; 6th June, 1940, p. 1211 ; 26th September, 1940, p. 619 ; 19th December, 1940, p. 1553.
Regulations : *Gazette* 11th March, 1937, p. 533 ; 5th January, 1939, p. 68 ; 21st December, 1939, p. 1706.

Food and Drugs Act, 1908-1939.

s. 5. Proclamation defining " metropolitan area " ; *Gazette* 17th February, 1916, p. 299.
s. 5. Proclamations declaring poison schedule : *Gazette* 12th May, 1938, p. 975 ; 14th July, 1938, p. 49 ; 5th January, 1939, p. 1 ; 25th January, 1940, p. 117
s. 30*a*. Proclamation : *Gazette* 25th July, 1935, p. 138.
s. 39. Proclamation : *Gazette* 29th July, 1909, p. 190.
General regulations : *Gazette* 19th May, 1910, p. 916 (paragraph (1) (*g*) of regulation 11 disallowed 31st August, 1910) ; 25th February, 1915, p. 550 ; 5th May, 1932, p. 787 (partly disallowed *Gazette* 29th September, 1932, p. 646) ; 3rd November, 1932, p. 886 ; 2nd February, 1933, p. 170 ; 21st September, 1933, p. 626 ; 12th September, 1935, p. 626 ; 26th May, 1938, p. 1143 (partly disallowed *Gazette* 8th September, 1938, p. 624) ; 14th July, 1938, p. 54 ; 12th January, 1939, p. 115.

Food and Drugs Act, 1908-1939—*continued.*

Regulations relating to the sale of poisons : *Gazette* 19th May, 1938, p. 1041 (regulations 4 and 35 partly disallowed : *Gazette* 29th September, 1938, p. 873) ; 14th July, 1938, p. 56 ; 4th August, 1938, p. 227 ; 5th January, 1939, p. 69 ; 25th January, 1940, p. 121.

Regulations relating to county board elections and attendance fees of the Advisory Committee : *Gazette* 12th August, 1909, p. 318.

Regulations relating to certain " Suppository " drugs : *Gazette* 23rd September, 1915, p. 925 ; 10th February, 1916, p. 268.

Regulation under the Fees Regulation Act, 1927, relating to the fee for a licence as a dealer in poisons : *Gazette* 24th November, 1927, p. 1226.

Footwear Regulation Act, 1920.

Regulations : *Gazette* 12th May, 1921, p. 1020.

Friendly Societies Act, 1919-1940.

s. 5. Proclamations : *Gazette* 5th May, 1921, p. 981 ; 7th June, 1928, p. 1209 ; 15th January, 1931, p. 65 ; 14th May, 1936, p. 1002.

(For details of these proclamations, see the footnote in Volume 3, p. 212 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 2nd August, 1894, p. 243 ; 25th May, 1933, p. 882.

Regulation under the Fees Regulation Act, 1927, relating to the fee payable to the Crown Solicitor for perusing and settling rules : *Gazette* 19th December, 1929, p. 1311.

Fruit and Vegetables (Grading) Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 28th January, 1937, p. 187

s. 4. Proclamation : *Gazette* 14th February, 1935, p. 463.

(For details of this proclamation see the footnote in Volume 3, p. 216 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 22nd July, 1937, p. 182 ; 14th July, 1938, p. 53 ; 15th September, 1938, p. 699.

Fruit and Vegetables (Prevention of Injury) Act, 1927.

Administration : Committed to the Minister of Agriculture *Gazette* 26th January, 1928, p. 149

Regulations : *Gazette* 19th April, 1928, p. 821 ; 25th July, 1940, p. 181.

Garden Suburb Act, 1919-1936.

Commencement : 19th February, 1920 ; *Gazette* 19th February, 1920, p. 493.

Administration : Committed to the Minister of Housing *Gazette* 29th May, 1924, p. 1208.

Gas Act, 1924.

Administration : Committed to the Attorney-General *Gazette* 15th January, 1925, p. 59.

s. 32. Proclamations : *Gazette* 3rd September, 1925, p. 571 ; 2nd February, 1928, p. 205 ; 8th August, 1929, p. 329.

Regulations : *Gazette* 19th November, 1925, p. 1346.

Gold Buyers Act, 1916-1935.

Commencement : 1st August, 1935 ; *Gazette* 11th July, 1935, p. 38.

Regulations : *Gazette* 19th December, 1935, p. 1477 ; 5th March, 1936, p. 537 ; 23rd December, 1937, p. 1809 ; 29th June, 1939, p. 1541 ; 21st September, 1939, p. 855.

Goods (Trade Descriptions) Act, 1935.

Commencement : 1st March, 1937 ; *Gazette* 28th January, 1937, p. 187.

Administration : Committed to Minister of Industry and Employment *Gazette* 28th January, 1937, p. 187.

Guardianship of Infants Act, 1940.

Rules of Court : *Gazette* 1st May, 1890, p. 1215.

Hairdressers Registration Act, 1939.

Commencement : 1st March, 1940 ; *Gazette* 11th January, 1940, p. 33.

Administration : Committed to the Minister of Industry and Employment *Gazette* 11th January, 1940, p. 33.

Regulations : *Gazette* 21st March, 1940, p. 605 ; 28th November, 1940, p. 1215.

Harbors Act, 1936.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 641.

Administration of Parts II. and III. : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 642.

s. 87. Proclamations (made under the Marine Board and Navigation Act, 1881) : *Gazette* 15th June, 1899, p. 1280 ; 8th September, 1904, p. 449 ; 22nd April, 1915, p. 1001 ; 10th June, 1926, p. 1462 ; 13th June, 1929, p. 1399.

s. 121. Proclamation (made under the Marine Board and Navigation Act, 1881) : *Gazette* 10th June, 1926, p. 1462.

s. 153. Proclamation : *Gazette* 13th February, 1936, p. 397.

s. 191. Proclamations : *Gazette* 10th September, 1914, p. 623 ; 24th September, 1914, p. 707 ; 26th November, 1914, p. 1145 ; 17th December, 1914, p. 1266 ; 25th March, 1915 ; p. 775 ; 3rd June, 1915, p. 1284 ; 15th July, 1915, p. 331 ; 16th June, 1921, p. 1267 ; 18th March, 1926, p. 793 ; 3rd June, 1926, p. 1421 ; 16th December, 1926, p. 1512 ; 14th April, 1927, p. 842 ; 28th April, 1927, p. 934 ; 3rd April, 1930, p. 649 ; 13th November, 1930, p. 985 ; 12th February, 1931, p. 262 ; 25th August, 1932, p. 342 ; 19th January, 1933, p. 70 ; 26th January, 1933, p. 109 ; 26th October, 1933, p. 899 ; 25th January, 1934, p. 130 ; 26th April, 1934, p. 1095 ; 12th July, 1934, p. 39 ; 25th October, 1934, p. 846 ; 14th March, 1935, p. 777 ; 30th January, 1936, p. 270 ; 10th September, 1936, p. 490 ; 21st October, 1937, p. 1053 ; 29th September, 1938, p. 871.

(For details of the above proclamations made prior to 20th October, 1937, under sections 87, 121, 153, and 191, see the footnotes in Volume 3, pp. 369, 379, 395, 405, and 406, of the South Australian Statutes, 1837-1936.)

Regulations made under the Marine Board and Navigation Acts, 1881-1933, relating to matters provided for in the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 10th November, 1887, p. 928 ; 12th March, 1891, p. 768 ; 24th March, 1892, p. 724 ; 30th November, 1893, p. 1326 ; 4th November, 1897, p. 1384 ; 26th June, 1902, p. 1283 ; 3rd July, 1902, p. 2 ; 2nd April, 1903, p. 618 ; 2nd August, 1906, p. 212 ; 18th October, 1906, p. 817 ; 18th July, 1907, p. 115 ; 3rd October, 1907, p. 813 ; 10th October, 1907, p. 854 ; 21st January, 1909, p. 115 ; 28th January, 1909, p. 166 ; 17th June, 1909, p. 1121 ; 8th July, 1909, p. 43 ; 25th August, 1910, p. 393 ; 22nd September, 1910, p. 617 ; 30th March, 1911, p. 561 ; 15th June, 1911, p. 1177 ; 27th July, 1911, p. 159 ; 3rd August, 1911, p. 211 ; 2nd November, 1911, p. 911 ; 10th April, 1913, p. 680 ; 30th October, 1913, p. 1140 ; 4th December, 1913, p. 1619.

Moorings regulations : *Gazette* 26th April, 1883, p. 1429 ; 9th October, 1890, p. 894 ; 4th June, 1891, p. 1462 ; 5th May, 1892, p. 986 ; 30th November, 1893, p. 1326 ; 18th June, 1896, p. 1253.

River Murray navigation regulations : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714 .

Pilotage regulations : *Gazette* 26th September, 1889, p. 1354 ; 4th June, 1891, p. 1462 ; 16th February, 1899, p. 301 ; 15th June, 1899, p. 1280 ; 8th October, 1903, p. 737 ; 8th September, 1904, p. 449 ; 27th October, 1904, p. 771 ; 31st October, 1907, p. 975 ; 3rd June, 1909, p. 1042 ; 19th October, 1911, p. 813 ; 3rd April, 1913, p. 633 ; 8th May, 1913, p. 1002 ; 5th June, 1913, p. 1221 ; 15th January, 1914, p. 132 ; 2nd October, 1924, p. 825.

Regulations to leasing lands and construction of jetties and slips : *Gazette* 26th April, 1883, p. 1429 ; 2nd April, 1903, p. 618.;

Lifesaving regulations : *Gazette* 26th April, 1883, p. 1429 ; 10th November, 1892, p. 1269.

Miscellaneous regulations : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 2nd November, 1911, p. 911 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680 ; 8th May, 1913, p. 1002.

Regulations made under the Harbors Acts, 1913-1933, and the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th August, 1915, p. 745 ; 23rd September, 1915, p. 925 ; 6th July, 1916, p. 2 ; 4th January, 1917, p. 8 ; 21st August 1919, p. 383 ; 21st April, 1921, p. 759 ; 23rd February, 1922, p. 641 ; 12th October, 1922, p. 834 ; 22nd March, 1923, p. 641 ; 25th October, 1923, p. 954 ; 11th June, 1925, p. 1136 ; 25th June, 1925, p. 1213 ; 28th January, 1926, p. 154 ; 14th October, 1926, p. 923 ; 21st March, 1935, p. 877 ; 25th June, 1936, p. 1257 ; 13th August, 1936, p. 250 ; 15th July, 1937, p. 115.

Moorings regulations : *Gazette* 28th May, 1914, p. 1167 ; 24th December, 1914, p. 1314 ; 15th June, 1916, p. 1250 ; 12th December, 1918, p. 1309 ; 23rd December, 1920, p. 1593 ; 13th May, 1926, p. 1234 ; 21st January, 1932, p. 68.

River Murray navigation regulations : *Gazette* 20th January, 1916, p. 94 ; 11th June, 1925, p. 1135.

Pilotage regulations : *Gazette* 22nd April, 1915, p. 1001 ; 14th September, 1916, p. 500 ; 14th December, 1916, p. 1155 ; 19th April, 1917, p. 635 ; 12th May, 1921, p. 1019 ; 2nd October, 1924, p. 825 ; 10th June, 1926, p. 1462 ; 5th May, 1927, p. 995 ; 13th June, 1929, p. 1399 ; 4th July, 1929, p. 3 ; 25th August, 1932, p. 343 ; 28th June, 1934, p. 1520 ; 20th May, 1937, p. 1150.

Harbors Act, 1936—*continued.*

Regulations for adjustments of compasses : *Gazette* 30th May, 1935, p. 1433.
Regulations for survey, &c., of vessels : *Gazette* 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 8th August, 1935, p. 237.
Regulations for helm orders : *Gazette* 22nd December, 1932, p. 1188.
Wharfage regulations : *Gazette* 7th October, 1915, p. 1022 ; 16th December, 1915, p. 1602 ; 4th January, 1917, p. 7 ; 27th September, 1917, p. 747 ; 20th December, 1917, p. 1320 ; 24th January, 1918, p. 140 ; 24th January, 1918, p. 141 ; 7th June, 1923, p. 1246 ; 30th October, 1930, p. 893 ; 12th March, 1931, p. 471 ; 1st September, 1938, p. 472.
Storage regulations : *Gazette* 7th March, 1918, p. 442 ; 23rd September, 1915, p. 925 ; 4th April, 1929, p. 751.
Haulage regulations : *Gazette* 6th July, 1916, p. 2 ; 24th July, 1919, p. 126 ; 1st April, 1926, p. 935 ; 14th October, 1926, p. 923 ; 28th July, 1927, p. 216 ; 17th January, 1929, p. 105.
Port dues regulations : *Gazette* 30th October, 1930, p. 891.
Tonnage rates regulations : *Gazette* 30th October, 1930, p. 892 ; 18th December, 1930, p. 1230.
Flag and sound signals at Port Adelaide : *Gazette* 5th December, 1940, p. 1289.
Fishing and other boats at Port Pirie : *Gazette* 12th September, 1940, p. 567.
Miscellaneous regulations : *Gazette* 26th August, 1915, p. 744 ; 23rd September, 1915, p. 925 ; 20th January, 1916, p. 94 ; 23rd March, 1916, p. 570 ; 20th April, 1916, p. 827 ; 12th October, 1916, p. 662 ; 4th January, 1917, p. 7 ; 4th January, 1917, p. 8 ; 25th January, 1917, p. 203 ; 5th September, 1918, p. 565 ; 30th January, 1919, p. 232 ; 8th May, 1919, p. 832 ; 3rd July, 1919, p. 2 ; 26th August, 1920, p. 456 ; 2nd September, 1920, p. 528 ; 23rd June, 1921, p. 1318 ; 9th February, 1922, p. 524 ; 28th June, 1923, p. 1377 ; 27th November, 1924, p. 1405 ; 11th December, 1924, p. 1513 ; 22nd April, 1926, p. 1088 ; 10th February, 1927, p. 298 ; 24th February, 1927, p. 400 ; 2nd June, 1927, p. 1216 ; 27th October, 1927, p. 1008 ; 15th December, 1927, p. 1566 ; 19th July, 1928, p. 90 ; 29th August, 1929, p. 522 ; 5th September, 1929, p. 570 ; 26th September, 1929, p. 756 ; 21st August, 1930, p. 350 ; 30th October, 1930, p. 895 ; 11th August, 1932, p. 235 ; 22nd December, 1932, p. 1188 ; 11th January, 1934, p. 42 ; 30th August, 1934, p. 428 ; 30th May, 1935, p. 1433 ; 3rd November, 1938, p. 1214 ; 3rd October, 1940, p. 744.
Rules of Court : *Gazette* 19th April, 1917, p. 639.

Hawkers Act, 1934.

Regulations : *Gazette* 14th February, 1935, p. 523.

Health Act, 1935-1940.

s. 5 (1). Proclamation : *Gazette* 18th January, 1940, p. 69
s. 5 (2). Proclamations : *Gazette* 25th November, 1937, p. 1434 ; 8th September, 1938, p. 623.
s. 29. Proclamations : *Gazette* 13th July, 1899, p. 57 ; 2nd November, 1899, p. 1039 ; 19th December, 1940, p. 1552.
s. 38. Proclamations : *Gazette* 2nd November, 1899, p. 1039 ; 19th December, 1940, p. 1552.
s. 89. Proclamations : *Gazette* 17th August, 1899, p. 344 ; 24th August, 1899, p. 407 ; 4th July, 1901, p. 1 ; 5th September, 1901, p. 503 ; 21st November, 1901, p. 1009 ; 20th March, 1902, p. 675 ; 9th January, 1908, p. 33 ; 23rd January, 1908, p. 107 ; 27th February, 1908, p. 358 ; 16th September, 1909, p. 561 ; 13th January, 1910, p. 31 ; 1st June, 1916, p. 161 ; 10th August, 1916, p. 237 ; 7th September, 1916, p. 460 ; 7th June, 1917, p. 944 ; 23rd June, 1938, p. 1485.
(For details of proclamations made prior to 22nd June, 1938, under sections 29, 38, and 89, see the footnotes in Volume 3, pp. 439, 440, and 452, of the South Australian Statutes. 1837-1936.)
Model regulations for the guidance of local boards : *Gazette* 29th June, 1899, p. 1442.
General regulations : *Gazette* 21st December, 1899, p. 1378.
Regulations as to the licensing of private hospitals and maternity homes : *Gazette* 20th February, 1941, p. 231.
Regulations relating to cattle and pigs : *Gazette* 11th December, 1902, p. 1142 ; 3rd October, 1907, p. 813.
Regulations relating to cowsheds, dairies, and milk shops : *Gazette* 21st May, 1908, p. 929.
Regulations relating to septic tanks : *Gazette* 24th September, 1908, p. 633 ; 27th October, 1921, p. 1012.
Regulations relating to infectious diseases and tuberculosis : *Gazette* 3rd November, 1938, p. 1215.
Regulations relating to rag dealers and flock makers : *Gazette* 5th September, 1940, p. 511.
Regulation under the Fees Regulation Act, 1927, relating to fees for examination of plans and inspection of bacteriolytic tanks : *Gazette* 24th November, 1927, p. 1226.

Hide, Skin, and Wool Dealers Act, 1915-1935.

Regulations: *Gazette* 26th November, 1936, p. 1150.

Highways Act, 1926-1938.

Commencement: 3rd February, 1927; *Gazette* 3rd February, 1927, p. 258.
Administration: Committed to the Minister of Local Government *Gazette* 10th February, 1927, p. 297.
s. 30. Proclamations: *Gazette* 9th June, 1938, p. 1285; 8th December, 1938, p. 1452; 2nd February, 1939, p. 334; 9th March, 1939, p. 569; 30th March, 1939, p. 739; 14th September, 1939, p. 746; 21st September, 1939, p. 814; 26th October, 1939, p. 1157; 23rd November, 1939, pp. 1379 and 1380; 4th January, 1940, p. 2 (republished 18th January, 1940, p. 70), 15th February, 1940, p. 369; 22nd February, 1940, pp. 409 and 410; 28th March, 1940, pp. 645 and 646; 8th August, 1940, pp. 222 and 223; 29th August, 1940, p. 405; 12th September, 1940, p. 516; 24th October, 1940, p. 841; 20th February, 1941, p. 229; 6th March, 1941, p. 335.
Regulations as to the preservation of trees: *Gazette* 19th September, 1929, p. 701.
Regulations as to the opening of Birkenhead Bridge: *Gazette* 5th December, 1940, p. 1289.

Hire-Purchase Agreements Act, 1931.

Rules of Local Court under section 5: *Gazette* 18th February, 1932, p. 312.

Homestead Act, 1895-1935.

Regulations: *Gazette* 6th February, 1896, p. 289.

Hospitals Act, 1934.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 642.
Administration: Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.
s. 5. Proclamations: *Gazette* 16th January, 1868, p. 51; 23rd March, 1882, p. 960; 12th October, 1905, p. 728; 1st March, 1934, p. 405; 9th August, 1934, p. 251; 24th September, 1936, p. 626; 3rd December, 1936, p. 1195; 1st July, 1937, p. 1; 26th January, 1939, p. 246; 16th March, 1939, p. 616; 17th August, 1939, p. 421.
s. 37. Notices: *Gazette* 25th March, 1920, p. 935; 23rd September, 1920, p. 849; 21st July, 1921, p. 95; 29th September, 1921, p. 714; 18th January, 1923, p. 93; 25th December, 1924, p. 1625; 13th May, 1926, p. 1233; 24th November, 1927, p. 1223; 28th June, 1928, p. 1623; 10th October, 1929, p. 854; 19th December, 1929, p. 1307; 11th September, 1930, p. 583; 6th February, 1936, p. 301; 3rd September, 1936, p. 417; 30th November 1939, p. 1437; 30th November, 1939, p. 1438.
s. 43. Proclamations: *Gazette* 20th January, 1927, p. 122; 27th January, 1927, p. 178; 17th February, 1927, p. 338; 3rd March, 1927, p. 513; 24th March, 1927, p. 674; 19th May, 1927, p. 1099; 14th July, 1927, p. 45; 12th April, 1928, p. 774; 22nd November, 1928, p. 1094; 23rd May, 1929, p. 1051; 23rd May, 1929, p. 1052; 20th February, 1930, p. 371; 15th May, 1930, p. 892; 29th October, 1936, p. 949; 7th March, 1940, p. 494; 1st August, 1940, p. 183; 15th August, 1940, p. 273.
s. 48. Proclamations: *Gazette* 8th January, 1931, p. 26; 30th November, 1939, p. 1436.
(For details of the proclamations and notices made prior to 30th June, 1937, under sections 5, 37, 43, and 48, see the footnotes in Volume 3, pp. 532, 543, 545, 549, and 550, of the South Australian Statutes, 1837-1936.)
Regulations relating to the following hospitals:—
Royal Adelaide Hospital: *Gazette* 23rd February, 1922, p. 641; 7th December, 1922, p. 1460; 28th August, 1924, p. 555; 24th December, 1925, p. 1665; 19th August, 1926, p. 440; 27th January, 1927, p. 179; 19th January, 1933, p. 76; 10th January, 1935, p. 267; 16th July, 1936, p. 67; 15th September, 1938, p. 697; 24th August, 1939, p. 496; 25th January, 1940, p. 167; 9th May, 1940, p. 987.
Bedford Park Sanatorium: *Gazette* 15th March, 1934, p. 788.
Lady Weigall Hospital, Barmera: *Gazette* 8th October, 1936, p. 735.
The Morris Hospital, Northfield: *Gazette* 30th August, 1934, p. 431.
Mount Gambier Hospital: *Gazette* 27th January, 1938, p. 217.
Port Augusta Hospital: *Gazette* 8th September, 1938, p. 662.
Port Lincoln Hospital: *Gazette* 4th November, 1937, p. 1269.
Port Pirie Hospital: *Gazette* 11th October, 1928, p. 806.
Wallaroo Hospital: *Gazette* 21st January, 1937, p. 162.
General regulations relating to the powers of the Inspector-General of Hospitals: *Gazette* 27th September, 1923, p. 727.
Regulations relating to rating for hospital purposes: *Gazette* 19th August, 1920, p. 383.

Housing Improvement Act, 1940.

Commencement: 19th December, 1940; *Gazette* 19th December, 1940, p. 1551.
Administration: Committed to the Treasurer; *Gazette* 19th December, 1940, p. 1551.
s. 5. Proclamation committing execution of Act to the South Australian Housing Trust; 19th December, 1940, p. 1551.
Regulations under section 6; *Gazette* 19th December, 1940, p. 1587.

Immigration Act, 1923-1937.

Administration : Committed to the Minister of Immigration *Gazette* 24th April, 1924, p. 973.
Regulations : *Gazette* 1st March, 1928, p. 454 ; 3rd May, 1928, p. 917.

Impounding Act, 1920-1938.

Administration : Committed to the Minister of Local Government *Gazette* 22nd April, 1937, p. 849.

Income Tax Assessment Act, 1936.

s. 132. Proclamation : *Gazette* 18th February, 1937, p. 334.
Regulations under the Taxation Act, 1884, and its amendments : *Gazette* 22nd January, 1885, p. 203 ; 29th December, 1904, p. 1205 ; 24th December, 1908, p. 1257.
Regulations under the Taxation Act, 1915, and its amendments : *Gazette* 20th December, 1917, p. 1320 ; 3rd January, 1918, p. 6 ; 20th December, 1923, p. 1436 ; 21st August, 1924, p. 403 ; 9th April, 1925, p. 627 ; 23rd July, 1925, p. 199.
Regulations under the Taxation Act, 1927, and its amendments : *Gazette* 29th December, 1927, p. 1681 ; 28th June, 1928, p. 1624 ; 4th July, 1929, p. 17 ; 19th December, 1929, p. 1307 ; 10th July, 1930, p. 49 ; 4th August, 1932, p. 182 ; 13th June, 1935, p. 1576.
Regulations under the Income Tax Assessment Act, 1936 : *Gazette* 24th December, 1936, p. 1367 ; 18th February, 1937, p. 375 ; 27th May, 1937, p. 1206.

Increase of Rent (War Restrictions) Act, 1939-1940.

Rules of Local Court : *Gazette* 18th January, 1940, p. 75.

Industrial and Provident Societies Act, 1923-1935.

Regulations : *Gazette* 13th November, 1924, p. 1316.
Rules of Court under section 9 (3) : *Gazette* 2nd October, 1924, p. 830.

Industrial Code, 1920-1936.

Rules of the Industrial Court : *Gazette* 27th January, 1921, p. 162 ; 5th March, 1925, p. 394 ; 4th March, 1926, p. 733 ; 1st October, 1936, p. 679.
Regulations as to Industrial Boards : *Gazette* 28th April, 1921, p. 939 ; 2nd June, 1921, p. 1179 ; 18th August, 1921, p. 320 ; 28th January, 1937, p. 188.
Rules as to the Board of Industry : *Gazette* 13th January, 1921, p. 54 ; 27th January, 1921, p. 158 ; 14th April, 1921, p. 712.
Regulations as to the Board of Industry : *Gazette* 28th January, 1937, p. 188.
Regulations as to factories and shops : *Gazette* 28th April, 1921, p. 942 ; 24th November, 1927, p. 1226.

Inebriates Act, 1908-1934.

Regulations : *Gazette* 26th October, 1911, p. 859 ; 8th August, 1912, p. 300 ; 7th January, 1915, p. 2.
Rules of Court : *Gazette* 26th October, 1911, p. 864.

Inflammable Oils Act, 1908-1935.

Commencement : 1st June, 1909 ; *Gazette* 4th March 1909, p. 444.
Administration : Committed to the Minister of Industry *Gazette*, 17th November, 1932, p. 953.
s. 46. Proclamation : *Gazette* 28th October, 1920, p. 1120.
General regulations : *Gazette* 28th June, 1934, p. 1513.
Regulations for control of ships carrying inflammable oils : *Gazette* 22nd November, 1934, p. 1086 ; 27th February, 1941, p. 279.

Institute of Medical and Veterinary Science Act, 1937.

Commencement : 9th June, 1938 ; *Gazette* 9th June, 1938, p. 1270.
Regulations : *Gazette* 30th June, 1938, p. 1568.

Insurance Companies (Deposits) Act, 1924-1931.

Regulations : *Gazette* 4th April, 1929, p. 752.

Interstate Destitute Persons Relief Act, 1910-1934.

Commencement : 5th January, 1911 ; *Gazette* 5th January, 1911, p. 1.
s. 5. Proclamations : *Gazette* 23rd March, 1911, p. 499 ; 20th February, 1913, p. 343; 2nd October, 1913, p. 762 ; 5th August, 1915, p. 555 ; 21st July, 1921, p. 95.
(For details of the above proclamations see the footnote in Volume 4, p. 43 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 27th April, 1911, p. 720.

Irrigation Act, 1930-1936.

Commencement : 5th February, 1931 ; *Gazette* 5th February, 1931, p. 189.
ss. 16, 17, and 18. Proclamations relating to irrigation areas : *Gazette* 11th July, 1907, p. 43 ; 12th November, 1908, p. 933 ; 25th March, 1909, p. 572 ; 29th April, 1909, p. 785 ; 27th January, 1910, p. 104 ; 13th October, 1910, p. 744 ; 3rd November, 1910, p. 919 ; 24th November, 1910, p. 1063 ; 19th September, 1912, p. 677 ; 12th June, 1913, p. 1268 ; 21st May, 1914, p. 1106 ; 4th February, 1915, p. 276 ; 25th February, 1915, p. 484 ; 25th February, 1915, p. 485 ; 2nd September, 1915, p. 800 ; 17th February, 1916, p. 299 ; 17th August, 1916, p. 289 ; 28th September, 1916, p. 568 ; 9th November, 1916 p. 910 ; 13th June, 1918, p. 1117 ; 30th October, 1919, p. 1083 ; 11th August, 1921, p. 269 ; 15th December, 1921, p. 1386 ; 26th January, 1922, p. 158 ; 27th April, 1922, p. 1119 ; 24th August, 1922, p. 413 ; 7th September, 1922, p. 545 ; 12th April, 1923, p. 819 ; 17th May, 1923, p. 1074 ; 12th July, 1923, p. 49 ; 16th August, 1923, p. 350 ; 5th June, 1924, p. 1271 ; 4th June, 1925, p. 1085 ; 9th July, 1925, p. 51 ; 24th September, 1925, p. 739 ; 9th September, 1926, p. 614 ; 22nd December, 1927, p. 1609 ; 17th May, 1928, p. 1035 ; 25th September, 1930, p. 621 ; 13th November, 1930, p. 986 ; 8th January, 1931, p. 26 ; 17th January, 1935, p. 292.
Regulations : *Gazette* 20th June, 1928, p. 1642 ; 3rd July, 1930, p. 2.

Irrigation on Private Property Act, 1939.

Commencement : 5th January, 1940 : *Gazette* 4th January, 1940, p. 1.
s. 9. Proclamations : *Gazette* 12th December, 1940, p. 1425 ; 6th February, 1941, p. 148.

Juries Act, 1927-1937.

Commencement : 6th January, 1928 ; *Gazette* 5th January, 1928, p. 1.
s. 9. Proclamation : *Gazette* 27th October, 1938, p. 1100.
s. 77. Proclamation : *Gazette* 22nd October, 1931, p. 776.

Justices Act, 1921-1936.

Commencement : 26th July, 1922 ; *Gazette* 29th June, 1922, p. 1575.
Rules of the Supreme Court as to appeals under Part VI. : *Gazette* 22nd September, 1938, p. 776.
Rules made by the Governor under section 203 : *Gazette* 27th February, 1930, p. 443 ; 3rd April, 1930, p. 650 ; 22nd October, 1931, p. 777 ; 6th April, 1933, p. 552 ; 29th April 1937, p. 947 ; 1st September, 1938, p. 499.
Regulations (referred to in sections 158, 159) as to payment to witnesses and others for attendance at criminal prosecutions : *Gazette* 13th January, 1921, p. 53 ; 22nd October, 1931, p. 776 ; 3rd November, 1938, p. 1225.
Rules under the Maintenance Orders (Facilities for Enforcement) Act, 1922, and the Justices Act, 1921 : *Gazette* 25th October, 1923, p. 953 ; 26th February, 1931, p. 374.
Rules under the Licensing Act, 1932, and the Justices Act, 1921 : *Gazette* 29th April, 1937, p. 945.

Land Agents Act, 1925-1936.

Commencement : 7th January, 1926 ; *Gazette* 7th January, 1926, p. 1.
Administration : Committed to the Attorney-General *Gazette* 28th January, 1926, p. 152.
Regulations : *Gazette* 28th January, 1926, p. 153 ; 11th February, 1926, p. 267 ; 18th March, 1926, p. 794 ; 9th February, 1928, p. 262 ; 16th February, 1928, p. 331 ; 24th October, 1929, p. 954 ; 15th July, 1937, p. 115 ; 11th January, 1940, p. 67 ; 14th March 1940, p. 540.

Landlord and Tenant Act, 1936.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 645.

Landlord and Tenant (Rent Reduction) Act, 1932-1936.

Commencement : 24th November, 1932 ; *Gazette* 24th November, 1932, p. 1001.
Rules of the Local Court : *Gazette* 22nd December, 1932, p. 1209.

Land Tax Act, 1936.

Commencement : 7th January, 1937 ; *Gazette* 7th January, 1937, p. 1.
s. 45. Proclamations : *Gazette* 26th August, 1937, p. 498 ; 27th July, 1939, p. 214.
Regulations under the Taxation Act, 1884, and its amendments : *Gazette* 22nd January, 1885, p. 203 ; 29th December, 1904, p. 1205 ; 24th December, 1908, p. 1257.
Regulations under the Taxation Act, 1915, and its amendments : *Gazette* 20th December, 1917, p. 1320 ; 3rd January, 1918, p. 6 ; 20th December, 1923, p. 1436 ; 21st August, 1924, p. 403 ; 9th April, 1925, p. 627 ; 23rd July, 1925, p. 199.
Regulations under the Taxation Act, 1927, and its amendments : *Gazette* 29th December, 1927, p. 1681 ; 28th June, 1928, p. 1624 ; 4th July, 1929, p. 17 ; 19th December, 1929, p. 1311 ; 10th July, 1930, p. 49 ; 4th August, 1932, p. 182 ; 13th June, 1935, p. 1576.

Law of Property Act, 1936.

Commencement: 1st November, 1937; *Gazette* 25th March, 1937, p. 646.

Legal Practitioners Act, 1936-1938.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.
Rules of Court as to the statutory committee: *Gazette* 9th November, 1916, p. 943.
Rules of Court as to trust accounts and other matters: *Gazette* 31st August, 1939, p. 573.

Libraries and Institutes Act, 1939.

Commencement: 1st February, 1940; *Gazette* 18th January, 1940, p. 69.
s. 36. Proclamations: 7th March, 1940, p. 494; 8th August, 1940, p. 221; 12th December, 1940, p. 1427.
Regulations relating to the Public Library and other premises: *Gazette* 5th December, 1940, p. 1288.
Regulations relating to the Institutes Association: *Gazette* 6th October, 1910, p. 714; 23rd April, 1936, p. 890; 14th July, 1938, p. 78; 1st August, 1940, p. 191.

Licensing Act, 1932-1936.

Commencement: 8th December, 1932; *Gazette* 8th December, 1932, p. 1079.
s. 5. Order: *Gazette* 11th October, 1917, p. 852.
s. 114. Proclamations: *Gazette* 26th May, 1932, p. 963; 8th June, 1933, p. 974; 29th June, 1933, p. 1093; 10th August, 1939, p. 352.
(For details of proclamations made prior to 9th August, 1939, see the footnote in Volume 4, p. 439 of the South Australian Statutes, 1837-1936.)
s. 223. Proclamation: *Gazette* 28th July, 1938, p. 166.
Regulations as to polls under section 62: *Gazette* 22nd December, 1932, p. 1187.
Regulations under section 189 as to declarations by *bona fide* travellers: *Gazette* 6th February, 1936, p. 302.
Regulations under section 195 as to declarations by *bona fide* lodgers: *Gazette* 17th December, 1931, p. 1118.
Regulations under section 197a as to permits to sell liquor in restaurants: *Gazette* 30th January, 1936, p. 271.
Regulations under section 199 as to permits to sell or consume liquor on special occasions: *Gazette* 23rd January, 1936, p. 208; 9th April, 1936, p. 813; 29th April, 1937, p. 945.
Regulations as to proof of notices: *Gazette* 14th October, 1937, p. 1027.
Regulations as to licensing districts: *Gazette* 28th July, 1938, p. 168.

Life Assurance Companies Act, 1936-1939.

Regulations: *Gazette* 27th June, 1889, p. 1800.

Lifts Regulation Act, 1908-1934.

Regulations: *Gazette* 21st November, 1935, p. 1273.

Loans for Fencing and Water Piping Act, 1938-1940.

Commencement: 1st February, 1939; *Gazette* 19th January, 1939, p. 121.
s. 13 (7). Notice: *Gazette* 2nd February, 1939, p. 343.

Loans to Producers Act, 1927.

Regulations: *Gazette* 21st July, 1927, p. 126; 6th March, 1930, p. 484.

Local Courts Act, 1926-1936.

Commencement: 7th March, 1927; *Gazette* 10th February, 1927, p. 297.
s. 294. Proclamation: *Gazette* 5th November, 1936, p. 1005.
General rules of Court: *Gazette* 24th February, 1927, p. 413.
Further rules of Court as to Local Court actions: *Gazette* 19th December, 1929, p. 1344; 17th September, 1931, p. 494; 27th January, 1938, p. 169.
Rules of Court as to bailiffs' fees: *Gazette* 20th October, 1932, p. 802.
Rules of Court as to transferring judgments: *Gazette* 26th December, 1935, p. 1635.
Rules of Court as to applications under section 5 of the Hire-Purchase Agreements Act, 1931: *Gazette* 18th February, 1932, p. 312.
Rules of Court as to procedure under the Increase of Rent (War Restrictions) Act, 1939; *Gazette* 18th January, 1940, p. 75.
Rules of Court as to procedure under the Landlord and Tenant (Rent Reduction) Act, 1932-1936: *Gazette* 22nd December, 1932, p. 1209.
Regulations as to applications under section 10 of the Marine Stores Act, 1898-1936: *Gazette* 22nd June, 1899, p. 1357.
Rules of Court as to applications under the Mortgagors Relief Act, 1931-1936: *Gazette* 28th January, 1932, p. 158.
Rules of Court as to appeals against refusal of drivers' licences under the Road Traffic Act, 1934-1938: *Gazette* 4th March, 1937, p. 484.

Local Courts Act, 1926-1936—*continued.*

Regulations as to applications to Local Courts under the Second-hand Dealers Act, 1919-1934: *Gazette* 26th March, 1936, p. 705.

Rules of Court under the Workmen's Compensation Act, 1932-1938: *Gazette* 4th May, 1933, p. 723.

Rules of Court under the Workmen's Liens Act, 1893-1936: *Gazette* 21st February, 1895, p. 453.

Rules of the Supreme Court as to Local Court appeals: *Gazette* 31st March, 1927, p. 745; rules dated 6th February, 1928 (not published in the *Gazette*); 22nd March, 1934, p. 853; 4th November, 1937, p. 1230.

Local Government Act, 1934-1939.

Commencement: 2nd November, 1934; *Gazette* 25th October, 1934, p. 845.

Administration: Committed to the Minister of Local Government *Gazette* 25th October, 1934, p. 845.

s. 75. Proclamation: *Gazette* 18th May, 1939, p. 1206.

s. 163b. Notice: *Gazette* 28th September, 1939, p. 868.

s. 179. Proclamations: *Gazette* 8th August, 1908, p. 249; 25th February, 1909, p. 387; 22nd December, 1910, p. 1300; 12th January, 1911, p. 45; 19th January, 1911, p. 95; 28th December, 1911, p. 1360; 28th March, 1912, p. 585; 17th April, 1913, p. 725; 26th June, 1913, p. 1343; 13th July, 1922, p. 54; 25th March, 1926, p. 866; 11th August, 1927, p. 347; 18th August, 1927, p. 411; 8th September, 1927, p. 599; 22nd September, 1927, p. 713; 18th October, 1928, p. 874; 15th November, 1928, p. 1053; 24th December, 1930, p. 1293.

(For details of proclamations under section 179, see the footnote in Volume 5, p. 86 of the South Australian Statutes, 1837-1936.)

s. 495. Proclamations: *Gazette* 21st September, 1922, p. 675; 31st July, 1924, p. 226; 28th February, 1935, p. 592; 28th November, 1935, p. 1285; 14th January, 1937, p. 33.

s. 647. Proclamation: *Gazette* 3rd May, 1894, p. 1009.

Regulations relating to Local Government Auditors' Certificates: *Gazette* 20th February, 1936, p. 459.

Regulations as to qualifications of officers: *Gazette* 13th October, 1938, p. 1023; 16th March, 1939, p. 670; 22nd August, 1940, p. 400.

Regulations as to the Clerks' Appeal Board: *Gazette* 25th May, 1939, p. 1320; 29th August, 1940, p. 453.

Regulations relating to reflections on barriers: *Gazette* 19th December, 1935, p. 1447.

Regulations relating to the charges of the Crown Solicitor under section 674: *Gazette* 31st January, 1935, p. 371.

Regulations relating to cemeteries generally: *Gazette* 27th August, 1896, p. 487; 2nd March, 1916, p. 414.

Regulations relating to the West Terrace Cemetery: *Gazette* 2nd October, 1930, p. 662; 31st October, 1940, p. 960.

Model by-laws: *Gazette* 17th September, 1936, p. 562; 13th May, 1937, p. 1089 and 13th October, 1938, p. 976, (amendments of model by-law No. I.); 18th August, 1938, p. 335 (amendment of model by-law No. VII.); 19th October, 1939, p. 1095 (amendment of model by-law No. XVIII.); 12th September, 1940, p. 515 (amendment of model by-law No. XXIV.); 12th September, 1940, p. 515 (amendment of model by-law No. XXVII.); 12th September, 1940, p. 515 (amendment of model by-law No. XXXII.).

Lottery and Gaming Act, 1936-1939.

Commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1938; 19th December, 1938: *Gazette* 15th December, 1938, p. 1497.

ss. 32 and 32a. Proclamations: *Gazette* 13th February, 1936, p. 398; 12th March, 1936, p. 593; 23rd July, 1936, p. 109; 24th December, 1936, p. 1321; 18th February, 1937, p. 334; 21st October, 1937, p. 1053; 13th April, 1939, p. 887.

(For details of proclamations made prior to 20th October, 1937, see the footnote in Volume 5, p. 415 of the South Australian Statutes, 1837-1936.)

Rules and regulations as to the totalizator: *Gazette* 27th May, 1937, p. 1207. (These rules and regulations are reprinted in Volume 5, pp. 455-458 of the South Australian Statutes, 1837-1936, and in the 1938 volume, pp. 427-430.); 7th December, 1939, p. 1556.

Regulations as to betting tickets: *Gazette*, 20th December, 1933, p. 1231; 6th March, 1941, p. 337.

Rules as to bookmakers: *Gazette* 5th March, 1936, p. 553; 30th April, 1936, p. 964; 16th July, 1936, p. 105; 3rd September, 1936, p. 487; 10th September, 1936, p. 542; 17th September, 1936, p. 622; 19th November, 1936, p. 1148; 26th November, 1936, p. 1191; 21st January, 1937, p. 181; 11th February, 1937, p. 289; 4th March, 1937, p. 518; 11th March, 1937, p. 583; 25th March, 1937, p. 693; 15th April, 1937, p. 837; 29th July, 1937, p. 304; 9th September, 1937, p. 694; 16th September, 1937, p. 745; 2nd December, 1937, p. 1570; 9th December, 1937, p. 1696; 17th

Lottery and Gaming Act, 1936-1939—*continued.*

February, 1938, p. 406; 24th March, 1938, p. 694; 2nd June, 1938, p. 1256; 28th July, 1938, p. 197; 1st September, 1938, p. 621; 22nd December, 1938, p. 1591; 12th January, 1939, p. 116; 9th February, 1939, p. 412; 27th July, 1939, p. 286; 3rd August, 1939, p. 346; 10th August, 1939, p. 418; 7th December, 1939, p. 1548; 11th April, 1940, p. 811; 1st August, 1940, p. 219 (amendment to rule 22 disallowed; *Gazette* 26th September, 1940, p. 620); 31st October, 1940, p. 913.

Lower River Broughton Irrigation Trust Act, 1938-1940.

Commencement: 2nd February, 1939: *Gazette* 2nd February, 1939, p. 334.
Administration: Committed to the Commissioner of Public Works *Gazette* 16th February, 1939, p. 422.
ss. 7 and 8. Proclamation: *Gazette* 20th July, 1939, p. 114.

Maintenance Act, 1926-1937.

Commencement: 7th April, 1927; *Gazette* 7th April, 1927, p. 791.
s. 152. Proclamations: *Gazette* 11th June, 1891, p. 1582; 2nd April, 1896, p. 731; 20th January, 1898, p. 81.
s. 153. Proclamations: *Gazette* 13th January, 1898, p. 41; 3rd August, 1922, p. 217 28th August, 1930, p. 407.
s. 154. Proclamations: *Gazette* 8th November, 1900, p. 1105; 20th December, 1900, p. 1382.
(For details of proclamations made under sections 152, 153, and 154, see the footnotes in Volume 5, p. 517 of the South Australian Statutes, 1837-1936.)
Regulations: *Gazette* 24th February, 1927, p. 400; 7th April, 1927, p. 793.

Maintenance Orders (Facilities for Enforcement) Act, 1922-1925.

s. 12. Proclamations: *Gazette* 7th December, 1922, p. 1458; 24th May, 1923, p. 1140; 20th March, 1924, p. 711; 12th November, 1925, p. 1298; 12th November, 1925, p. 1299; 17th December, 1925, p. 1606; 17th December, 1925, p. 1607; 24th December, 1925, p. 1661; 7th July, 1927, p. 1; 29th November, 1928, p. 1138; 15th November, 1929, p. 401.
(For details of proclamations see the footnote in Volume 5, p. 548 of the South Australian Statutes, 1837-1936.)
Rules made under the above Act, and the Justices Act, 1921: *Gazette* 25th October, 1923, p. 953; 26th February, 1931, p. 374.
Rules of Court made under the above Act, and the Supreme Court Acts, 1878 and 1926: *Gazette* 16th February, 1928, p. 316.

Manufacturing Industries Protection Act, 1937.

Administration: Committed to the Minister of Industry and Employment *Gazette* 17th February, 1938, p. 357.
s. 3. Proclamations: *Gazette* 5th May, 1938, p. 938; 11th August, 1938, p. 273; 20th April, 1939, p. 915.

Margarine Act, 1939-1940.

Regulations: *Gazette* 29th February, 1940, p. 490.

Marine Act, 1936.

Commencement: 1st July, 1937; *Gazette* 25th March, 1937, p. 641.
Administration: Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 641.
Regulations and rules made under the Marine Board and Navigation Acts, 1881-1933:—
River Murray navigation: *Gazette* 30th October, 1884, p. 1641; 26th January, 1893, p. 157; 4th October, 1906, p. 714.
Adjustment of compasses: *Gazette* 9th August, 1900, p. 367; 30th May, 1935, p. 1433.
Engagement and discharge of seamen: *Gazette* 16th April, 1883, p. 1429; 4th August, 1887, p. 246; 26th September, 1889, p. 1354.
Receiver of Wreck: *Gazette* 26th April, 1883, p. 1429.
Survey, etc., of vessels: *Gazette* 15th April, 1880, p. 1259; 26th April, 1883, p. 1429; 1st July, 1886, p. 2; 30th November, 1899, p. 1197; 9th October, 1913, p. 815; 23rd June, 1921, p. 1318; 30th May, 1935, p. 1433; 8th August, 1935, p. 237.
Examination of masters and mates: *Gazette* 22nd October, 1903, p. 839; 7th December, 1905, p. 1214; 9th December, 1926, p. 1470.
Examination of engineers: *Gazette* 16th October, 1902, p. 763; 16th July, 1908, p. 95.
Court of Survey (Rules): *Gazette* 19th November, 1885, p. 1328.
Court of Marine Inquiry (Rules): *Gazette* 27th February, 1936, p. 506.
Miscellaneous: *Gazette* 11th November, 1897, p. 1446; 15th February, 1900, p. 302; 2nd November, 1911, p. 911; 30th November, 1911, p. 1184; 22nd August, 1912, p. 466; 10th April, 1913, p. 680; 8th May, 1913, p. 1002.

The Marine Stores Act, 1898-1935.

Commencement : 2nd March, 1899 ; *Gazette* 2nd March, 1899, p. 401.
Regulations : *Gazette* 22nd June, 1899, p. 1357 ; 24th September, 1908, p. 632 ; 22nd December, 1921, p. 1458.
Regulations under the Fees Regulation Act, 1927, as to fee for dealer's licence : *Gazette* 24th November, 1927, p. 1227.

The Markets Clauses Act, 1870-1937.

s. 49. Proclamation : *Gazette* 24th October, 1889, p. 1584.

Marriage Act, 1936.

Commencement : 1st May, 1937 ; *Gazette* 28th January, 1937, p. 187.
Administration : Committed to the Chief Secretary *Gazette* 18th February, 1937, p. 334.

Matrimonial Causes Act, 1929-1938.

Commencement : 20th March, 1930 ; *Gazette* 20th March, 1930, p. 561.
Rules of Court : *Gazette* 5th December, 1935, p. 1349.
(These rules are incorporated in the second schedule of the above Act, see Volume 5, pp. 710. 728 of the South Australian Statutes, 1837-1936.)
Rules of Court as to increase of costs : *Gazette* 17th June, 1937, p. 1312.

Medical Practitioners Act, 1919-1935.

Regulations : *Gazette* 29th April, 1920, p. 1137 ; 26th May, 1921, p. 1111.

Mental Defectives Act, 1935-1939.

Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.
Administration : Committed to the Chief Secretary *Gazette* 5th March, 1936, p. 537.
s. 12. Proclamations : *Gazette* 23rd March, 1922, p. 876 ; 2nd May, 1929, p. 903 ; 17th August, 1939, p. 421 ; 17th August, 1939, p. 422.
s. 16. Proclamation : *Gazette* 24th October, 1940, p. 841.
s. 122. Proclamations : *Gazette* 21st January, 1915, p. 127 ; 26th October, 1922, p. 941.
(For details of proclamations under section 12 and 122, made prior to 16th August, 1939, see the footnotes in Volume 5, pp. 752 and 798 of the South Australian Statutes, 1837-1936.)
Regulations relating to the Parkside Mental Hospital : *Gazette* 2nd December, 1915, p. 1559 ; 20th January, 1916, p. 94 ; 21st December, 1922, p. 1560 ; 28th June, 1923, p. 1375 ; 27th January, 1927, p. 179 ; 10th January, 1935, p. 265.
Regulations relating to the Enfield Receiving House : *Gazette* 18th January, 1923, p. 98 ; 18th April, 1940, p. 862.
Regulations relating to the Northfield Mental Hospital : *Gazette* 13th August, 1931, p. 255 ; 18th April, 1940, p. 862.
Regulations relating to voluntary boarders : *Gazette* 23rd May, 1929, p. 1052.
Regulations relating to criminal mental defectives : *Gazette* 24th October, 1940, p. 886.
Regulations relating to powers to write off charges, &c. : *Gazette* 10th August, 1916, p. 237.
Regulation for the alteration of forms in certain schedules to the Act : *Gazette* 27th May, 1937, p. 1206.
Rules of Court : *Gazette* 3rd September, 1914, p. 585.

Metropolitan and Export Abattoirs Act, 1936-1937.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 646.
General regulations : *Gazette* 16th January, 1913, p. 107 ; 12th June, 1919, p. 1037 ; 12th June, 1919, p. 1038 ; 13th November, 1924, p. 1329 ; 27th November, 1924, p. 1407 ; 4th October, 1934, p. 686 ; 1st April, 1937, p. 723 ; 8th April, 1937, p. 754 ; 1st July, 1937, p. 15 ; 16th December, 1937, p. 1729 ; 16th December, 1937, p. 1730 ; 12th May, 1938, p. 978 ; 12th May, 1938, p. 980 ; 25th August, 1938, p. 405 ; 8th June, 1939, p. 1415 ; 7th December, 1939, p. 1558 ; 28th March, 1940, p. 673.
Regulations as to the milch cow market : *Gazette* 29th May, 1913, p. 1204 ; 2nd February, 1922, p. 509.
Regulations as to branding of stock : *Gazette* 29th May, 1913, p. 1205.
Regulations as to inspection of small goods : *Gazette* 4th April, 1918, p. 662.
Regulations as to inspection of meat in shops : *Gazette* 2nd February, 1922, p. 508.
Regulations as to muzzling of dogs and use of sticks in handling stock : *Gazette* 4th October, 1934, p. 686.
Regulations as to the election of the board : *Gazette* 1st February, 1934, p. 194 ; 26th May, 1938, p. 1152.

Metropolitan Drainage Act, 1935.

ss. 10, 11, and 15. Notices : *Gazette* 16th June, 1938, p. 1458 ; 28th March, 1940, p. 649.
Regulations : *Gazette* 7th July, 1938, p. 2.

Metropolitan Infectious Diseases Hospital Act, 1922-1935.

Commencement : 17th October, 1929 ; *Gazette* 17th October, 1929, p. 889.
Administration : Committed to the Chief Secretary *Gazette* 31st October, 1929, p. 1005.
s. 4. Proclamations : *Gazette* 5th October, 1933, p. 738 ; 12th December, 1935, p. 1389.
(For details of proclamations see the footnote in Volume 6, p. 84 of the South Australian Statutes, 1837-1936.)
General regulations : *Gazette* 27th July, 1933, p. 142 ; 8th February, 1940, p. 359.
Regulations for election of members of the board : *Gazette* 31st October, 1929, p. 1008.
Regulations relating to instalments payable by constituent local boards for the period from 1st December, 1934, to 30th June, 1935 : *Gazette* 7th March, 1935, p. 686.

Mines and Works Inspection Act, 1920-1935.

Commencement : 20th January, 1921 ; *Gazette* 20th January, 1921, p. 106.
Administration : Committed to the Minister of Mines *Gazette* 17th March, 1921, p. 537.
General regulations : *Gazette* 6th February, 1930, p. 227 ; 17th November, 1932, p. 954.
Regulations as to lead and gas poisoning : *Gazette* 19th November, 1925, p. 1343.
Regulations as to use of electric power : *Gazette* 10th February, 1927, p. 298.
Regulations as to miners' inspectors and inspection : *Gazette* 7th August, 1930, p. 238.

Mining Act, 1930-1931.

Regulations : 28th December, 1939, p. 1725.

Mining on Private Property Act, 1909-1936.

Regulations : *Gazette* 10th July, 1919, p. 38. (These regulations are incorporated in the second schedule of the above Act, in Volume 6, p. 195 of the South Australian Statutes, 1837-1936.)

Mining (Petroleum) Act, 1940.

Commencement : At 24th March, 1941, this Act had not been brought into operation.

Moneylenders Act, 1940.

Commencement : 1st April, 1941 ; *Gazette* 9th January, 1941, p. 11.
Administration : Committed to the Chief Secretary : *Gazette* 9th January, 1941, p. 12.

Mortgagors Relief Act, 1931-1940.

Commencement : 5th December, 1931 ; *Gazette* 5th December, 1931, p. 1065.
Rules of the Local Court : *Gazette* 28th January, 1932, p. 158.

Municipal Tramways Trust Act, 1935-1940.

By-laws as to fares and routes : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 8th June, 1922, p. 1478 ; 18th October, 1923, p. 901 ; 16th April, 1925, p. 681 ; 8th August, 1929, p. 342 ; 7th November, 1929, p. 1048 ; 19th December, 1929, p. 1343 ; 26th December, 1929, p. 1362 ; 30th January, 1930, p. 186 ; 20th February, 1930, p. 374 ; 21st August, 1930, p. 357 ; 8th June, 1939, p. 1414.
By-laws regulating passenger traffic generally, and the conduct of passengers : *Gazette* 14th July, 1910, p. 47 ; 26th December, 1912, p. 1324 ; 14th January, 1915, p. 61 ; 18th September, 1919, p. 665 ; 20th January, 1921, p. 109 ; 24th March, 1921, p. 596 ; 11th August, 1921, p. 272 ; 8th June, 1922, p. 1478 ; 16th April, 1925, p. 681.
By-laws as to tramway sections : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 27th November, 1919, p. 1357 ; 24th May, 1923, p. 1142 ; 7th February, 1924, p. 329 ; 3rd April, 1924, p. 825 ; 29th May, 1924, p. 1210 ; 16th October, 1924, p. 957 ; 24th December, 1925, p. 1665 ; 22nd September, 1927, p. 759.
By-laws regulating ordinary traffic where tramways laid : *Gazette* 14th July, 1910, p. 47 ; 21st August, 1924, p. 436 ; 26th December, 1929, p. 1362.
General by-laws : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 16th April, 1925, p. 681 ; 18th January, 1940, p. 115.
Regulations as to the election of members of the trust : *Gazette* 5th November, 1936, p. 1061.

Museum Act, 1939.

Commencement : 1st February, 1940 ; *Gazette* 18th January, 1940, p. 69.
Regulations : *Gazette* 28th March, 1940, p. 672.

The National Park Act, 1891-1935.

General by-laws : *Gazette* 17th November, 1892, p. 1298.
By-laws as to plying for hire : *Gazette* 15th March, 1906, p. 443.

The National Pleasure Resorts Act, 1914-1935.

Administration : Committed to the Minister of Immigration *Gazette* 22nd May, 1924, p. 1141.

By-laws : *Gazette* 29th October, 1925, p. 1165.

Native Plants Protection Act, 1939.

Administration : Committed to the Minister of Afforestation ; *Gazette* 10th October, 1940, p. 745.

s. 3. Proclamation : *Gazette* 10th October, 1940, p. 745.

Northern Areas and Whyalla Water Supply Act, 1940.

Commencement : 3rd October, 1940 ; *Gazette* 3rd October, 1940, p. 675.

The Northern Territory Surrender Act, 1907.

Commencement : 1st January, 1911 ; *Gazette* 22nd December, 1910, p. 1299.

Northern Territory Surrender Act Amendment Act, 1919.

Commencement : 1st January, 1920 ; *Gazette* 25th December, 1919, p. 1573.

Notification of Births Act, 1926-1936.

Regulations : *Gazette* 22nd December, 1927, p. 1611.

Noxious Insects Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 10th January, 1935, p. 263.

s. 3. Proclamations : *Gazette* 10th January, 1935, p. 263 ; 21st February, 1935, p. 547.

(For details of these proclamations see the footnote in Volume 6, p. 315 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 10th January, 1935, p. 264.

Noxious Weeds Act, 1931-1939.

Commencement : 17th March, 1932 ; *Gazette* 17th March, 1932, p. 511.

Administration : Committed to the Minister of Agriculture *Gazette* 7th January, 1932, p. 1.

Regulations : *Gazette* 12th May, 1938, p. 1020 ; 20th October, 1938, p. 1042 ; 16th February, 1939, p. 423 ; 30th March, 1939, p. 743 ; 20th April, 1939, p. 976 ; 27th April, 1939, p. 983 ; 18th May, 1939, p. 1207 ; 28th March, 1940, p. 672 ; 11th April, 1940, p. 819 ; 18th April, 1940, p. 863 ; 23rd May, 1940, p. 1112 ; 20th June, 1940, p. 1398 ; 18th July, 1940, p. 86 ; 10th October, 1940, p. 774 ; 9th January, 1941, p. 30 ; 30th January, 1941, p. 102 ; 13th February, 1941, p. 183.

Nurses Registration Act, 1920-1938.

Commencement : 2nd May, 1921 ; *Gazette* 28th April, 1921, p. 939.

Regulations as to the nomination of members of the board and duties of registrar : *Gazette* 7th February, 1924, p. 326.

Regulations relating to applications for registration : *Gazette* 2nd February, 1922, p. 472 ; 9th February, 1922, p. 524 ; 21st December, 1922, p. 1560.

Regulations as to training and examination of nurses : *Gazette* 5th October, 1922, p. 783 ; 7th February, 1924, p. 324 ; 10th July, 1924, p. 56 ; 12th March, 1925, p. 434 ; 20th August, 1931, p. 306 ; 17th December, 1931, p. 1116 ; 7th July, 1932, p. 1 (disallowed *Gazette* 13th October, 1932, p. 744) ; 11th August, 1932, p. 238.

Regulations as to training and examination of midwives : *Gazette* 5th April, 1923, p. 773 ; 30th October, 1924, p. 1079 ; 24th September, 1931, p. 575 ; 6th September, 1934; p. 479 ; 4th June, 1936, p. 1134.

Regulations as to special nursing certificates, etc. : *Gazette* 21st September, 1939, p. 856.

Regulations as to the practice of midwives : *Gazette* 7th February, 1924, p. 324.

Regulations relating to the wearing of badges : *Gazette* 15th July, 1926, p. 84 ; 23rd August, 1928, p. 414.

Regulations as to the form of consent to legal proceedings : *Gazette* 11th September, 1930, p. 531.

Offenders Probation Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.

Regulations : *Gazette* 26th February, 1914, p. 516.

Opticians Act, 1920-1935.

Commencement : 23rd June, 1921 ; *Gazette* 23rd June, 1921, p. 1315.
General regulations : *Gazette* 28th February, 1929, p. 470 ; 27th June, 1929, p. 1494 ; 5th September, 1929, p. 570 ; 8th March, 1934, p. 462 ; 4th April, 1940, p. 679.
Regulations under the Fees Regulation Act, 1927, as to the fees for perusing rules of the Board of Optical Registration, and for publishing the list of registered persons : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307.

Pastoral Act, 1936-1939.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
s. 49. Proclamations : *Gazette* 6th August, 1936, p. 207 ; 11th February, 1937, p. 286 ; 22nd April, 1937, p. 850 ; 10th June, 1937, p. 1281 ; 24th June, 1937, p. 1363 ; 5th August, 1937, p. 309 ; 16th September, 1937, p. 698 ; 18th November, 1937, p. 1345 ; 2nd December, 1937, p. 1514 ; 10th February, 1938, p. 296 ; 24th March, 1938, p. 660 ; 27th October, 1938, p. 1100 ; 11th January, 1940, p. 33 ; 15th August, 1940, p. 274.
(For details of proclamations made prior to 4th August, 1937, see the footnote in Volume 6, p. 426 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 18th January, 1923, p. 103 ; 20th March, 1930, p. 565 ; 17th March, 1938, p. 609.

Pest Destroyers Act, 1919-1935.

Regulations : *Gazette* 18th October, 1934, p. 774 ; 31st January, 1935, p. 372.

Pharmacy Act, 1935-1937.

Regulations : *Gazette* 21st July, 1892, p. 141 ; 4th October, 1906, p. 714 ; 29th October, 1914, p. 947 ; 8th May, 1930, p. 859 ; 29th May, 1930, p. 1009 ; 30th July, 1931, p. 165 ; 7th September, 1933, p. 467 ; 8th March, 1934, p. 474 ; 9th June, 1938, p. 1441 ; (Regulation 67 disallowed, *Gazette* 15th September, 1938, p. 697.)
Regulations under the Fees Regulation Act, 1927, relating to the charges of the Crown Solicitor for perusing and settling regulations, and to the fee for publishing a list of registered chemists : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307.

Phylloxera Act, 1936-1937.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Pistol Licence Act, 1929.

Commencement : 1st January, 1930 ; *Gazette* 19th December, 1929, p. 1305.
Regulations : *Gazette* 5th December, 1929, p. 1216.

The Places of Public Entertainment Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 11th December, 1913, p. 1679.
s. 4. Proclamations : *Gazette* 18th December, 1913, p. 1734 ; 15th July, 1915, p. 331 ; 7th October, 1915, p. 1020 ; 8th February, 1917, p. 263 ; 9th May, 1918, p. 945 ; 24th October, 1918, p. 916 ; 21st August, 1919, p. 379 ; 24th August, 1922, p. 415 ; 24th May, 1923, p. 1137 ; 5th March, 1925, p. 390 ; 26th November, 1925, p. 1405 ; 18th March, 1926, p. 794 ; 30th September, 1926, p. 802 ; 27th September, 1928, p. 686 ; 19th September, 1929, p. 698 ; 6th August, 1931, p. 203 ; 19th April, 1934, p. 1057 ; 7th June, 1934, p. 1393 ; 1st November, 1934, p. 885 ; 13th December, 1934, p. 1186 ; 14th February, 1935, p. 463 ; 4th July, 1935, p. 1 ; 5th September 1935, p. 517 ; 14th November, 1935, p. 1133 ; 13th February, 1936, p. 397 ; 18th March, 1937, p. 586 ; 9th September, 1937, p. 639 ; 9th November, 1939, p. 1259.
(For details of proclamations made prior to 8th September, 1937, see the table of proclamations in Volume 6, pp. 554-556 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 17th May, 1923, p. 1075 ; 14th February, 1924, p. 394 ; 22nd January, 1925, p. 102 ; 31st July, 1930, p. 186 ; 4th December, 1930, p. 1131 ; 19th October, 1939, p. 1155.

Police Act, 1936-1938.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 646.
s. 43. Proclamation : *Gazette* 14th June, 1934, p. 1434.
Regulations made by the Commissioner of Police for the general government of the police force : *Gazette* 30th September, 1920, p. 907 ; 23rd July, 1931, p. 100.
Regulations made by the Commissioner of Police relating to appointments, transfers, and promotions to plain clothes and detective police were approved by the Chief Secretary on 13th April, 1921, but have not been published in the *Gazette*.
Regulations made by the Governor as to promotions : *Gazette* 10th November, 1921, p. 1105.
Regulations made by the Governor as to police officers engaging in business : *Gazette* 29th August, 1935, p. 514.
Regulations made by the Governor as to appeals to the appeal board : *Gazette* 11th February, 1926, p. 265.
Regulations made by the Governor under section 149a relating to penalties for local government offences : *Gazette* 23rd March, 1939, p. 732 ; 14th December, 1939, p. 1612 ; 6th March, 1941, p. 337.

Police Pensions Act, 1929-1935.

Commencement : 1st January, 1930 ; *Gazette* 19th December, 1929, p. 1305.
General regulations : *Gazette* 19th December, 1929, p. 1307.
Regulations as to contributions of members on leave without pay : *Gazette* 10th October, 1935, p. 754 ; 18th January, 1940, p. 73.

Port Lincoln Abattoirs Act, 1937.

Commencement : 23rd March, 1939 ; *Gazette* 23rd March, 1939, p. 671.
Regulations : *Gazette* 23rd March, 1939, p. 734.

Prevention of Cruelty to Animals Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

Primary Producers Debts Act, 1935-1939.

Regulations : *Gazette* 11th July, 1935, p. 75 ; 18th June, 1936, p. 1210.

Prisons Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
s. 13. Proclamations : *Gazette* 7th September, 1939, p. 690 ; 8th August, 1940, p. 221.
s. 18. Proclamation : *Gazette* 21st September, 1939, p. 813.
General prison regulations : *Gazette* 15th October, 1936, p. 809.
Police prison regulations : *Gazette* 30th August, 1906, p. 453 ; 13th August, 1908, p. 309.

Proof of Sunrise and Sunset Act, 1923.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1923, p. 1435.

Public Charities Funds Act, 1935-1940.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.
Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 643.
s. 4. Proclamation : *Gazette* 19th December, 1940, p. 1552.

Public Service Act, 1936-1940.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.
s. 25. Proclamations : *Gazette* 14th June, 1917, p. 992 ; 30th January, 1919, p. 231 ; 4th September, 1919, p. 517 ; 4th December, 1919, p. 1411 ; 22nd July, 1920, p. 117 ; 28th October, 1920, p. 1119 ; 13th October, 1921, p. 866 ; 23rd February, 1922, p. 641 ; 29th March, 1923, p. 689 ; 31st March, 1927, p. 741 ; 7th April, 1927, p. 791 ; 16th June, 1927, p. 1301 ; 8th December, 1927, p. 1514 ; 13th December, 1928, p. 1214 ; 31st January, 1929, p. 217 ; 28th March, 1929, p. 635 ; 3rd October, 1929, p. 802 ; 13th November, 1930, p. 985 ; 20th November, 1930, p. 1025 ; 2nd April, 1936, p. 734 ; 2nd July, 1936, p. 1 ; 8th October, 1936, p. 698 ; 14th March, 1940, p. 537.
s. 45. Notices : *Gazette* 9th September, 1937, p. 667 ; 16th September, 1937, p. 699.
Regulations : *Gazette* 16th February, 1922, p. 569 ; 13th July, 1922, p. 54 ; 18th October, 1926, p. 965 (Nos. 2-10, inclusive, not now in force) ; 20th March, 1924, p. 711 ; 19th June, 1924, p. 1360 ; 10th May, 1928, p. 964 ; 1st November, 1928, p. 978 ; 14th August, 1930, p. 296 ; 3rd September, 1936, p. 418 ; 12th November, 1936, p. 1065 ; 31st March, 1938, p. 708 ; 13th October, 1938, p. 1032 ; 7th November, 1940, p. 1006.

Public Supply and Tender Act, 1914-1940.

Commencement : 17th December, 1914 ; *Gazette* 17th December, 1914, p. 1265.
Administration : Committed to the Commissioner of Public Works *Gazette* 17th December, 1914, p. 1265.
Regulations : *Gazette* 6th November, 1930, p. 961 ; 28th May, 1931, p. 855.

Public Works Standing Committee Act, 1927-1940.

Regulations : *Gazette* 5th September, 1940, p. 5.

The Real Property Act, 1886-1939.

Commencement of Real Property Act Amendment Act, 1939 : 1st February, 1940; *Gazette* 11th January, 1940, p. 38 (republished 18th January, 1940, p. 70).
Regulations under the Fees Regulation Act, 1927, relating to fees : *Gazette* 24th November, 1927, p. 1229 ; 30th August, 1934, p. 428.

Recreation Grounds (Regulations) Act, 1931-1935.

Regulations as to the Adelaide Oval : *Gazette* 18th August, 1932, p. 273.
Regulations as to Mortlock Park : *Gazette* 2nd November, 1933, p. 931.
Regulations as to the Norwood Oval : *Gazette* 19th January, 1933, p. 70.
Regulations as to the Unley Oval : *Gazette* 15th June, 1933, p. 1007.

Redhill to Port Augusta Railway Agreement Act, 1935.

Commencement : 20th December, 1935 ; *Gazette* 19th December, 1935, p. 1445.

Registration of Business Names Act, 1928-1932.

Commencement : 1st October, 1928 ; *Gazette* 27th September, 1928, p. 686.
Regulations : *Gazette* 27th September, 1928, p. 688.

Registration of Deeds Act, 1935.

Rules : *Gazette* 13th February, 1919, p. 325.

Registration of Dogs Act, 1924-1929.

Administration : Committed to the Minister of Local Government *Gazette* 18th December, 1924, p. 1561.
s. 6. Proclamations : *Gazette* 30th March, 1933, p. 520 ; 27th April, 1933, p. 657 ; 18th January, 1934, p. 77 ; 13th June, 1935, p. 1511 ; 20th February, 1936, p. 442 ; 26th March, 1936, p. 689 ; 8th April, 1937, p. 745.
Regulations : *Gazette* 22nd January, 1925, p. 100 ; 9th February, 1928, p. 261.

Renmark Irrigation Trust Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.
Administration : Committed to the Commissioner of Public Works *Gazette* 25th March, 1937, p. 643.
By-laws : *Gazette* 15th November, 1923, p. 1177 ; 24th July, 1930, p. 180.

River Murray Waters Act, 1935.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
Regulations as to the use of surplus water : *Gazette* 23rd August, 1917, p. 481.
Notice as to records to be kept of water diverted from the River Murray : *Gazette* 22nd November, 1917, p. 1144.
Regulations (made by the River Murray Commission) as to tolls for use of lock at Blanchetown : *Gazette* 23rd March, 1922, p. 933.
River Murray traffic regulations : *Gazette* 24th September, 1936, p. 646.
Regulations for protection of locks and barrages : *Gazette* 18th July, 1940, p. 87.

River Torrens (Prohibition of Excavations) Act, 1927-1934.

Administration : Committed to the Commissioner of Public Works *Gazette* 17th June, 1937, p. 1306.

Road and Railway Transport Act, 1930-1939.

Administration : Committed to the Minister of Railways *Gazette* 12th March, 1931, p. 471.
s. 27e. Commencement : 14th March 1940 : *Gazette* 14th March, 1940, p. 538.
Regulations as to the interception of vehicles and the use of discs issued to the holders of licences : *Gazette* 18th May, 1933, p. 826 ; 10th September, 1936, p. 491.
Regulations as to tickets and waybills : *Gazette* 13th July, 1933, p. 47 ; 10th January, 1935, p. 265 ; 7th November, 1940, p. 1006.
Regulations under section 15 : *Gazette* 23rd May, 1935, p. 1383.

Roads (Opening and Closing) Act, 1932-1936.

Regulations : *Gazette* 30th March, 1933, p. 521.
Regulations under the Fees Regulation Act, 1927, relating to fees payable on issue of title : *Gazette* 31st May, 1928, p. 1147.

Road Traffic Act, 1934-1940.

Commencement of the Road Traffic Act, 1934 (except section 110) : 2nd January, 1935 ; *Gazette* 20th December, 1934, p. 1217.
Commencement of section 110 of the Road Traffic Act, 1934 : 1st March, 1935 ; *Gazette* 20th December, 1934, p. 1217.
Commencement of the Road Traffic Act Amendment Act, 1936 (except sections 153 and 154) : 1st April, 1937 ; *Gazette* 18th March, 1937, p. 585.
Commencement of section 153 of the Road Traffic Act Amendment Act, 1936 : 3rd December, 1936 ; *Gazette* 3rd December, 1936, p. 1193.
Commencement of section 154 of the Road Traffic Act Amendment Act, 1936 : 1st December, 1937 ; *Gazette* 18th November, 1937, p. 1345.
Administration of Parts I., II., and III. : Committed to the Treasurer *Gazette* 20th December, 1934, p. 1217.
Administration of Parts IV. and V. : Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1217.

Road Traffic Act, 1934-1940—*continued.*

Administration of Parts IIA. and VI. : Committed to the Treasurer *Gazette* 18th March, 1937, p. 586.

Administration of Part VII. : Committed to the Minister of Local Government *Gazette* 18th March, 1937, p. 586.

s. 10. Proclamations : *Gazette* 2nd October, 1930, p. 662 ; 21st April, 1932, p. 696 ; 6th October, 1932, p. 686 ; 24th May, 1934, p. 1282 ; 20th December, 1934, p. 1219 ; 2nd May, 1935, p. 1225 ; 23rd May, 1935, p. 1383 ; 30th April 1936, p. 933 ; 4th June, 1936, p. 1133 ; 6th August, 1936, p. 207 ; 19th November, 1936, p. 1111 ; 8th April, 1937, p. 745 ; 20th April, 1937, p. 945 ; 16th September, 1937, p. 697 ; 6th April, 1939, p. 835 ; 29th June, 1939, p. 1501 ; 14th March, 1940, p. 537 ; 9th May, 1940, p. 986.

s. 71. Proclamations : 27th January, 1938, p. 165 ; 10th February, 1938, p. 293.

s. 110. Proclamation : *Gazette* 25th April, 1940, p. 867.

s. 130a. Notices : *Gazette* 26th January, 1939, p. 315 ; 9th February, 1939, p. 378 ; 2nd March, 1939, p. 553 ; 9th March, 1939, p. 590 ; 31st August, 1939, p. 558 ; 23rd November, 1939, p. 139 ; 18th January, 1940, p. 74 ; 8th February, 1940, p. 218 ; 15th February, 1940, pp. 372 and 373 ; 14th March, 1940, p. 549 ; 23rd May, 1940, p. 1111 ; 8th August, 1940, p. 224 ; 15th August, 1940, p. 278 ; 24th October, 1940, p. 843 ; 28th November, 1940, p. 1218 ; 19th December, 1940, p. 1555 ; 20th February, 1941, p. 259 ; 13th March, 1941, p. 372.

s. 143. Proclamation : *Gazette* 18th March, 1937, p. 586.

(For details of this proclamation see the footnote in Volume 7, p. 443 of the South Australian Statutes, 1837-1936.)

s. 151. Proclamation : *Gazette* 19th October, 1939, p. 1094.

General regulations : *Gazette* 2nd June, 1938, p. 1189 ; 1st June, 1939, p. 1328 ; 31st August, 1939, pp. 685, 686 ; 9th November, 1939, p. 1263 ; 1st February, 1940, p. 214 ; 20th June, 1940, p. 1397 ; 12th September, 1940, p. 566.

Regulations as to stop signs : *Gazette* 23rd March, 1939, p. 674.

Regulations as to stop signs at railway crossings : *Gazette* 28th September, 1939, p. 904.

Regulations as to centre lines on roads : *Gazette* 24th August, 1939, p. 552.

Regulations as to the form of cover note for the purposes of section 7b : *Gazette* 19th December, 1940, p. 1587.

Rules of Local Court as to appeals under section 32 : *Gazette* 4th March, 1937, p. 484.

Sale of Fruit Act, 1915-1935.

Regulations : *Gazette* 3rd December, 1936, p. 1195.

Sale of Goods Act, 1895-1937.

s. 57a. Commencement : 1st July, 1938 : *Gazette* 9th June, 1938, p. 1270.

Sandalwood Act, 1930-1940.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 4th December, 1930, p. 1129.

Regulations : *Gazette* 7th July, 1932, p. 2 ; 6th December, 1934, p. 1142.

Sand Drift Act, 1923-1935.

Commencement : 8th May, 1924 ; *Gazette* 8th May, 1924, p. 1057.

Administration : Committed to the Minister of Local Government *Gazette* 24th January, 1924, p. 151.

s. 4 (1). Proclamation : *Gazette* 6th February, 1941, p. 148.

s. 28. Proclamations : *Gazette* 14th October, 1926, p. 922 ; 24th February, 1927, p. 397 ; 5th January, 1928, p. 2 ; 23rd May, 1929, p. 1051 ; 13th August, 1931, p. 253 ; 19th September, 1935, p. 637 ; 10th October, 1935, p. 754 ; 26th January, 1939, p. 246 ; 2nd May, 1940, p. 897 ; 20th June, 1940, p. 1350 ; 29th August, 1940, p. 405.

(For details of proclamations made prior to 25th January, 1939, see the footnote in Volume 7, p. 517 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 19th January, 1928, p. 91.

Scaffolding Inspection Act, 1934-1940.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 642.

Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 642.

s. 3. Proclamations : *Gazette* 17th October, 1940, p. 777 ; 13th February, 1941, p. 181.

School of Mines and Industries Act, 1892-1934.

Commencement : 1st February, 1893 ; *Gazette* 19th January, 1893, p. 96.

s. 8. Proclamation : *Gazette* 7th January, 1935, p. 407.

Rules and regulations : *Gazette* 29th September, 1927, p. 893.

Second-hand Dealers Act, 1919-1934.

Commencement : 12th August, 1920 ; *Gazette* 12th August, 1920, p. 315.
Administration : Committed to the Chief Secretary *Gazette* 19th August, 1920, p. 379.
Regulations : *Gazette* 26th March, 1936, p. 705 ; 26th May, 1938, p. 1151 ; 23rd June, 1938, p. 1533 ; 3rd August, 1939, p. 345 ; 9th November, 1939, p. 1262.

The Settled Estates Act, 1880.

Rules of Court : *Gazette* 5th April, 1883, p. 1174.

Sewerage Act, 1929-1936.

s. 79. Proclamation : *Gazette* 27th May, 1926, p. 1365.
Regulations : *Gazette* 15th August, 1935, p. 359.
Regulation under the Fees Regulation Act, 1927, fixing fees for services relating to sewers : *Gazette* 20th September, 1934, p. 596.

Shearers Accommodation Act, 1922-1925.

Administration : Committed to the Minister of Industry *Gazette* 18th January, 1923, p. 93.

Soil Conservation Act, 1939.

Administration : Committed to the Minister of Agriculture *Gazette* 4th January, 1940, p. 3.

South Australian Housing Trust Act, 1936-1940.

Administration : Committed to the Treasurer *Gazette* 14th January, 1937, p. 33.

South Australian Railways Commissioner's Act, 1936-1938.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.
s. 53n. Proclamation : *Gazette* 28th November, 1940, p. 1207.
By-laws—

1. General by-laws governing passengers and public—By-law A : *Gazette* 16th August, 1906, p. 355 ; by-law D : *Gazette* 24th June, 1920, p. 1487.
2. Unauthorised crossings—By-law E : *Gazette* 5th March, 1931, p. 419.
3. Removal of goods from railway premises—By-law F : *Gazette* 7th January, 1932, p. 20.
4. Tickets covering combined services—By-law G : *Gazette* 12th July, 1934, p. 42.
5. Conduct of passengers—By-law H : *Gazette* 17th February, 1938, p. 359.
6. Rates and conditions for the carriage of merchandise, minerals, livestock, &c.—By-law 226 : *Gazette* 9th March, 1934, p. 541 ; by-law 229 (livestock) : *Gazette* 25th April, 1935, p. 1198 ; by-law 232 (crude oil, kerosene, and motor spirit) : *Gazette* 18th June, 1936, p. 1212 ; by-law 234 (barrier traffic) : *Gazette* 7th October, 1937, p. 917 ; by-law No. 236 (carriage of perishable traffic) : *Gazette* 4th January, 1940, p. 31.
7. Passenger rates and conditions—By-law 228 : *Gazette* 4th January, 1935, p. 41 ; 28th September, 1939, p. 905 ; by-law 233 : *Gazette* 16th September, p. 704.
8. Use of railway facilities for loading and unloading merchandise other than rail-borne merchandise—By-law 230 : *Gazette* 23rd January, 1936, p. 218.

Regulations—

1. Employment, rules, duties, &c., of staff—Regulation No. 56 : *Gazette* 2nd November, 1922, p. 990 ; regulation No. 86 : *Gazette* 28th March, 1929, p. 652 ; regulation No. 88 : *Gazette* 27th June, 1929, p. 1495 ; regulation No. 90 : *Gazette* 23rd January, 1930, p. 139 ; regulation No. 105 : *Gazette* 7th March, 1935, p. 688 ; regulation No. 108 : *Gazette* 30th May, 1935, p. 1439 ; regulation No. 123 : *Gazette*, 13th March, 1941, p. 370.
2. Employment on other than railway duties—Regulation No. 120 : *Gazette* 9th May, 1940, p. 1054.
3. Locomotive workshop rules—Regulation No. 89 : *Gazette* 21st November, 1929, p. 1125
4. Branches of railway service—Regulation No. 99 : *Gazette* 14th January, 1932, p. 32.
5. Classification of officers—Regulation No. 111 : *Gazette* 24th September, 1936, p. 643 ; regulation No. 114 : *Gazette* 14th October, 1937, p. 1029 ; regulation No. 115 : *Gazette* 14th October, 1937, p. 1030 ; regulation No. 119 : *Gazette* 28th November, 1940, p. 1211.
6. Home stations and travelling allowances—Regulation No. 65 : *Gazette* 21st August, 1924, p. 469 ; regulation No. 67 : *Gazette* 11th September, 1924, p. 658.
7. Transfers—Regulation No. 66 : *Gazette* 11th September, 1924, p. 658.
8. Leave of absence, holidays, sick leave, hours of duty—Regulation No. 68 : *Gazette* 20th November, 1924, p. 1338 ; regulation No. 69 : *Gazette* 23rd July, 1925, p. 182 ; regulation No. 118 : *Gazette* 3rd November, 1938, p. 1182 ; regulation No. 121 : *Gazette* 26th December, 1940, p. 1598.
9. Injuries, sickness, and medical standards—Regulation No. 107 : *Gazette* 18th April, 1935, p. 1142.

South Australian Railways Commissioner's Act, 1936-1938—*continued.*

Regulations—*continued*—

10. Clothing and equipment—Regulation No. 91: *Gazette* 28th August, 1930, p. 410.
11. The Railways Institute—Regulation No. 79 : *Gazette* 28th July, 1927, p. 218 ; regulation No. 84 : *Gazette* 8th March, 1928, p. 509 ; regulation No. 101 : *Gazette* 25th February, 1932, p. 381.
12. The Railways Service Appeal Board—*Gazette* 11th February, 1904, p. 253.
13. The Railway Officers Classification Board : *Gazette* 19th January, 1939, p. 239 ; 19th October, 1939, p. 1155 ; 3rd October, 1940, p. 733.

South-Eastern Drainage Act, 1931-1935.

Commencement : 1st January, 1932 ; *Gazette* 17th December, 1931, p. 1115.
Administration : Committed to the Minister of Irrigation *Gazette* 17th December, 1931, p. 1115.
Rules of Court as to appeals under section 53 or section 96 : *Gazette* 5th May, 1932, p. 779.

Stamp Duties Act, 1923-1938.

Regulations : *Gazette* 24th July, 1924, p. 169.

The Standard Time Act, 1898.

Commencement : 1st May, 1899 ; *Gazette* 9th February, 1899, p. 245.

State Bank Act, 1925-1936.

Commencement : 1st February, 1926 ; *Gazette* 28th January, 1926, p. 151.
Administration : Committed to the Treasurer *Gazette* 28th January, 1926, p. 151.
Regulations : *Gazette* 21st November, 1929, p. 1137.

Steam Boilers and Enginedrivers Act, 1935.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.
Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 643.
Regulations relating to the examination of boilers : *Gazette* 11th February, 1932, p. 257 ; 12th March, 1936, p. 593.
Regulations relating to the Enginedrivers' Board and examinations : *Gazette* 2nd April, 1925, p. 578 ; 23rd September, 1937, p. 765.

Stock and Poultry Diseases Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.
s. 5 (1). Notice under definition of " stock " : *Gazette* 27th May, 1937, p. 1211.
s. 6. Proclamations : *Gazette* 4th March, 1926, p. 686 ; 5th April, 1928, p. 725 ; 20th September, 1928, p. 629 ; 15th December, 1932, p. 1143 ; 3rd June, 1937, p. 1254 ; 29th July, 1937, p. 257 ; 31st March, 1938, p. 703.
s. 29 (2). Notice : *Gazette* 6th February, 1936, p. 303.
s. 30. Notice : *Gazette* 6th February, 1936, p. 303.
(For details of notices and proclamations made prior to 30th March, 1938, under sections 5, 6, 29, and 30, see the footnotes in Volume 8, pp. 41, 42, and 50 of the South Australian Statutes, 1837-1936.)
General regulations : *Gazette* 19th April, 1900, p. 939 ; 25th May, 1922, p. 1337 ; 8th February, 1934, p. 253.
Regulations as to the introduction of stock and fodder for the prevention of anthrax : *Gazette* 30th July, 1903, p. 175.
Regulations relating to swine : *Gazette* 3rd December, 1903, p. 1115.
Regulations relating to returns of sheep dipped : *Gazette* 8th December, 1927, p. 1515.

Stock Licks Act, 1931.

Commencement : 3rd April, 1932 ; *Gazette* 17th March, 1932, p. 511.
Administration : Committed to the Minister of Agriculture *Gazette* 31st December, 1931, p. 1227.
Regulations ; *Gazette* 17th March, 1932, p. 513.

Stock Medicines Act, 1939.

Commencement : 1st July, 1940 ; *Gazette* 21st March, 1940, p. 589.
Administration : Committed to the Minister of Agriculture *Gazette* 21st March, 1940, p. 589.
Regulations : *Gazette* 21st March, 1940, p. 592.

Subdivided Land Debts Act, 1932-1934.

s. 8. Notice : *Gazette* 26th January, 1933, p. 111.
Regulations : *Gazette* 19th January, 1933, p. 72.

Succession Duties Act, 1929-1940.

s. 6. Proclamations : *Gazette* 2nd July, 1925, p. 1 ; 16th June, 1932, p. 1067 ; 23rd January, 1936, p. 208.
(For details of proclamations see the footnote in Volume 8, p. 93 of the South Australian Statutes, 1837-1936.)
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Regulation under the Fees Regulation Act, 1927, providing for the fee payable to the Public Trustee on the preparation of a certain succession duty form : *Gazette* 3rd December, 1931, p. 1033.

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s. 3. Notice of " appointed day " : *Gazette* 24th February, 1927, p. 400.
s. 23. Notice : *Gazette* 24th February, 1927, p. 400.
Regulations : *Gazette* 22nd December, 1926, 1566 ; 16th June, 1927, p. 1306 ; 20th December, 1928, p. 1293 ; 10th September, 1931, p. 430 ; 23rd November, 1933, 1055 ; 11th July, 1940, p. 72.
Rules of Court : *Gazette* 12th May, 1932, p. 869.

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Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.
s. 52. Proclamations : *Gazette* 21st March, 1878, p. 620 ; 14th July, 1881, p. 92 ; 3rd March, 1892, p. 527 ; 21st January, 1897, p. 92 ; 14th September, 1939, p. 745.
(For details of proclamations made prior to 13th September, 1939, see the footnote in Volume 8, p. 185 of the South Australian Statutes, 1837-1936.)
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s. 5 (2). Proclamations : *Gazette* 15th May, 1902, p. 1025 ; 17th August, 1922, p. 333 ; 11th October, 1923, p. 834.
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Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.
s. 6. Proclamations : *Gazette* 20th January, 1927, p. 121 ; 8th August, 1929, p. 330 ; 6th February, 1930, p. 226 ; 23rd October, 1930, p. 834 ; 13th November, 1930, p. 986,
s. 53. Proclamations : *Gazette* 23rd April, 1931, p. 682 ; 7th May, 1931, p. 741 ; 7th May, 1931, p. 742 ; 21st May, 1931, p. 805 ; 11th June, 1931, p. 974 ; 25th June, 1931, p. 1045 ; 25th June, 1931, p. 1046 ; 25th June, 1931, p. 1048 ; 25th June, 1931, p. 1049 ; 25th June, 1931, p. 1050 ; 25th June, 1931, p. 1051 ; 2nd July, 1931, p. 1 ; 2nd July, 1931, p. 2 ; 16th July, 1931, p. 62 ; 16th July, 1931, p. 63 ; 16th July, 1931, p. 64 ; 30th July, 1931, p. 158 ; 30th July, 1931, p. 161 ; 6th August, 1931, p. 201 ; 21st July, 1932, p. 91 ; 20th October, 1932, p. 799 ; 5th January, 1933, p. 2 ; 24th August, 1933, p. 353 ; 16th November, 1933, p. 1003 ; 7th December, 1933, p. 1127 ; 7th December, 1933, p. 1128 ; 14th December, 1933, p. 1167 ; 25th January, 1934, p. 131 ; 22nd March, 1934, pp. 844-845 ; 14th June, 1934, p. 1433 ; 30th August, 1934, p. 426 ; 6th September, 1934, p. 478 ; 1st November, 1934, p. 886 ; 17th January, 1935, p. 292 ; 4th July, 1935, p. 2 ; 30th January, 1936, p. 270 ; 20th February, 1936, p. 442 ; 16th July, 1936, pp. 65-66 ; 8th October, 1936, p. 697 ; 3rd December, 1936, p. 1194 ; 22nd April, 1937, p. 850 ; 22nd June, 1939, p. 1457 ; 6th February, 1941, p. 147.
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