



ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 14 of 1948.

An Act to amend the Building Materials Act, 1945-1947.

[Assented to 23rd September, 1948.]

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

1. (1) This Act may be cited as the " Building Materials Act Amendment Act, 1948 ". Short titles.

(2) The Building Materials Act, 1945-1947, as amended by this Act, may be cited as the " Building Materials Act, 1945-1948 ".

(3) The Building Materials Act, 1945-1947, is hereinafter referred to as " the principal Act ".

2. Section 7 of the principal Act is amended by adding at the end thereof the following subsection :— Amendment of principal Act, s. 7—

(6) If any seller manufactures or causes to be manufactured from any substance any essential building material to which section 6 applies and after the manufacture thereof delivers or causes to be delivered the essential building material to any person, the seller shall, for the purposes of this section, be deemed to have disposed of the essential building material to that person.

Control of sale of certain essential building materials

3. Section 8 of the principal Act is amended—

(a) by inserting after the word " structure " in the ninth line of subsection (2) thereof the words " or the area of the building or structure " ;

Amendment of principal Act, s. 8—
Evidence.

- (b) by striking out the words "as the case may be", in the eleventh line of subsection (2) thereof;
- (c) by inserting after the word "thereto" in the twelfth line of subsection (2) thereof the words "or, as the case may be, the area thereof";
- (d) by inserting after the word "amount" in the thirteenth line of subsection (2) thereof the words "or area".

Enactment of
s. 10a of
principal
Act—

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

Power of
court where
permit not
issued.

10a. If—

- (a) under any other Act a court has (whether before or after the passing of the Building Materials Act Amendment Act, 1948) fixed a time within which a building is to be erected or completed; and
- (b) a permit under this Act is or has been necessary for carrying out the erection or completion of the building; and
- (c) an application for a permit under this Act has been made for carrying out the erection or completion of the building but such a permit has not been issued,

then, notwithstanding the provisions of any other Act, the court may from time to time extend for such period or periods as the court thinks proper, the time within which the building is to be erected or completed and, in any such case, the erection or completion of the building within the time so extended shall have the same effect for all purposes as if the building had been erected or completed within the time originally fixed.

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

5. Section 11 of the principal Act is amended by striking out the word "forty-eight" in the second line thereof and by inserting in lieu thereof the word "forty-nine".

Amendment
of second
schedule of
principal Act.

6. The second schedule to the principal Act is amended—

- (a) by striking out the words "owner thereof" first occurring in paragraph 1a thereof and by inserting in lieu thereof "person who at the time of the commencement of the construction of the dwellinghouse is the owner of the land upon which the dwellinghouse is constructed";

(b) by striking out paragraphs 2, 3 and 4 thereof and by inserting in lieu thereof the following paragraphs :—

2. The carrying out of any of the following works, namely :—

(a) the construction of any building or structure of any kind (other than a dwellinghouse) ;

(b) the carrying out of any addition to any building or structure ;

(c) the carrying out of any alterations or repairs to any building or structure,

so that, during any period of twelve months ending on the thirtieth day of June in any year, the total cost (including any amount payable to any builder or contractor or to any other person for the purpose of carrying out the work) of carrying out during that period the construction of the building or structure, or of carrying out during that period all additions to the building or structure, or of carrying out during that period all alterations and repairs to the building or structure, as the case may be, exceeds £100, and whether the essential building material is used for the purpose of any such work before or after the time when the said total cost exceeds £100.

3. The construction by means of the use of cement or any cement product, of any footway, roadway, carriage-way, pavement, kerb, or water table, whether constructed on any street or road or on any land whatsoever, and the paving by means of the use of cement or any cement product of any uncovered area of land appurtenant to any building.

7. The proclamation made pursuant to the principal Act on the seventh day of November, nineteen hundred and forty-six, and published in the *Government Gazette* on the seventh day of November, nineteen hundred and forty-six, at page 1173, is hereby revoked.

Revocation of
proclamation.

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

J. M. NAPIER, Governor's Deputy.