



ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 84 of 1966

An Act to amend the Housing Improvement Act, 1940-1965, and the Excessive Rents Act, 1962-1966.

[Assented to 1st December, 1966.]

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. (1) This Act may be cited as the "Statutes Amendment (Housing Improvement and Excessive Rents) Act, 1966".

Short title
and
arrangement.

(2) This Act is arranged as follows :—

PART I.—PRELIMINARY :

PART II.—AMENDMENT OF HOUSING IMPROVEMENT ACT, 1940-1965, ss. 2-6 :

PART III.—AMENDMENT OF EXCESSIVE RENTS ACT, 1963-1966, ss. 7-8 :

PART II.

PART II.

AMENDMENT OF THE HOUSING IMPROVEMENT ACT, 1940-1965.

2. (1) The Housing Improvement Act, 1940-1965, as amended by this Act may be cited as the "Housing Improvement Act, 1940-1966".

Short title
and
citation.

1966. Statutes Amendment (Housing No. 84.
Improvement and Excessive Rents) Act, 1966.

(2) The Housing Improvement Act, 1940-1965, is in this Part referred to as "the principal Act".

Amendment of
principal Act,
s. 50—
Interpretation.

3. Section 50 of the principal Act is amended by inserting at the end of the definition of "rent and rental" the passage "and any amount payable by the tenant to the landlord in respect of the house for the supply or provision of any domestic service and in respect of the supply of any electricity, gas, water, fuel or other domestic commodity in connection with the house".

Amendment of
principal Act,
s. 70a—
House declared
or which may
be declared
substandard—
Owner may not
require
tenant or
occupier to
do certain
works etc.

4. Section 70a of the principal Act is amended—

(a) by inserting after the word "tenant" in paragraph (a) of subsection (1) thereof the words "or occupier";

(b) by inserting before the word "occupier" in paragraph (b) of subsection (1) thereof the words "tenant or";

and

(c) by inserting after the word "tenant" in subsection (2) thereof the words "or occupier".

Amendment of
principal Act,
s. 87—
Provision
as to
regulations.

5. Section 87 of the principal Act is amended by striking out the words "twenty pounds" and "two pounds" in paragraph (g) thereof and inserting in lieu thereof the words "one hundred dollars" and "ten dollars" respectively.

Enactment of
s. 89a of
principal Act—

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

Limitation
of time
for
bringing
proceedings.

89a. Notwithstanding anything contained in any other Act, proceedings for an offence against this Act may be brought within a period of two years from the time the alleged offence was committed.

PART III.

PART III.

AMENDMENT OF EXCESSIVE RENTS ACT, 1962-1966.

Short title
and
citation.

7. (1) The Excessive Rents Act, 1962-1966, as amended by this Act may be cited as the "Excessive Rents Act, 1962-1966".

(2) The Excessive Rents Act, 1962-1966, is in this Part referred to as "the principal Act".

8. The following section is enacted and inserted in the principal Act after section 15b thereof :—

Enactment of
s. 15c of
principal Act—

15c. (1) Where—

Circumstances
in which
owner of
substandard
house may
apply to
local court
for relief.

(a) a person (hereinafter in this section called “the owner”) has, pursuant to an agreement, become registered, or entitled to be registered, as a proprietor in fee simple of any land or has become or is entitled to become registered as a proprietor in fee simple of an undivided share of any land and acquires, whether pursuant to a lease or otherwise, the right to occupation of a particular portion of that land and upon such land there is situated a house which at the time the agreement was entered into was declared to be substandard pursuant to a declaration in force under Part VII of the Housing Improvement Act, 1940-1965 ;

and

(b) the person, or any person acting on behalf of that person (hereinafter in this section called “the former owner”) from whom he, pursuant to the agreement, acquired such land, has reserved the right to determine the occupation of that owner, whether pursuant to a mortgage, agreement to lease, or any other agreement,

the owner, or the South Australian Housing Trust acting on his behalf, may, before the expiration of two years after the making of that mortgage, agreement to lease, or other agreement, apply to the local court for an order under subsection (2) of this section.

(2) Where, having regard to the matters specified in section 8 of this Act, the court is satisfied that the mortgage, agreement to lease, or other agreement between the owner and former owner is harsh and unconscionable or is such that a court of equity would give relief the court may, by order, set aside the mortgage, agreement to lease, or other agreement on such terms and conditions as the court thinks fit and may have regard to any payments made by the owner to the former owner under the mortgage, agreement to lease, or other agreement.

(3) Upon the making of an order under subsection (2) of this section the provisions of subsections (4), (5), (6), (7), (8), (9), (10), (11), and (12) of section 15a of this Act shall apply and have effect, *mutatis mutandis*, as if the

references to purchaser and owner under that section were references to owner and former owner under this section.

(4) The word "agreement" in this section includes a contract.

(5) This section shall be deemed to have come into operation on the seventeenth day of March, One thousand nine hundred and sixty-six.

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

EDRIC BASTYAN, Governor.