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**ELIZABETHAE II REGINAE**

A.D. 1952

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**No. 30 of 1952.**

An Act for the control of certain building operations, to repeal the Building Materials Act, 1949-1951, and for other purposes.

[Assented to 27th November, 1952.]

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 " Building Operations Act, 1952 ".

Repealing provision.

2. (1) The Building Materials Act, 1949, the Building Materials Act Amendment Act, 1950, and the Building Materials Act Amendment Act, 1951, are hereby repealed.

(2) Any permit or notice issued or given under any repealed Act shall be deemed to have been issued or given under this Act and shall have effect accordingly.

Interpretation.

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

" addition ", applied to a building or structure, means any work to carry out which involves any extension of any existing roof of the building or structure or which involves an extension of the area of the building or structure :

" area ", applied to a building or structure, means the total of—

(a) the superficies of a horizontal section thereof made at the point of its greatest surface inclusive of the external walls or if the building or structure consists of two or more

storeys the total superficies calculated as aforesaid in respect of each storey in the building or structure ; and

(b) the superficies calculated in accordance with paragraph (a) hereof of every verandah, balcony, porch and similar structure attached to the building or structure :

“ building ” includes any dwellinghouse or outbuilding :

“ cost ”, in relation to any building operation referred to in this Act, includes wages paid or due to permanent or temporary employees, sums paid or due to contractors or sub-contractors, and the fair value of all materials used in connection with the building operation, including provisional and prime cost items, fixtures and installations incidental to the building operation (whether acquired for the purpose of the building operation in the course of which they are used or otherwise and whether acquired or paid for in the financial year in which the building operation is carried out or otherwise) and the fair value of all services rendered in connection with the building operation, but does not include the time or labour of the person for whom the building operation is carried out, unless it is within the business of that person to carry out that building operation and the time or labour is expended by him on the building operation within ordinary business hours :

“ financial year ” means a period of twelve months ending on the thirtieth day of June :

“ metropolitan area ” means the area comprised within the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens and Woodville and the area comprised within the Garden Suburb :

“ Minister ” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor :

“ outbuilding ” includes laundry, garage, stable, shed, workshop, and any other building of a similar nature :

“ registered interest ” means—

(a) an estate of freehold or leasehold ; or

(b) an agreement for sale and purchase with the Crown,

which is registered under The Real Property Act, 1886-1945, or the Registration of Deeds Act, 1935 :

“ repealed Act ” means any Act repealed by this Act and any Act repealed by any Act so repealed :

“ square ” applied to the measurement of any area means an area of one hundred square feet.

(2) For the purposes of this Act an outbuilding shall be deemed to be appurtenant to a building or structure if the outbuilding is situated on land occupied with the building or structure.

Regulation of  
building  
operations.

4. (1) No person shall construct or cause to be constructed any building or structure or shall carry out or cause to be carried out any addition or alteration to any building or structure except as provided by subsection (2) of this section.

(2) The carrying out of any of the following works shall not be a contravention of this section :—

i. The construction of any dwellinghouse and any appurtenant outbuilding where—

(a) the total area of the dwellinghouse (including all outbuildings appurtenant to the dwellinghouse other than outbuildings upon land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary), does not exceed or, if completed, will not exceed eighteen squares ; and

(b) (i.) the dwellinghouse is constructed at the cost of a person upon land in which that person has a registered interest and the dwellinghouse is constructed for occupation by that person as his permanent and principal place of residence ; or

(ii.) the dwellinghouse is constructed at the cost of a person upon land in which that person has a registered interest and the dwellinghouse is constructed for occupation by a person employed or to be employed by the first mentioned person :

5. 4. FLANNAGAN v. MADDAFORD (1952) S.A.S.R. 174. Where the owner of a building to whom a permit for the making of additions to the building had been granted under section 4 of the Building Materials Act, 1949-1951, carried out those additions and, in the same financial year, made further additions within the cost provided by section 4 (2) III. of that Act, held that the owner had not contravened that section.

- II. The construction of any dwellinghouse and any appurtenant outbuilding (other than a dwellinghouse such as is referred to in paragraph I. of this subsection) where—
- (a) the total area of the dwellinghouse (including all outbuildings appurtenant to the dwellinghouse other than outbuildings upon land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary) does not exceed or, if completed, will not exceed eighteen squares; and
  - (b) no materials of any of the kinds mentioned in subsection (1) of section 7 are used in the construction of the dwellinghouse or any outbuilding appurtenant thereto:
- III. The construction of any dwellinghouse and any appurtenant outbuilding where—
- (a) the total area of the dwellinghouse (including all outbuildings appurtenant to the dwellinghouse) does not exceed or, if completed, will not exceed twenty squares; and
  - (b) no materials of any of the kinds mentioned in subsection (1) of section 7 are used in the construction of the dwellinghouse or any outbuilding appurtenant thereto; and
  - (c) the dwellinghouse is constructed at the cost of a person upon land in which that person has a registered interest and is constructed for occupation by him as his permanent and principal place of residence; and
  - (d) no cement manufactured within the State and no cement product which is manufactured in whole or in part from cement manufactured within the State is, before the twenty-eighth day of February, nineteen hundred and fifty-three, used in the construction of the dwellinghouse or any outbuilding appurtenant thereto:
- IV. The construction of any building or structure (other than a dwellinghouse such as is referred to in paragraph I. II. or III. of this subsection), the total area of which does not exceed or, if completed, will not exceed three squares and the total cost of

- construction of which does not exceed or, if completed, will not exceed three hundred pounds (exclusive of the cost of any painting): Provided that nothing in this paragraph shall be deemed to authorize the construction of an outbuilding appurtenant to a dwellinghouse during the time the dwellinghouse is under construction or within twelve months after its completion :
- v. The construction of any outbuilding upon land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary, or the carrying out of any addition to any such outbuilding :
- vi. The carrying out of an addition to any dwellinghouse which dwellinghouse was completed after the third day of September, nineteen hundred and thirty-nine, where the total of the area of the dwellinghouse (including all outbuildings appurtenant to the dwellinghouse other than outbuildings upon land used as a grazing area, farm orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary) and the area of the addition does not exceed eighteen squares :
- vii. The carrying out of an addition to any dwellinghouse where the total of the area of the dwellinghouse (including all outbuildings appurtenant to the dwellinghouse other than outbuildings upon land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary) and the area of the addition does not exceed eighteen squares and where the person at whose cost the addition is carried out resides in the dwellinghouse :
- viii. The carrying out during any financial year of any additions to any completed building or structure where during that financial year the total area of all such additions to the building or structure and any outbuildings appurtenant thereto does not exceed three squares and the total cost of all such additions to the building or structure and any outbuildings appurtenant thereto does not exceed three hundred pounds (exclusive of the cost of any painting): Provided that nothing in this paragraph shall be deemed to authorize the carrying out of any addition to a building or structure during the time the building or structure is under construction or within twelve months after its completion :

- ix. The carrying out during any financial year of any alterations to any completed building or structure where the total cost of all such alterations to that building or structure and to any outbuilding appurtenant to that building or structure during that financial year does not exceed three hundred pounds (exclusive of the cost of any painting): Provided that nothing in this paragraph shall be deemed to authorize the carrying out of any alterations to a building or structure during the time the building or structure is under construction or within twelve months after its completion :
- x. The construction of any building or structure or the carrying out of any addition or alteration to any building or structure pursuant to and in accordance with the conditions of a permit issued by the Minister :
- xi. The carrying out of any work if carried out in compliance with the provisions of any proclamation made under subsection (3) of this section.

(3) The Governor may by proclamation declare that the carrying out of any work of any kind described in the proclamation shall not, if carried out in compliance with the provisions of the proclamation, be a contravention of this section. Any such proclamation shall have effect notwithstanding that the provisions of the proclamation relate to matters provided for in subsection (2) of this section.

(4) Any person who commits any contravention of this section shall be guilty of an offence and in the case of a first offence liable to a penalty not exceeding one hundred pounds and in the case of a second or subsequent offence liable to a penalty not exceeding five hundred pounds.

5. (1) Unless authorized by a permit issued by the Minister, no person shall use or cause to be used any cement manufactured within the State or any cement product which is manufactured in whole or in part from cement manufactured within the State for the construction of any footway, roadway, carriage-way, pavement, kerb, or water table in any street or road or for the paving of any uncovered area of land or for the construction of any kerbing or border on any land or for the construction of any fence, fence-wall, or structure constructed to serve as a fence.

Further restrictions on the use of local cement and cement products.

(2) The Governor may make regulations declaring that no

s. 5. WOOLTANA INDUSTRIES LIMITED v. O'SULLIVAN (1948) S.A.S.R. 42. *Semble*, "cement products" includes concrete blocks and like materials, in which the cement has undergone a change in its nature.

person shall use or cause to be used any such cement or any such cement product for any purpose specified in the regulations.

(3) Any person who uses or causes to be used any such cement or any such cement product in contravention of this section or of any regulation made under this section shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(4) This section shall cease to have operation after the twenty-eighth day of February, nineteen hundred and fifty-three: Provided that the Governor may by proclamation declare that this section shall cease to have operation on any day earlier than the said day.

Prohibition of demolition of dwellinghouse.

6. (1) Any person who—

(a) demolishes any dwellinghouse; or

(b) demolishes any part of any dwellinghouse or makes any alteration to any dwellinghouse so as to render it uninhabitable as a dwellinghouse,

shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

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

(a) with the permit of the Minister and in accordance with any conditions of that permit; or

(b) in compliance with an order or notice of a local board of health given pursuant to the Health Act, 1935-1952, or the Housing Improvement Act, 1940-1950.

(3) For the purposes of this section "dwellinghouse" means a building constructed or adapted for use as a place of habitation and includes any building which at any time within twelve months before it is demolished or altered is occupied by some person as a place of habitation.

Control of the use of certain building materials.

7. (1) No person shall use or cause to be used any of the following materials namely:—

(a) burnt building bricks;

(b) galvanized iron manufactured within the Commonwealth which is of No. 24 or No. 26 gauge;

(c) galvanized piping manufactured within the Commonwealth the internal diameter of which is not less than one-half an inch and is not more than three inches;

(d) *pinus radiata* flooring boards,

unless the materials are used pursuant to and in accordance with the conditions of a permit issued by the Minister or

unless the material is used as provided by subsection (2) of this section.

(2) It shall not be a contravention of this section—

(a) if burnt building bricks are used for the construction of a dwellinghouse, school, or hospital constructed in pursuance of section 4 or for carrying out in pursuance of section 4 any addition or alteration to any dwellinghouse, school, or hospital :

(b) if burnt building bricks are used for the underpinning of any building or structure :

(c) if galvanized iron of any of the kinds described in subsection (1) of this section is used—

(i.) for the construction of the roof of any dwellinghouse, school, or hospital constructed outside the metropolitan area in pursuance of section 4 ;

(ii.) for the construction of the roof of any outbuilding situated upon any land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary, or of the roof of any addition thereto ;

(iii.) for the construction in pursuance of section 4 of the roof of any addition to any dwellinghouse, school, or hospital situated outside the metropolitan area :

(iv.) for the construction in pursuance of section 4 of the roof of any addition to any dwellinghouse, school, or hospital situated within the metropolitan area where the roof existing upon the dwellinghouse, school, or hospital is of galvanized iron :

(v.) for the construction of guttering, flashing, ridgecapping, ant capping, downpipes or vent pipes to any building or structure constructed in pursuance of section 4 ;

(vi.) in the carrying out of any repairs to any existing galvanized iron roof of any dwellinghouse, school or hospital or of any building situated upon any land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm or apiary :



- (vii.) in the carrying out of any repairs to the guttering, flashing, ridgescaping, ant-capping, downpipes or vent pipes of any building or structure ; or
- (viii.) in the manufacture of any water tank :
- (d) if galvanized piping of any of the kinds described in subsection (1) of this section is used for the purposes of water reticulation :
- (e) if *pinus radiata* flooring boards are used for the purpose—
- (i.) of the construction of floors in a dwelling-house, school, or hospital constructed in pursuance of section 4 ;
- (ii.) of the construction in pursuance of section 4 of floors in any addition to any dwelling-house, school, or hospital ; or
- (iii.) of carrying out repairs to any floor in any dwellinghouse, school, or hospital :
- (f) if any materials described in subsection (1) hereof which have previously been used for any purpose are again used for any purpose :
- (g) if any materials described in subsection (1) hereof are used in compliance with the provisions of any proclamation made under subsection (3) of this section.

(3) The Governor may by proclamation declare that it shall not be a contravention of this section if any materials of any kind described in subsection (1) hereof are used for any purpose specified in the proclamation and in accordance with any conditions specified in the proclamation. Any such proclamation shall have effect notwithstanding that the provisions of the proclamation relate to matters provided for in subsection (2) of this section.

(4) Any person who uses or causes to be used any material in contravention of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

Notice to  
cease unlawful  
construction of  
building or  
structure.

8. (1) If any building or structure is being constructed contrary to any of the provisions of this Act or if any addition or alteration to any building or structure is being carried out contrary to any of the provisions of this Act, the Minister may give notice to all or any of the following persons, namely, the owner of the building or structure or any person carrying out or

employed or engaged in carrying out the construction of the building or structure or carrying out the addition or alteration requiring him to cease carrying on the construction of the building or structure, or as the case may be, the carrying out of the addition or alteration. If after the giving of notice to any such person, the requirements of the notice are not complied with by that person, that person shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds for every day during which the requirements of the notice are not complied with.

(2) When a notice has been given under subsection (1) of this section in respect of a dwellinghouse in course of construction, the owner may at any time after six months from the giving of the notice apply to the local court of full jurisdiction nearest to the dwellinghouse for the issue of a permit for the completion of the dwellinghouse to an area of eighteen squares (including all outbuildings appurtenant to the dwellinghouse).

(3) Upon such an application the local court may issue any permit which it thinks proper for the purpose of completing the dwellinghouse as aforesaid. Notwithstanding the notice issued under subsection (1) the permit shall give the same rights as if issued by the Minister.

9. (1) The Minister may issue to any person a permit in writing for any purpose specified in this Act. The issue of any such permit shall be in the discretion of the Minister and, without limiting that discretion, the Minister may take into account whether or not the issue of a permit would bring about the employment of persons in the work to be authorized by the permit who could otherwise be employed in the construction of dwellinghouses. Issue of permits.

(2) Any permit may be issued upon such conditions as the Minister thinks fit.

(3) Without limitation of any other power given by this Act, the Minister may, on the issue of a permit for any purpose under this Act, issue the permit upon the condition that the cost of construction of or, as the case may be, of carrying out the work in respect of which it is issued shall not be more than an amount specified in the permit or an amount to be computed or approved in the manner specified in the permit.

(4) If any permit issued under any repealed Act after the first day of January, nineteen hundred and forty-nine, was issued upon the condition that the cost of construction of or, as the case may be, of carrying out the work in respect of which it was issued was not to be more than a sum specified in the

permit then, notwithstanding the provisions of the permit or of any repealed Act, the conditions of the permit shall be construed as if it provided that the said cost shall be not more than the amount specified therein together with such further amount or amounts as may be from time to time approved in writing by the South Australian Prices Commissioner.

**Duration of permit.**

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

(2) The Minister may extend the duration of any permit issued under this Act or under any repealed Act.

(3) If any notice is given under section 8 with respect to any building or structure and if subsequent to the giving of the notice a permit (whether issued before or after the passing of this Act) is issued with respect to the building or structure and the permit is issued subject to the observance of any condition during any period of time specified in the permit then, notwithstanding the foregoing provisions of this section, the permit shall be deemed to continue in force until the expiration of any such period of time specified in the permit.

**Revocation of permit.**

11. The Minister, if satisfied—

- (a) that any application for the issue of a permit upon which a permit was issued contains any false or misleading statement; or
- (b) that any provision of or condition upon which any permit was issued or that any provision of this Act relating to any permit has been broken or has not been observed; or
- (c) that it is for any other reason desirable that the permit should be revoked or suspended,

may revoke or suspend the permit.

**Requirements of building contracts.**

12. (1) If any contract is made which provides that some person (hereinafter in this section referred to as "the builder") contracts to construct a dwellinghouse for some other person (hereinafter in this section referred to as "the owner") and

if under or in pursuance of the contract the owner has paid or has agreed to pay to the builder any sum of money before the dwellinghouse is to be commenced to be constructed, then, if the contract is made after the first day of December, nineteen hundred and forty-nine, the contract shall be voidable at the option of owner at any time before the construction of the dwellinghouse is commenced if the contract does not provide—

- (a) that the construction of the dwellinghouse is to be commenced within a time stated in the contract :  
and
- (b) that any sum paid as aforesaid is to be paid by the builder into a special purpose account in a bank in South Australia in the joint names of the owner and the builder.

(2) Whether or not any contract such as is referred to in subsection (1) provides for the payment of the money aforesaid into a special purpose account, the builder shall, within three days after receiving any such money, pay the money into a special purpose account in a bank in South Australia in the joint names of the owner and the builder.

(3) If any builder fails to pay any money aforesaid into a special purpose account as provided by this section, he shall be guilty of an offence and liable for a first offence to a penalty not exceeding one hundred pounds or to imprisonment for any term not exceeding six months and for a second or subsequent offence to imprisonment for any term not exceeding twelve months.

(4) Whilst any money is held in a special purpose account as aforesaid any interest which may accrue upon the money shall be added to the capital thereof and shall be the property of the owner.

(5) Any money held in a special purpose account as aforesaid may be withdrawn on the order of the builder and the owner for payment to the builder on account of any work performed by him under the contract and for which he is not otherwise paid in pursuance of the contract, and all such money which is not withdrawn as aforesaid shall be the property of the owner.

(6) Nothing in this section shall require any bank with which any money is deposited as aforesaid to inquire whether any money withdrawn from the account is withdrawn pursuant to this section nor shall the provisions of this section impose any liability upon the bank in respect of any such money.

(7) Nothing in this section shall apply to any contract made by an institution to which sections 11 to 17 (inclusive) of the Homes Act, 1941-1951, apply and which is made in pursuance of any of the provisions of those sections for the construction of a dwellinghouse by the institution.

Penalty for  
procuring  
breach of Act.

**13.** Any person who procures or attempts to procure any breach of this Act by some other person by promising or undertaking to pay any fine imposed on that other person for the breach of this Act, shall be guilty of an offence and liable to a penalty not exceeding five hundred pounds, or to imprisonment for any period not exceeding six months.

Offence for  
breach of  
permit.

**14.** Any person who commits or causes to be committed any breach of any permit issued under this Act or any repealed Act shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

Power of  
entry.

**15.** (1) For the purpose of carrying out the provisions of this Act, the Minister may enter upon any land and may enter and examine any building or structure thereon.

(2) Any person who obstructs or hinders the Minister in the execution of any of the powers given by this section shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Giving false  
information.

**16.** Any person who, in any application for the issue of a permit under this Act or for the purposes of any such application, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false in a material particular, shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

Evidentiary  
provision.

**17.** (1) In any proceedings for an offence against this Act a certificate in writing purporting to be signed by the Minister or by the Director, Building Materials Office, and stating that a permit under this Act, or that a permit or priority certificate under any repealed Act, had or had not at any date specified in the certificate been issued to any specified person or stating the conditions upon which any such permit or priority certificate was issued shall be *prima facie* evidence of the facts stated in the certificate.

(2) In any proceedings for an offence against this Act where it is alleged that any building or structure has been constructed or any addition or alteration to any building or structure has

been carried out contrary to this Act, the court, upon view of the building or structure to which the proceedings relate or upon the consideration of any plan or specifications with respect to the building or structure or after hearing evidence as to the probable cost of construction of the building or structure or the addition or alteration to the building or structure or the area of the building or structure or addition, may find that the cost of construction of the building or structure or of the addition or alteration thereto or, as the case may be, the area thereof exceeds or if completed will exceed any amount or area specified in section 4 without further proof thereof being given on behalf of the prosecution.

(3) In any proceedings for an offence against this Act, if evidence is given that any work has been carried out on any land and if proof is given that any person is the owner or occupier of that land, then that evidence and proof shall be *prima facie* evidence that the work was carried out or, as the case may be, caused to be carried out by that person.

(4) In any proceedings for an offence against this Act with respect to any dwellinghouse, the onus shall be on the defendant to satisfy the court that the dwellinghouse is constructed for occupation as the permanent and principal place of residence of the person at whose cost the dwellinghouse is constructed or, as the case may be, that the dwellinghouse is constructed for occupation by a person employed or to be employed by the person at whose cost the dwellinghouse is constructed.

(5) In any proceedings for an offence against this Act with respect to any dwellinghouse the construction of which is commenced after the passing of this Act if proof is given that, after the expiration of three months after the completion of the dwellinghouse, the dwellinghouse has not been occupied by the person at the cost of whom the dwellinghouse was erected, that proof shall be *prima facie* evidence that the dwellinghouse was not constructed for occupation by that person as his permanent and principal place of residence.

(6) In any proceedings for an offence against this Act with respect to any dwellinghouse the construction of which is commenced after the passing of this Act, if proof is given that, after the expiration of three months after the completion of the dwellinghouse, the dwellinghouse has not been occupied by an employee of the person at the cost of whom the dwellinghouse was erected, that proof shall be *prima facie* evidence that the dwellinghouse was not constructed for occupation by a person employed or to be employed by the person at whose cost the dwellinghouse was constructed.

Delegation of powers by Minister.

18. (1) The Minister may authorize any person he thinks proper to do all or any of the acts, matters and things which the Minister is by this Act empowered to do.

(2) Every person so authorized shall have and enjoy all such and the like powers as are by this Act conferred on the Minister to enable him to do such acts, matters and things respectively.

(3) All such acts, matters and things, when done under such authority as aforesaid, shall be as valid and effectual as if they had been done by the Minister.

(4) Every person so authorized shall have and enjoy in respect of each such act, matter or thing so done by him, all such immunities from personal liability as the Minister would have had or enjoyed if he had done the act, matter or thing.

Service of notice.

19. Any notice required by this Act to be given or served upon any person may—

(a) be given or served by delivering the notice to that person ; or

(b) be given or served by sending the notice by registered post to the last known place of abode or business of the person.

Power of court where permit not issued.

20. (1) If—

(a) under any other Act a court has (whether before or after the passing of this Act) fixed a time within which a building is to be erected or completed; and

(b) a permit under this Act or any repealed 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 or under any repealed 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.

(2) Any proceeding before any court pursuant to section 10a of the Building Materials Act, 1945-1949, or section 24 of the Building Materials Act, 1949-1951, which was pending at

the passing of this Act may be proceeded with, heard, and determined as if this section had been in force when the proceeding was commenced and as if the proceeding had been commenced under this section.

(3) Where, under this section or section 10a of the Building Materials Act, 1945-1949, or section 24 of the Building Materials Act, 1949-1951, a licensing court has extended the time fixed pursuant to section 39 of the Licensing Act, 1932-1949, for the erection or completion of premises for which the licensing court has decided to grant a licence under the Licensing Act, 1932-1949, when erected or completed, the right to the grant of that licence shall not be taken away by any resolution which is carried under Part VIII. of the Licensing Act, 1932-1949, before the expiration of the time extended as aforesaid.

**21.** (1) Such officers as are required for the administration of this Act may be appointed pursuant to the Public Service Act, 1936-1951. Officers.

(2) In any case where a person appointed as aforesaid was, before his appointment, employed in the office of the Director, Building Materials Office, the Public Service Commissioner may, if he thinks fit, direct that the officer shall be deemed to have been appointed pursuant to the Public Service Act, 1936-1951, from any date subsequent to the commencement of his employment as aforesaid and the officer shall be deemed to have been so appointed accordingly.

**22.** (1) Without any further appropriation than this section, the Treasurer may expend any amounts borrowed in manner authorized by section 2a of the Building Materials Act, 1945-1949, for the purpose of providing temporary housing accommodation and the Treasurer is hereby authorized to provide such housing accommodation. Powers of Treasurer to provide temporary housing accommodation.

(2) Without any further appropriation than this section, the Treasurer may expend out of the general revenue any amounts necessary for the administration of any temporary housing accommodation so provided or for making good any losses of capital incurred in connection therewith and the general revenue is hereby appropriated accordingly.

(3) The Treasurer may let to persons in need of housing accommodation any temporary housing accommodation provided as aforesaid at such rentals and on such terms and conditions as are from time to time fixed by the Treasurer.

(4) Where satisfied that it is desirable so to do in order to serve the reasonable needs of persons inhabiting any such temporary housing accommodation, the Treasurer may expend



any such amounts for the purpose of providing buildings for such shops, kindergartens, health centres, and other places of a like nature as the Treasurer deems desirable. Any such building may be let by the Treasurer at such rentals and on such terms and conditions as are from time to time fixed by the Treasurer.

(5) For the purpose of providing such temporary housing accommodation, the Treasurer may acquire, either by agreement or compulsorily, any land upon which are situated any naval, military or air force encampments purchased or otherwise acquired by the Treasurer in order to be used as temporary housing accommodation, and any land adjacent thereto. For the said purpose the Compulsory Acquisition of Land Act, 1925, except sections 49, 79, 80, 81 and 82 of that Act, is incorporated with this Act, and the Treasurer shall be regarded as the promoter of an undertaking and this Act the special Act within the meaning of the said incorporated Act.

(6) The Treasurer may from time to time dispose of any land acquired as aforesaid which, in the opinion of the Treasurer, is no longer required for the purposes of this section.

(7) The Public Supply and Tender Act, 1914-1940, shall not apply to anything done by the Treasurer in exercise of the powers conferred by this section.

**Regulations.**

**23.** The Governor may make any regulations necessary or convenient for carrying this Act into effect.

**Proceedings  
for offences.**

**24.** (1) All proceedings for offences against this Act shall be disposed of summarily.

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

**Duration of  
Act.**

**25.** (1) Except as provided by subsection (2) of this section, this Act shall continue in force until the thirty-first day of December, nineteen hundred and fifty-three, and no longer.

(2) The provisions of subsection (1) of this section shall not apply to sections 1, 2, 20 and 22 of this Act and, notwithstanding the said subsection, the said sections 1, 2, 20 and 22 shall continue in force until Parliament otherwise provides.

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

J. M. NAPIER, Lieutenant-Governor.