



ANNO DECIMO QUARTO

**ELIZABETHAE II REGINAE**

A.D. 1965

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**No. 31 of 1965**

**An Act to amend the Housing Improvement Act,  
1940-1961.**

*[Assented to 2nd December, 1965.]*

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 "Housing Improvement Act Amendment Act, 1965". Short titles.

(2) The Housing Improvement Act, 1940-1961, as amended by this Act, may be cited as the "Housing Improvement Act, 1940-1965".

(3) The Housing Improvement Act, 1940-1961, is hereinafter referred to as "the principal Act".

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

3. The following section is enacted and inserted in the principal Act after section 16a thereof:— Enactment of s. 16b of principal Act—

16b. In order to give effect to any purpose referred to in this Act or to carry out or cause to be carried out any work or undertaking referred to in this Act, the housing authority may purchase or agree to purchase any land; any such purpose, work or undertaking shall be deemed to be a purpose of this Act. Power to buy land.

Enactment of  
ss. 56c and  
56d of  
principal Act -  
Duty to  
give receipt  
for rent.

4. The following sections are enacted and inserted in the principal Act after section 56b thereof :—

56c. Any person who, whether as principal or agent or in any other capacity—

(a) receives any payment of rent in respect of any house in respect of which a notice fixing the maximum rental thereof is in force under this Part ; and

(b) within twenty-four hours after the making of the payment, fails to give or cause to be given to the person making the payment a receipt (whether by way of an entry in a rent book or by a separate document) for the payment specifying the amount paid, the period in respect of which the payment is made, and the premises in respect of which the payment is made,

shall be guilty of an offence against this Act.

Interference  
with use or  
enjoyment of  
premises.

56d. (1) Any person who, without the consent of the tenant of any house in respect of which a notice fixing the maximum rental thereof is in force under this Part, or without reasonable cause (proof whereof shall lie upon the defendant), does, or causes to be done, any act, or omits, or causes to be omitted any act whereby the ordinary use or enjoyment by the tenant of the house or of any furniture or other goods let therewith, or of any conveniences usually available to the tenant, or of any service supplied to or provided in connection with the house is interfered with or restricted, shall be guilty of an offence against this Act.

(2) Where the landlord, or any agent or servant of the landlord, has been convicted of an offence under subsection (1) of this section, the court may order the landlord to do such things as are necessary to enable the tenant to resume the ordinary use or enjoyment of the house, furniture, goods, conveniences, or service.

(3) Any landlord against whom an order is made under subsection (2) of this section who fails or neglects to comply with the order shall be guilty of an offence against this Act.

(4) For the purpose of this section, conveniences shall be deemed to be usually available to the tenant where, before the use of the conveniences was interfered with or

restricted without his consent, he was allowed, at all times during the tenancy to use those conveniences as he desired or was allowed to use those conveniences at times permitted by the landlord.

**5.** The following section is enacted and inserted in the principal Act after section 58 thereof :—

Enactment of  
s. 58a of  
principal Act—

58a. (1) If any notice fixing the maximum rental of any part of a house is in force under this Part, the housing authority may from time to time by notice in writing given to the landlord, direct that, during such time as is stated in the notice, the amount of the rental so fixed shall be shown on a notice or placard kept displayed in such part of the house.

Notice of rent,  
etc., to be  
displayed in  
certain cases.

(2) Any landlord to whom any such direction is applicable and who wilfully fails to comply with the direction shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

**6.** The following section is enacted and inserted in the principal Act after section 60 thereof :—

Enactment of  
s. 60a of  
principal Act—

60a. (1) Where—

(a) the housing authority has, as provided by subsection (1) of section 52 of this Act, served a notice in writing of its intention to declare a house substandard and such notice has not been withdrawn and

(b) notice to quit is given by or on behalf of the landlord to any tenant of the house, whether before or after the service of the notice by the housing authority but before a notice under this Act fixing the maximum rental of the house comes into force under this Part, the notice to quit shall have no force or effect unless—

Notices to  
quit void in  
certain cases.

(a) the tenant has failed to pay rental in accordance with the conditions of the tenancy ; or

(b) the local court of full jurisdiction nearest the house confirms the giving of the notice to quit as provided for by subsection (2) of this section.

(2) A landlord who has given, or who proposes to give, any such notice to quit may apply to the local court for an order confirming the notice to quit, and the court may, if it is of opinion that, having regard to the conduct of the landlord and the tenant, the notice to quit was not given

or is not about to be given, as the case may be, in consequence of or in expectation of the notice of intention to declare the house to be substandard, confirm the notice to quit.

(3) Where the notice to quit was given before the notice of intention to declare the house to be substandard was served, the local court may so confirm the notice to quit as having effect on the day that it was given.

Enactment of  
ss. 61a and 61b  
of principal  
Act—

Duty of  
vendor to  
disclose to  
purchaser if  
house  
substandard.

7. The following sections are enacted and inserted in the principal Act after section 61 thereof :—

61a. Where there is in force a declaration that any house is substandard for the purposes of this Part or notice has pursuant to section 52 of this Act been served on the owner stating that the housing authority intends to declare the house to be substandard for the purposes of this Part, any agreement for the sale and purchase of such house shall be voidable at the option of the purchaser unless the owner thereof gives to the purchaser notice in writing of the declaration that the house is substandard or, as the case may be, that a notice has been served as aforesaid.

61b. Where—

- (a) there is in force a declaration that any house is substandard for the purposes of this Part ; or
- (b) notice has pursuant to subsection (1) of section 52 of this Act been served on the owner of any house stating that the housing authority intends to declare the house to be substandard for the purposes of this Part and such notice has not been withdrawn by the housing authority,

any person who publishes or causes to be published any statement which—

- (i) is intended by such person or by any other person or apparently intended by such person or by any other person to promote the sale or disposal of the house ; and
- (ii) does not contain a clear reference to such declaration or to the service of such notice, as the case may require,

shall be guilty of an offence against this Act punishable upon conviction by a penalty not exceeding One hundred pounds for a first offence and two hundred pounds for any subsequent offence.

Offence in  
connection  
with sale of  
substandard  
house.

8. Section 62 of the principal Act is repealed.

Repeal of  
s. 62 of  
principal Act—  
Saving of  
increase of  
Rent (War  
Restrictions)  
Act, 1939.

9. The following section is enacted and inserted in the principal Act after section 70 thereof :—

Enactment of  
s. 70a of  
principal Act—

70a. (1) If the housing authority has, as provided by subsection (1) of section 52 of this Act, served a notice in writing of its intention to declare a house to be substandard, then, notwithstanding any covenant, or agreement whatsoever to the contrary and whether or not the house has subsequently been so declared to be substandard—

House declared  
or which may  
be declared  
substandard—  
Owner may  
not require  
occupier to  
do certain  
works, etc.

(a) it shall not be lawful for the owner of the house to require the tenant thereof to do any act, matter or thing which is, or to execute any works which are, necessary to ensure that the house will comply with the standards prescribed by regulations in force under section 85 of this Act; and

(b) the cost of any such act, matter, thing or works shall not be recoverable from the occupier by the owner.

(2) Any person who whether as principal or agent or in any other capacity makes it a condition of the grant, renewal or continuance of the tenancy of any such house that the tenant shall do any such act matter or thing or execute any such works shall be guilty of an offence against this Act.

10. Section 73 of the principal Act is amended by striking out the words "twenty pounds" and "two pounds" in paragraph (b) thereof and inserting in lieu thereof the words "fifty pounds" and "five pounds" respectively.

Amendment of  
principal Act,  
s. 73—  
General  
penalty.

11. The following section is enacted and inserted in the principal Act after section 84 thereof :—

Enactment of  
s. 84a of  
principal Act

84a. Any contract or arrangement whether oral or in writing the purpose or effect of which is either directly or indirectly to defeat, evade or prevent the operation of this Act shall be null and void.

Arrangements  
to evade Act.

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

EDRIC BASTYAN, Governor.