



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 19 of 1970

An Act to amend the Housing Improvement Act,
1940-1966

[Assented to 24th September, 1970]

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, 1970". Short titles.

(2) The Housing Improvement Act, 1940-1966, as amended by this Act, may be cited as the "Housing Improvement Act, 1940-1970".

(3) The Housing Improvement Act, 1940-1966, is hereinafter referred to as "the principal Act".

2. Section 18 of the principal Act is amended by redesignating the last subsection thereof as subsection (4). Amendment of principal Act, s. 18—Housing Improvement Fund.

3. Section 50 of the principal Act is repealed and the following section is enacted and inserted in its place:— Repeal of s. 50 of principal Act and enactment of section in its place—

50. In this Part—

"rates" means any rates or charges levied or made by a council or pursuant to the Waterworks Act, 1932-1969, or the Sewerage Act, 1929-1969:

Interpretation

“rent” or “rental” in relation to a house, includes any taxes or rates (other than excess water rates) payable by the tenant in respect of the house, and any amount payable by the tenant to the landlord—

- (a) for the use of any furniture or accessories in or appertaining to the house;
- (b) for the purpose of the repair, renovation or improvement of the house;
- or
- (c) for the supply or provision of electricity, gas, water, fuel or other domestic commodity, or of any domestic service, in respect of the house.

Amendment of
principal Act,
s. 57—
Subletting.

4. Section 57 of the principal Act is amended—

- (a) by inserting after the passage “in respect of the” in subsection (1) the passage “letting or”;
- (b) by inserting immediately before the word “sublet” wherever it occurs in subsection (2) the passage “let or”;
- (c) by inserting after the passage “in respect of the” in subsection (2) the passage “letting or”;
- and
- (d) by inserting after subsection (2) the following subsection:—
 - (3) The maximum rental payable in respect of the letting or subletting of part of a house may be fixed in the same notice by which the maximum rental payable in respect of the whole of the house is fixed.

Amendment of
principal Act,
s. 61—
Orders for
possession.

5. Section 61 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “and performs the other conditions of the tenancy”;
- (b) by inserting after paragraph (a) the following paragraph:—
 - (ab) the tenant has contravened or failed to comply with any condition of the tenancy and the court considers it reasonable to make such an order or give such a judgment; or;
- (c) by inserting after the passage “demolition, or for” in paragraph (g) of subsection (1) the passage “repair or”;

(d) by striking out subsection (3) and inserting in lieu thereof the following subsections:—

(3) Where an order or judgment for the recovery of possession of a house has been made pursuant to paragraph (c), (d), (g) or (h) of subsection (1) of this section, a person who, without the consent of the housing authority, lets the house otherwise than to the persons for whose occupation the house was required under paragraph (c) or (d) or lets the house before the purpose for which the order or judgment was given under paragraph (g) or (h) has been carried out, shall be guilty of an offence against this Act.

(3a) No order for costs shall be made in respect of proceedings for the recovery of possession of a house in respect of which a notice fixing the maximum rental is in force under this Part unless the court is of the opinion that the conduct of a party to the proceedings has been unreasonable, vexatious or oppressive;

and

(e) by inserting after subsection (5) the following subsection:—

(6) A person who, otherwise than in pursuance of the order of a court of competent jurisdiction, evicts or ejects a tenant from a house in respect of which a notice fixing the maximum rental is in force under this Part shall be guilty of an offence against this Act.

6. Section 63 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 63 of principal Act and enactment of section in its place—

63. The housing authority may acquire land for the purposes of this Act under and in accordance with the Land Acquisition Act, 1969.

Acquisition of land for purposes of Act.

7. Section 64 of the principal Act is amended by striking out the passage “said incorporated Act and notwithstanding subsection (2) of section 12 of that Act” and inserting in lieu thereof the passage “Land Acquisition Act, 1969”.

Amendment of principal Act, s. 64—Basis of compensation.

8. Section 88 of the principal Act is repealed.

Repeal of s. 88 of principal Act.

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

J. M. NAPIER, Governor's Deputy.