ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA

—

1949



ACTS

OF

THE PARLIAMENT

OF

SOUTH AUSTRALIA

1949

With Acts reprinted pursuant to the Amendments Incorporation Act, 1937, Tables and Indexes.

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THE LAW BOOK COMPANY OF AUSTRALASIA PTY LIMITED

MELBOURNE - - 425 CHANCERY LANE
SYDNEY - - 140 PHILLIP STREET
BRISBANE - - 21 ADELAIDE STREET

Printed and published, by authority, by
K. M. STEVENSON, GOVERNMENT PRINTER, ADELAIDE

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1950

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ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 1 of 1949.

An Act for the further appropriation of the revenue of the State for the year ending on the thirtieth day of June, nineteen hundred and forty-nine, and for other purposes.

[*Assented to 24th June,* 1949.]

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 "Appropriation Act (No. 1), 1949".

Further issue.

2. Out of the moneys paid to the State by the Commonwealth of Australia, and any other General Revenue of the said State, not otherwise by law specially appropriated, there may be further issued, in addition to all sums by any other Act authorized to be issued and applied for defraying the charges of the State Government for the year ending on the thirtieth day of June, nineteen hundred and forty-nine, any further sum or sums not exceeding in the whole six hundred and twenty one thousand nine hundred and ninety pounds.

Appropriation of General Revenue issued under this Act.

3. All moneys issued under this Act, not exceeding the sum hereinbefore mentioned, shall be applied and appropriated for the following purposes :—

	£
Legislative Council	10
House of Assembly	60
Joint House Committee	10
Electoral	2,289
Government Reporting	295
Parliamentary Standing Committee on Public Works	12
Legislature, Miscellaneous	1,092
Private Secretary	100
Chief Secretary	77
Statistical	50
Printing and Stationery	4,600
Police	19,740
Hospitals	5,985
Children's Welfare and Public Relief	2,020
Chief Secretary, Miscellaneous	1,339
Attorney-General	2,030
Registrar of Companies	25
Parliamentary Draftsman	80
Public Trustee	214
Supreme Court	486
Adelaide Local Court	281
Country and Suburban Courts	747
Registrar-General of Deeds	308
S.A. Superannuation Fund Branch	660
Motor Vehicles	2,530
Agent-General in England	720
Stamp and Succession Duties	205
Publicity and Tourist Bureau and Immigration	3,808
Interest and Exchange	40,000
Treasurer, Miscellaneous	15,187
Lands	3,005
Botanic Garden	160
Government Motor Garage	103
Advances to Settlers, Vermin Proof Fencing and Loans for Fencing and Water Piping	150
Minister of Lands, Miscellaneous	100
Public Works (Office of the Minister)	174
Engineering and Water Supply	12,500
Architect-in-Chief	273
Cemetery	100
Public Stores	245
Aborigines	1,506
Public Works	10,700
Education	77,500
The Museum	596
Industry	412
Minister of Industry, Miscellaneous	2
Agriculture	1,090
Produce	13,056
Fisheries and Game	86
Department of Lands, Irrigation	7,230
Mines	3,940

	£
Harbors Board	11,260
Railways	371,312
Transport Control Board	556
Highways and Local Government	974
Total	£621,990

4. The issue and payment by the Treasurer, from time to time, of any sums of money for the purpose hereinbefore mentioned, not exceeding in the whole the amount hereinbefore specified, in such portions as the Governor directs by any orders in writing signed by him and countersigned by the Chief Secretary, is hereby authorized; and the Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums are so paid shall be to him a full discharge for the sums for which the receipts are given, and the amounts thereof shall be passed to his credit in account accordingly.

Treasurer to pay the orders of Governor, and discharge by receipt of party.

5. If the moneys paid by the Commonwealth of Australia and the General Revenue of the State are insufficient to make the payments authorized by section 3 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Power to issue money other than revenue or money received from the Commonwealth.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 2 of 1949.

An Act to apply, out of the General Revenue, the sum of Four Million Pounds to the Public Service for the year ending the thirtieth day of June, nineteen hundred and fifty.

[*Assented to 24th June,* 1949.]

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 "Supply Act (No. 1), 1949".

Issue and application of £4,000,000.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending the thirtieth day of June, nineteen hundred and fifty, any moneys not exceeding in the whole four million pounds.

Payments not to exceed last year's Estimates except in certain respects.

3. (1) No payments for any establishment or service shall be made out of the said moneys in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended on the thirtieth day of June, nineteen hundred and forty-nine: Provided that there may be paid out of the said moneys increases of salaries or wages fixed or prescribed by any return made under any Act relating to the public service, or by any regulation, or by any award, order, or determination of any court or other body empowered to fix or prescribe wages or salaries.

(2) The Treasurer is hereby authorized to pay such increases out of the said moneys.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 3 of 1949.

An Act to amend the Irrigation on Private Property Act, 1939.

[*Assented to 15th September,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Irrigation on Private Property Act Amendment Act, 1949 ".

(2) The Irrigation on Private Property Act, 1939, as amended by this Act, may be cited as the " Irrigation on Private Property Act, 1939-1949 ".

(3) The Irrigation on Private Property Act, 1939, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 39—Power to declare and levy rates.

2. Section 39 of the principal Act is amended by adding at the end thereof the following subsection :—

(5) If any debentures are issued by the board to secure the repayment of any loan the board shall, until such time as the loan and any interest thereon is fully repaid or, as the case may be, paid, declare and levy such rates as are necessary to repay the capital of the loan and to pay the interest.

Amendment of principal Act, s. 48—Loans.

3. Section 48 of the principal Act is amended by adding at the end thereof the following subsection :—

(6) If the board fails to declare any rate which pursuant to subsection (5) of section 39, the board is required to declare, the Supreme Court or a Judge may, on application

by a receiver appointed as aforesaid order the declaration of such rate as the Supreme Court or Judge thinks fit, and any such order shall, *mutatis mutandis*, have the same effect as a rate declared by the board.

Enactment of s. 48a of principal Act—

4. The following section is enacted and inserted in the principal Act after section 48 thereof :—

Priority of debenture holders.

48a. The bearers for the time being of the debentures and coupons issued to secure the repayment of money borrowed by the board shall, in proportion to the amounts thereof, be creditors on the rates in respect of which the debentures are secured equally one with another, and shall have preference over the bearers of any debentures or coupons issued to secure the repayment of any moneys subsequently borrowed by the board.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 4 of 1949.

An Act to apply, out of the General Revenue, a further sum of Two Million Pounds to the Public Service for the year ending the thirtieth day of June, nineteen hundred and fifty.

[*Assented to 29th September,* 1949.]

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

1. This Act may be cited as the " Supply Act (No. 2), 1949 ". Short title.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending the thirtieth day of June, nineteen hundred and fifty, in addition to any moneys so issued and applied pursuant to the Supply Act (No. 1), 1949, any moneys not exceeding in the whole two million pounds. Issue and application of £2,000,000.

3. (1) No payments for any establishment or service shall be made out of the said moneys in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended on the thirtieth day of June, nineteen hundred and forty-nine, except increases of salaries or wages fixed or prescribed by any return made under any Act relating to the public service, or by any regulation, or by any award, order, or determination of any court or other body empowered to fix or prescribe wages or salaries. Payments not to exceed last year's Estimates except in certain respects.

(2) The Treasurer is hereby authorized to pay such increases out of the said moneys.

Recoup to Governor's Appropriation Fund.

4. (1) All money appropriated from the Governor's Appropriation Fund to meet expenditure incurred between the thirtieth day of June, nineteen hundred and forty-nine, and the commencement of this Act, shall be recouped to the Governor's Appropriation Fund out of the money voted by this Act, to the intent that the Governor shall thereafter have power to appropriate revenue under the authority of subsection (1) of section 72 of the Constitution Act, 1934-1947, to the full amount and for the purposes permitted by that subsection.

(2) In this section " Governor's Appropriation Fund " means the Governor's Appropriation Fund as defined by subsection (2) of section 72 of the Constitution Act, 1934-1947.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

***

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 6 of 1949.

An Act to amend the Highways Act, 1926-1948.

[*Assented to 9th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Highways Act Amendment Act, 1949 ".

(2) The Highways Act, 1926-1948, as amended by this Act, may be cited as the " Highways Act, 1926-1949 ".

(3) The Highways Act, 1926-1948, is hereinafter referred to as " the principal Act ".

Enactment of ss. 27b and 27c of principal Act—

2. The following sections are enacted and inserted in the principal Act after section 27a thereof :—

Widening of main roads.

27b. (1) If the Commissioner is of opinion that it is desirable to widen any main road he may cause to be prepared a plan showing—

(*a*) the existing boundaries of the road (which said boundaries are hereinafter in this section referred to as " old boundaries ") ;

(*b*) the boundaries of the road as they would exist after the widening of the road (which said boundaries are hereinafter in this section referred to as " new boundaries ") ; and

(*c*) all buildings, fences and other structures and all wells, dams and other water supplies then existing upon or in any land between any such old boundary and any such new boundary.

(2) The Commissioner shall give notice in writing as hereinafter provided in this subsection to the following persons :—

(*a*) The owner of any land which is situated between any such old boundary and any such new boundary ;

(*b*) The occupier of any such land ;

(*c*) Any person who, pursuant to The Real Property Act, 1886-1945, or the Registration of Deeds Act, 1935, is registered as the mortgagee or encumbrancee of any such land.

The notice shall state that it is the intention of the Commissioner to deposit the plan as provided by this section and shall set out the effect of such deposit and of this section. The notice shall be accompanied by a copy of the plan or of such portion thereof as includes the land to which the notice relates.

The notice shall also state that the person to whom the notice is given may object in writing to the proposed widening of the road within the time, being not less than one month, specified in the notice.

(3) The Commissioner shall consider every such objection and may, after considering every such objection, adopt the plan for the purposes of this section with such alterations as appear necessary to the Commissioner.

(4) After adopting the plan as aforesaid, the Commissioner shall—

(*a*) serve upon every person aforesaid a copy of the plan or portion thereof as aforesaid ;

(*b*) deposit a copy of the plan with the Registrar-General, the Surveyor-General, and the council of the district in which the road is situated ;

(*c*) give notice in the *Gazette* of the adoption of the plan,

and shall serve upon every such person a notice stating the day from which the deposit shall become effective (which said day is hereinafter in this section referred to as " the day of deposit ").

(5) At any time after the day of deposit—

(*a*) the Commissioner may acquire any land between any such old boundary and any such new boundary ;

(*b*) the owner of any such land may, on giving one month's notice in writing to the Commissioner, require the Commissioner to acquire the land and the Commissioner shall thereupon be liable to pay compensation for the land to the persons entitled thereto.

(6) Any compensation payable by the Commissioner on the acquisition of any land pursuant to subsection (5) shall not include the value of any building, fence or other structure or any well, dam or other water supply erected or constructed upon or in the land after the day of deposit and the plan deposited by the Commissioner shall be *prima facie* evidence as to what buildings, fences and other structures and wells, dams, and other water supplies were erected or constructed upon or in the land at the day of deposit.

(7) Nothing in subsection (6) shall be deemed to abrogate the right of any such owner to repair any building, fence, or structure or well, dam or other water supply existing upon or in the land at the day of deposit.

(8) The Commissioner may by notice in writing consent to any owner erecting any building, fence or structure or well, dam, or other water supply upon or in any such land after the day of deposit and in any such notice the Commissioner may agree to any special arrangements as to the removal of the building, fence or structure or well, dam, or other water supply upon the acquisition of the land by the Commissioner or otherwise as appears just to the Commissioner.

(9) Any notice required by this section to be given to or served upon any person may be given or served—

(*a*) by delivering the notice to that person ; or

(*b*) by sending the notice by registered post to the last-known place of abode or business of the person,

but where any notice is required to be given to or served upon any person whose address is unknown the notice may be given or served by publishing it or a notice substantially to the same effect once in the *Gazette* and once in a daily newspaper circulating generally in South Australia.

(10) If any notice required by this section to be given to or served upon any person is given to or served upon that person, the notice shall be binding upon all persons claiming by, from or under that person and upon all successors in title or occupancy of that person.

(11) In this section "owner" means—

(*a*) the registered proprietor under The Real Property Act, 1886-1945, of any estate of freehold in possession ;

(*b*) as regards land not under The Real Property Act, 1886-1945, any person who is seised of any estate of freehold in possession, or if the said estate is subject to redemption under any mortgage, the person who upon payment of moneys secured by such mortgage would be entitled to a conveyance of such an estate ;

(*c*) as regards land belonging to the Crown, any person who has agreed to purchase the land from the Crown or is the lessee of the land under any lease granted by the Crown.

Duty to register effect of plan.

27ba. Forthwith after the deposit with the Registrar-General of a copy of any plan in pursuance of subsection (4) of section 27b, the Commissioner shall, in respect of any land situated between any old boundary (as defined in section 27b) and any new boundary (as defined in section 27b) shown in the said plan, do the following :—

I. If any such land is under the provisions of The Real Property Act, 1886-1945, the Commissioner shall register with the Registrar-General an instrument requesting the Registrar-General to make an indorsement as provided by this paragraph and, notwithstanding the provisions of The Real Property Act, 1886-1945, the Registrar-General shall indorse on the certificate of title of that land a memorandum referring to the said plan and to the effect that the land is subject to acquisition by the Commissioner of Highways pursuant to section 27b :

II. If any such land is not under the provisions of The Real Property Act, 1886-1945, the Commissioner shall register a memorial of a certificate by him containing the name of the owner, the description of the land, a reference to the said plan, and a statement to the effect that the land mentioned in the memorial is subject to acquisition by the Commissioner of Highways pursuant to section 27b.

Amendment of s. 31 of principal Act—Highways Fund.

3. Section 31 of the principal Act (as enacted by section 3 of the Highways Act Amendment Act, 1938) is amended by striking out paragraph (iii.) of subsection (3) thereof and by inserting in lieu thereof the following paragraph :—

(iii.) to the Treasurer to be paid to the Loan Fund on account of the Road Purposes Loan Account an amount equal to one and a quarter per centum of the outstanding balance of the Road Purposes Loan Account as at the preceding thirtieth day of June, but in calculating the said outstanding balance there shall be deducted the outstanding balance of any amount debited to the Road Purposes Loan Account before the first day of July, nineteen hundred and twenty-six ; and

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 7 of 1949.

An Act to amend the Police Pensions Act, 1929-1947.

[*Assented to 9th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Police Pensions Act Amendment Act, 1949 ".

(2) The Police Pensions Act, 1929-1947, as amended by this Act, may be cited as the " Police Pensions Act, 1929-1949 ".

(3) The Police Pensions Act, 1929-1947, is hereinafter called " the principal Act ".

Incorporation.

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

Repeal and re-enactment of s. 15 of the principal Act—

3. Section 15 of the principal Act is repealed and the following section is enacted in lieu thereof :—

Pension and benefit on retirement after retiring age.

15. (1) Every member who has served in the force for at least ten years and has attained the age of sixty years shall be entitled—

(*a*) on ceasing active service in the force, to a cash payment of one thousand and fifty pounds ; and

(*b*) on retirement from the force, to a pension during his life of one hundred and fifty-six pounds per annum.

(2) A member who on the day of the commencement of the Police Pensions Act Amendment Act, 1949, has served in the force for at least ten years, has attained the age of sixty years and has ceased active service in the force, but has not retired from the force shall be entitled—

(*a*) upon the passing of the said Act to a cash payment of one thousand and fifty pounds ;

(*b*) on retirement from the force to a pension during his life of one hundred and fifty-six pounds per annum.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 8 of 1949.

An Act to enable the Minister of Lands to grant leases for the purpose of promoting land settlement, and for purposes incidental thereto.

[*Assented to 13th October,* 1949.]

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 " Land Settlement (Development Leases) Act, 1949 ".

Interpretation.

2. (1) In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

" approved person " means The Australian Mutual Provident Society and any other person or association of persons, corporate or unincorporate, approved by the Minister ;

" development lease " means a development lease granted under this Act ;

" Land Board " means the Land Board constituted under the Crown Lands Act, 1929-1944 ;

" Minister " means the Minister of Lands.

(2) Other words and expressions in this Act shall, unless the context otherwise requires, or some other meaning is clearly intended, have the same meanings as they have in the Crown Lands Act, 1929-1944.

Grant of development leases to approved persons.

3. (1) The Minister, on the recommendation of the Land Board, concurred in by the Parliamentary Committee on Land Settlement, may grant to any approved person a development lease comprising any land which at the time of the grant of the lease is—

(*a*) Crown land ;

(*b*) land surrendered by an approved person to the Crown for the purpose of obtaining a development lease.

(2) Every development lease shall be for a term of twenty-one years.

(3) The rent of a development lease granted under this section and the purchase-money (if any) to be paid by the lessee for improvements on the leased land shall be fixed by the Minister on the recommendation of the Land Board.

(4) A development lease shall not contain any provision enabling His Majesty the King or the Governor or any public authority to resume any land comprised in the lease except for one or more of the following purposes, namely, roads, railways, waterworks, stone quarries, park lands, public reserves, schools, police stations, Government offices and other like public buildings, the site of a town or building sites : Provided that this subsection shall not affect any power to forfeit the lease for breach of any term, covenant or condition thereof.

(5) Every development lease shall contain covenants with respect to the following matters :—

(*a*) the improvements to be constructed or carried out by the lessee at his own expense ;

(*b*) providing that the lessee shall subdivide the land and sell it in blocks to persons selected by the lessee after consultation with the Land Board ;

(*c*) requiring that the subdivision shall be carried out after consultation between the lessee, the Land Board, and the Surveyor-General ;

(*d*) providing that after such subdivision the Minister, on the recommendation of the Land Board, shall fix the rents to be paid under the perpetual leases to be granted to the purchasers selected by the lessee, and that the rent of each block shall be based on the unimproved value of that block as at the time of the granting of the development lease ;

(*e*) requiring the Minister to grant a perpetual lease to every person who buys a block from the lessee ;

(*f*) restricting the right of the lessee to transfer the lease.

(6) Every development lease shall contain such other terms, covenants and conditions as the Minister deems necessary.

(7) In selecting the purchasers to whom blocks of prepared land shall be sold the lessee shall give preference to ex-servicemen, except where reasonable cause exists for not doing so.

Compensation where miscellaneous lease resumed.

4. If any land held on a miscellaneous lease is resumed for the purpose of leasing it on a development lease under this Act, the Minister shall pay to the lessee the value of any improvements on the land which the lessee has paid for or carried out or constructed, and any additional compensation recommended by the Land Board, less any money due to the Crown by the lessee under the lease.

Grant of perpetual leases to purchasers from the approved person.

5. (1) Where an approved person, after consultation with the Land Board, has sold a block of land formerly held by the approved person on a development lease the Minister will, on the application of the purchaser, cause to be granted to him a perpetual lease of the land which he has purchased.

(2) The rent to be paid under any such perpetual lease shall be the amount fixed by the Minister on the recommendation of the Land Board in accordance with the covenants of the development lease.

(3) Except as otherwise provided in this Act, the perpetual lease shall be in accordance with and be subject to the provisions of the Crown Lands Act, 1929-1944.

(4) Where a person has purchased from an approved person a block of land formerly held by the approved person under a development lease, and has executed a mortgage over that land in favour of the approved person to secure the unpaid amount of the purchase-money, the Minister shall grant his consent to that mortgage and to any transaction required for giving effect to the terms, covenants, and conditions of the mortgage.

Non-application of certain enactments.

6. (1) Any obligation or liability imposed on the Minister pursuant to a development lease entered into under this Act may be carried out or satisfied by the Minister notwithstanding any provision of the Crown Lands Act, 1929-1944.

(2) Section 31 of the Crown Lands Act, 1929-1944, shall not apply in relation to the granting of a development lease under this Act.

(3) If an approved person applies for the transfer to him of any Crown lease and the Minister is satisfied that that person intends, in the event of the transfer taking place, to surrender that lease to the Crown for the purpose of obtaining a development lease of the land comprised therein, subsections (2), (3), and (6), of section 225 of the Crown Lands Act, 1929-1944, shall not apply in relation to the transfer applied for.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

***

(2) For the purpose of this Act, "lessee" includes a person who remains in possession of premises after the termination of his lease of the premises, and "lessor" has a corresponding meaning.

Amendment of principal Act, s. 5—Exemptions.

3. Section 5 of the principal Act is amended—

(*a*) by inserting after the word "orchard" in the fifth line thereof the word "vineyard";

(*b*) by inserting after paragraph (*a*) of subsection (1) the following paragraph:—

(*a*1) any dwelling-house situated on any land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary and which is ordinarily used for the occupation of seasonal workers employed as such upon that land;

(*c*) by striking out paragraph (*b*) of subsection (1) thereof";

(*d*) by adding at the end of paragraph (*c*) of subsection (1) thereof the words "Provided further that if any premises are leased to any person and the letting continues for a period exceeding eight weeks the premises shall, whilst so let to that person after the expiration of the period of eight weeks, not be deemed to be premises ordinarily leased for holiday purposes";

(*e*) by inserting therein after subsection (1) thereof the following subsections:—

(1a) The provisions of Part I. and Part IIID. of this Act shall apply to premises in respect of which a publican's licence is in force under the Licensing Act, 1932-1945, but no other provisions of this Act shall apply to those premises.

(1b) This Act shall apply to any premises (including any part of any premises which is separately leased) in respect of which a billiard-table licence is in force under the Licensing Act, 1932-1945.

(1c) Except as provided by subsections (1a) and (1b), this Act shall not apply to any premises licensed under the Licensing Act, 1932-1945.

(*f*) by striking out the letter "(*b*)" in the fourth line of subsection (3) thereof and by inserting after the word "section" first occurring in the fifth line of subsection (3) thereof the words "or of subsection (1c) of this section".

4. Section 6 of the principal Act is amended— Amendment of principal Act, s. 6— Exemptions.

(*a*) by inserting after paragraph (*a*) of subsection (1) thereof the following paragraph:—

(*a*1) to any premises let by any municipal council or district council; or

(*b*) by striking out the word "or" in the fifth line thereof;

(*c*) by striking out the letter "(*c*)" in the sixth line thereof and by inserting in lieu thereof the passage "(1a) The provisions of this Act relating to the control of rents shall not apply".

5. Section 13 of the principal Act is amended—

(*a*) by inserting after the word "forty-eight" in the last line of paragraph I. of subsection (1a) thereof the words "Provided that if (whether before or after the said day) the lessor and the lessee of any such premises from time to time agree in writing that the rent of the premises shall be any other amount, the rent shall not exceed the amount of the rent so agreed upon"; Amendment of principal Act, s. 13— Pegging of rents.

(*b*) by inserting after the word "forty-eight" in the last line of paragraph II. of subsection (1a) thereof the words "Provided that if the lessor and the lessee of any such premises from time to time agree in writing that the rent of the premises shall be any other amount, the rent shall not exceed the amount of the rent so agreed upon".

6. Section 18 of the principal Act is amended by adding at the end thereof the following subsection:— Amendment of principal Act, s. 18— Date from which rent determination takes effect.

(4) If the rent fixed in respect of any premises by any determination of the trust is not greater than any rent agreed to be paid by the lessee to the lessor under any

lease in writing, then, notwithstanding the provisions of subsections (1) and (2) of this section, the date fixed by the trust as the date from which the determination is to take effect may be any date not earlier than the date from which under the lease in writing the rent was so agreed to be paid.

Amendment of principal Act, s. 21—Basis for fixing rent.

7. Section 21 of the principal Act is amended by inserting in subsection (1) thereof after paragraph (*h*) thereof the following paragraph :—

(*i*) any additions or improvements which have been made to the premises by the person who is the lessee of the premises at the time the rent is fixed and which have been made with the written consent of the lessor.

Amendment of principal Act s. 23—Effect of fixing rent.

8. Section 23 of the principal Act is amended by adding at the end of subsection (1) thereof the words " and, unless a lesser amount is, after the making of the determination or order, agreed to be paid, the rent fixed as aforesaid shall, notwithstanding the provisions of any other Part of this Act, be the rent payable in respect of the premises ".

Amendment of principal Act, s. 25—Variation of rents.

9. Section 25 of the principal Act is amended—

(*a*) by inserting after the word " materially " in the third line of paragraph (*c*) of subsection (1) thereof the words " increased or ".

(*b*) by inserting after the words " substantially " in the last line of paragraph (*c*) of subsection (1) thereof the words " increased or ".

Enactment of s. 26ha of principal Act—

10. The following section is enacted and inserted in the principal Act after section 26h thereof :—

Duty to give receipt for rent.

26ha. (1) Any person who, whether as principal or agent, receives any payment of any rent with respect to any caravan to the letting of which this Part applies or of any rent with respect to any land to which this Part applies shall, at the time of receiving the payment or within twenty-four hours of the making of the payment, give or cause to be given to the person making the payment a receipt (either 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 caravan or land, as the case may be, in respect of which the payment is made.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(3) If pursuant to any arrangement made between the person paying the rent and the person to whom it is payable, any rent payable as mentioned in subsection (1) is paid into a bank to the credit of the person to whom it is payable (whether as principal or agent), the provisions of subsection (1) shall not apply in respect of that payment of rent.

Amendment of s. 26i of principal Act—Rent records.

11. Section 26i of the principal Act is amended by inserting after the word "irrecoverable" in the fifth line thereof the words "or wilfully makes in any book or other document any false entry in a material particular with respect to the rent of any caravan or land to which this Part applies".

Amendment of principal Act, s. 26n—Restriction on eviction.

12. Section 26n of the principal Act is amended—

(*a*) by striking out the word "required" in the seventh and the fourteenth lines of paragraph (*g*) of subsection (5) thereof and by inserting in lieu thereof in each case the word "needed";

(*b*) by inserting after the word "him" in the last line of subparagraph (i) of paragraph (*g*) of subsection (5) thereof the words "or by a married son or married daughter of the lessor";

(*c*) by striking out the word "required" in the twelfth and nineteenth lines of paragraph (*l*) of subsection (5) thereof and by inserting in lieu thereof in each case the word "needed";

(*d*) by inserting after the word "him" in the last line of subparagraph (i) of paragraph (*l*) of subsection (5) thereof the words "or by a married son or married daughter of the purchaser";

(*e*) by adding at the end of subsection (1) thereof the following paragraph:—

(*p*) that the premises were let as a shop or business premises and have been converted by the lessee, without the consent of the lessor either express or implied, from a shop or business premises into a dwelling-house and the premises are required by the lessor for re-conversion to a shop or business premises;

(*f*) by adding at the end thereof the following subsection:—

(8) Notice to quit on a ground specified in paragraph (*g*) of subsection (5) shall not be given if the lessor is an alien unless he has continuously

resided in the Commonwealth for at least three years immediately prior to the giving of the notice and notice to quit on a ground specified in paragraph (*l*) of subsection (5) shall not be given if the purchaser is an alien unless he has continuously resided in the Commonwealth for at least three years immediately prior to the giving of the notice.

Amendment of principal Act, s. 26q—Notice to quit where dwelling-house sold.

13. Section 26q of the principal Act is amended—

(*a*) by inserting after the word "purchase" in the third line thereof the words "transfer or assignment";

(*b*) by inserting before the word "shall" in the fifth line thereof the words "or of a lease thereof";

(*c*) by inserting after the word "purchase" in the sixth line thereof the words "or, as the case may be, the date of the lease".

Amendment of principal Act, s. 26u—Court to consider relative hardship.

14. Section 26u of the principal Act is amended—

(*a*) by striking out the word "and" in the last line of paragraph (*b*) of subsection (1) thereof;

(*b*) by inserting after paragraph (*c*) of subsection (1) thereof the following paragraphs:—

(*d*) where the application is made under a ground specified in paragraph (*g*) of subsection (5) of section 26n—whether at the time the lessor acquired the premises the premises were let to the lessee and whether the lessee had any opportunity to acquire the premises and the reasons for the lessee failing to acquire the premises;

(*e*) where the application is made under a ground specified in paragraph (*l*) of subsection (5) of section 26n—whether at the time the premises were agreed to be sold to the purchaser the premises were let to the lessee and whether the lessee had any opportunity to acquire the premises and the reasons for the lessee failing to acquire the premises; and

(*f*) where the application is made under a ground specified in paragraph (*g*) of subsection (5) of section 26n—whether the lessee is the owner of another dwelling-house capable of

being occupied by him and whether he has taken all necessary and proper steps to obtain possession thereof.

(*c*) by adding at the end of subsection (1) the following passage :—

The court, in exercising its discretion on the ground of the respective hardships of the lessor and the lessee shall estimate the respective hardships one with another and shall not take into account as a factor of hardship that the lessor, as such, is being deprived of possession of premises to which he would, but for this Act, have been entitled.

15. The following Part is enacted and inserted in the principal Act after Part IIIB thereof :— Enactment Part IIIC of principal Act—

PART IIIC.

PROTECTED PERSONS.

26am. (1) In this Part, unless the context otherwise requires— Interpretation.

" discharged member of the forces " means a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine—

(*a*) has been discharged from the forces, or has ceased to be engaged on war service, for a period not exceeding five years ; or

(*b*) having been discharged from the forces, or having ceased to be engaged on war service, for a period exceeding five years—

(i.) is receiving a pension from the Commonwealth ; or

(ii.) is not receiving such a pension, but is receiving from the Commonwealth medical treatment of such a nature as to prevent him either wholly or partly from engaging in his occupation ;

" female dependant of a member " means a female who is wholly or partly dependent for her support upon a member of the forces ;

" female dependant of a discharged member " means—

(*a*) a female who is wholly or partly dependent for her support upon a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine, has been discharged from the forces, or has ceased to be engaged on war service, for a period not exceeding five years ;

(*b*) a female who is wholly or partly dependent for her support upon a pension payable in consequence of the incapacity or the death of a person who has been a member of the forces ;

(*c*) the wife of a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine—

(i.) has been discharged from the forces ; or

(ii.) has ceased to be engaged on war service,

and, although not receiving a pension, is receiving from the Commonwealth medical treatment of such a nature as to prevent him, either wholly or partly, from engaging in his occupation ; and

(*d*) the widow of a member of the forces who died while engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine :

" member of the forces " means a member of the Defence Force engaged on war service, and includes any person who is on active service with the Naval, Military or Air Forces—

(*a*) of the United Kingdom or of any other part of the King's dominions (other than the Commonwealth of Australia) ;

(*b*) of any foreign power allied or associated with His Majesty in any war in which His Majesty is engaged ; or

(*c*) maintained by any foreign authority recognized by His Majesty as competent to maintain Naval, Military or Air Forces for service in association with His Majesty's Forces ;

" parent of a member " means a person who is a parent of, and is wholly or partly dependent for his support upon, a member of the forces :

" parent of a discharged member " means—

(*a*) a person who is a parent of, and is wholly or partly dependent for his support upon, a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine, has been discharged from the forces, or has ceased to be engaged on war service, for a period not exceeding five years :

(*b*) a person who is a parent of, and is wholly or partly dependent for his support upon a pension payable in consequence of the incapacity or death of, a person who has been a member of the forces :

(*c*) a parent of a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine—

(i.) has been discharged from the forces ; or

(ii.) has ceased to be engaged on war service,

and, although not receiving a pension is receiving from the Commonwealth medical treatment of such a nature as to prevent him, either wholly or partly, from engaging in his occupation and upon whom that parent was, immediately prior to the discharge of that person, or immediately prior to that person ceasing to be engaged on war service, wholly or partly dependent for his support;

"pension" means a pension (including a service pension) under the Australian Soldiers' Repatriation Act, 1920-1946, and includes a pension payable under any law of a country outside the Commonwealth providing for payment of pensions to members or former members of the naval, military, or air forces of that country;

"protected person" means, subject to subsection (2) of this section, a member of the forces, discharged member of the forces, female dependant of a member, female dependant of a discharged member, parent of a member, or parent of a discharged member;

"war service" means—

(*a*) the service of a member of the citizen forces when called up for war service under the Defence Act, 1903-1941, or during continuous training under that Act, the Naval Defence Act, 1910-1934, or the Air Force Act, 1923-1941;

(*b*) the continuous service under any of those Acts of any person who volunteers and is accepted for such service during war;

(*c*) the continuous service of a person called upon to serve in the defence force in pursuance of any Act or of any regulations under an Act of the Commonwealth of Australia; and

(*d*) the service during war of a member of the permanent forces.

(2) For the purposes of this Part, a person shall not be deemed to be a protected person unless such person is—

(*a*) a member of the forces who—

(i.) is ; or

(ii.) was, for a total period of not less than twelve months during his period of war service,

required, by reason of his war service, to live in premises other than premises occupied by him, or by a member of the household to which he belongs as a home ;

(*b*) a discharged member of the forces who was—

(i.) immediately prior to his discharge ;

(ii.) for a continuous period of not less than three months during the period of six months immediately prior to his discharge ; or

(iii.) for a total period of not less than twelve months during his period of war service,

so required ;

(*c*) a female dependant of a member of the forces or a parent of a member of the forces and that member—

(i.) is ; or

(ii.) was, for a total period of not less than twelve months during his period of war service,

so required ; or

(*d*) a female dependant of a discharged member of the forces or a parent of a discharged member of the forces and that member was—

(i.) immediately prior to his discharge, ceasing to be engaged on war service or death, as the case may be ;

(ii.) for a continuous period of not less than three months during the period of six months immediately prior to his discharge, ceasing to be engaged on war service or death, as the case may be ; or

(iii.) for a total period of not less than twelve months during his period of war service,

so required.

(3) Any reference in this section to any Act of the Commonwealth shall be deemed to include a reference to any amendment thereof.

Rights of protected persons as to recovery of possession of premises.

26an. (1) The provisions of Part IIIB of this Act relating to the termination of tenancies, the recovery of the possession of premises and the ejectment of lessees from premises, and any provisions incidental to those provisions, shall extend to all premises to which this Act applies of which a protected person is the lessee but the said provisions shall be construed subject to the provisions of this section.

(2) The provisions of paragraph (*c*), of subsection (1) of section 26u shall not apply in relation to any premises of which a protected person is the lessor, unless the lessee of the premises is a protected person.

(3) In the application of the provisions of this Act to a lessee who is a protected person, section 26n shall be read as if for paragraph (*a*) of subsection (5) there were substituted the following paragraph :—

"(*a*) that the lessee has failed to pay the rent in respect of a period of not less than twenty-eight days."

(4) Notwithstanding the provisions of Part IIIB of this Act, an order shall not be made for the recovery of possession of any premises from a protected person, or for the ejectment from any premises of a lessee (being a protected person) on any ground specified in paragraph (*g*), (*h*), (*i*), (*j*), (*k*), (*l*), or (*m*) of subsection (5) of section 26n unless the court making the order is satisfied—

(*a*) that reasonably suitable alternative accommodation (in this section referred to as "the alternative accommodation") is, or has been since the date upon which notice to quit was given, available for the occupation of the protected person in lieu of the premises in respect of which the order is sought (in this section referred to as "the premises at present occupied"); or

(*b*) that within a period of twelve months of the bringing of the action the premises have been offered for sale to the protected person at a price approved by the principal administrative officer for the purposes of the administration of the provisions of the Prices Act, 1948, relating to land transactions or at a price which in the opinion of the court is a fair price for the premises, and the offer has not been accepted by the protected person ; or

(*c*) that the protected person has sub-let the premises in respect of which the order is sought and is permanently residing elsewhere.

(5) Where a tenancy has been lawfully determined and any person claiming under the lessee and actually in possession of the premises or any part thereof is a protected person, an order for the ejectment of persons from those premises or for the recovery of possession of those premises shall, if the order is made on any ground specified in paragraph (*g*), (*h*), (*i*), (*j*), (*k*), (*l*), or (*m*), of subsection (5) of section 26n, not be enforced against the protected person unless the court is satisfied—

(*a*) that reasonably suitable alternative accommodation (in this section referred to as " the alternative accommodation ") is, or has been since the date upon which notice to quit was given, available for the occupation of the protected person in lieu of the premises in respect of which the order is sought (in this section referred to as " the premises at present occupied ") ; or

(*b*) that within a period of twelve months of the bringing of the action the premises have been offered for sale to the protected person at a price approved by the principal administrative officer for the purposes of the administration of the provisions of the Prices Act, 1948, relating to land transactions or at a price which in the opinion of the court is a fair price for the premises, and the offer has not been accepted by the protected person ; or

(*c*) that the protected person has sub-let the premises in respect of which the order is sought and is permanently residing elsewhere.

(6) For the purposes of subsections (4) and (5) accommodation shall not be deemed to be reasonably suitable unless—

(*a*) the rent of the alternative accommodation does not exceed the rent of the premises at present occupied ;

(*b*) the floor area of the alternative accommodation is either equal to the floor area of the premises at present occupied or, in the opinion of the court, is sufficient for the needs of the lessee ;

(*c*) the conditions generally appertaining to the alternative accommodation are not, in the opinion of the court, inferior to the conditions appertaining to the premises at present occupied.

(7) The provisions of subsections (3), (4), (5) and (6) of this section shall not apply in relation to premises of which a protected person is the lessor or of which the lessor is a person who, during any war in which His Majesty was engaged, served outside the Commonwealth in any of His Majesty's forces.

Letting of vacant houses to protected persons.

26ao. (1) A protected person may, if he thinks fit, apply in writing to a local court for a warrant authorizing and requiring the delivery of possession to the applicant of any dwelling-house which is unoccupied or about to become unoccupied.

(2) An application under subsection (1) may be made by the protected person personally or by some person authorized by him in writing to act as his agent for the purposes of this section.

(3) A copy of an application under subsection (1), together with a notice of hearing, shall be served on—

(*a*) the owner of the dwelling-house ; or

(*b*) any person who ordinarily acts as an agent in relation to the dwelling-house or to whom the rent of the dwelling-house is ordinarily paid,

either personally, or by registered letter sent to the place of business or abode of the owner or person.

(4) After service of the copy of the application and notice of hearing under subsection (3), and until the application has been heard and determined, or, if the court grants a warrant until the warrant has been executed, the owner of the dwelling-house shall not, whether personally or by his agent, permit any person to enter into occupation of the dwelling-house or himself enter into occupation of the dwelling-house.

Any person who commits any contravention of this subsection shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

It shall be a defence to any proceedings against any owner for an offence against this section if the owner satisfies the court that the person permitted to enter into occupation of the dwelling-house is a protected person with whom an agreement was made in pursuance of paragraph (*e*) of subsection (5) of section 26aq.

26ap. For the purposes of section 26ao—

Dwelling-house is to be deemed to be unoccupied in certain cases.

(*a*) a dwelling-house shall be deemed to be unoccupied notwithstanding that the owner has permitted a person to enter into occupation of the dwelling-house in contravention of subsection (4) of that section and, in any such case, the court may grant the application notwithstanding that the person in occupation of the dwelling-house is not before the court on the hearing of the application;

(*b*) a dwelling-house shall be deemed to be unoccupied notwithstanding that the owner has entered into occupation of the dwelling-house in contravention of subsection (4) of that section;

(*c*) a dwelling-house shall not be deemed to be occupied by reason only of the fact that it is furnished;

(*d*) a dwelling-house may be deemed by the court to be unoccupied if it is occupied irregularly and the court is satisfied that the dwelling-house is not used as the permanent and sole dwelling-house of the occupant and that another dwelling-house is occupied as the principal dwelling-house of the occupant;

(*e*) a dwelling-house shall be deemed to be about to become unoccupied if the court is satisfied that the occupant of the dwelling-house, at the time of the service of the notice of application, is about to vacate the dwelling-house, notwithstanding any arrangement (other than an arrangement for the occupation of the dwelling-house by a protected person or by a person such as is referred to in subsection (5) of section 26aq) entered into, whether before or after the service of the notice, in respect of the occupation of the premises after the then existing occupancy ceases.

Hearing of application.

26aq. (1) Upon the hearing of an application under section 26ao the court shall take into consideration, in addition to all other relevant matters—

(*a*) any hardship which would be caused to the owner or to any other person (not being a person who has entered into occupation of the dwelling-house in contravention of section 26ao) by the granting of the application ;

(*b*) any hardship which would be caused to the applicant or to any other person by the refusal to grant the application ; and

(*c*) the character of the applicant and his suitability as a tenant of the premises,

and, unless the court is satisfied that there is reasonable cause why the application should not be granted, the court shall grant the application.

(2) An averment in the application under section 26ao that a dwelling-house is unoccupied shall be *prima facie* evidence of the fact so averred.

(3) If the dwelling-house is about to become unoccupied, the court may postpone the execution of the warrant until such time as it thinks fit.

(4) The fact that the dwelling-house is ordinarily leased for holiday purposes only shall not be a ground for refusing to grant the application.

(5) An application shall not be granted under this section—

(*a*) if the owner of the dwelling-house reasonably needs the dwelling-house for his own occupation or for the occupation of some married member of his family or of some married person who resides with him or is wholly or partly dependent on him for his support ;

(*b*) if the dwelling-house was erected or acquired for the accommodation of a particular person or class of persons and the dwelling-house is reasonably needed for the occupation of that person or a person of that class ;

(*c*) if the dwelling-house has not previously been occupied and is reasonably needed for the occupation of the owner of the dwelling-house ;

(*d*) if the dwelling-house is a newly erected dwelling-house which—

(i.) was erected by the owner for the purposes of occupation by him or for the purposes of sale ; and

(ii.) has not been unoccupied for a period exceeding two months ; or

(*e*) if the owner of the dwelling-house has agreed to let the dwelling-house to a protected person and the agreement provides that the protected person shall take possession of the dwelling-house forthwith if unoccupied or forthwith upon it becoming unoccupied.

(6) The court shall specify in the warrant the person or persons by whom it may be executed.

Provisions where several applications made in respect of same dwelling-house.

26ar. (1) Where more than one application is made under section 26ao in respect of the same dwelling-house, the person on whom the applications were served shall forthwith notify each other applicant of the other application or applications, together with the name and address of the other applicant or applicants, and the court shall hear and determine all the applications at the same time and for that purpose may adjourn the hearing of any application or applications.

(2) Where two or more applications are heard at the same time, the court shall take into consideration the degree of hardship which would be caused to each applicant or to any other person by the refusal to grant the application and, where the degree of hardship is the same in the case of two or more applicants or other persons, may in addition to the other matters referred to in section 26aq take into consideration the priority of service of the applications under section 26ao of this Act.

Enforcement of warrants.

26as. A warrant granted by a court under section 26aq of this Act may be enforced in the same manner as a warrant of possession granted by that court may be enforced.

Rent of dwelling-house.

26at. (1) Upon delivery of possession of a dwelling-house to a protected person under a warrant granted under section 26aq the protected person shall be deemed to be a tenant of the owner of the dwelling-house.

(2) The rent to be paid for any dwelling-house of which possession has been so obtained shall be—

(*a*) where the rent is, as at the commencement of the tenancy, fixed or determined by or under this Act—that rent or such rent (not exceeding the rent so fixed or determined) as is agreed upon between the owner and the tenant; or

(*b*) in any other case—such rent as is agreed upon between the owner and the tenant or, in default or agreement, as is determined by the Trust pursuant to Part III,

but nothing in this subsection shall be deemed to prevent the subsequent alteration, subject to this Act, of any rent so agreed upon or fixed.

Meaning of "owner".

26au. For the purposes of sections 26ao to 26at (inclusive) the expression "owner", in relation to a dwelling-house which is the subject of a lease or sub-lease, means—

(*a*) where the dwelling-house is unoccupied—the lessee or sub-lessee immediately entitled to possession of the dwelling-house; and

(*b*) where the dwelling-house is about to become unoccupied—the person immediately entitled to possession of the dwelling-house upon its becoming unoccupied.

Application of Part.

26av. (1) Any person (in this section referred to as "the claimant") who desires to do, or to continue or complete the doing of, any act against any person (in this section referred to as "the respondent") in respect of the possession of any premises may, if the respondent is resident in Australia and is not, to the knowledge of the claimant, a protected person, serve on the respondent, in the manner provided by this section, a notice in the prescribed form requiring the respondent to inform the claimant, within fourteen days after the receipt of the notice, whether or not the respondent is a protected person within the meaning of this Part.

(2) A notice under subsection (1) shall be served personally or by registered letter sent to the respondent's last place of abode known to the claimant.

(3) If, within the period specified in subsection (1) of this section, a statutory declaration by the respondent or by some person having knowledge of the facts stating that the respondent is a protected person within the meaning of this Part is not furnished to the claimant, then notwithstanding that the respondent is, or at any subsequent time

becomes, a protected person within the meaning of this Part, this Part shall not apply in respect of the doing, or in respect of the continuance or completion of the doing, of an act of the kind referred to in subsection (1) of this section, provided the claimant commences to do, or to continue or complete the doing of, the act within three weeks after the expiration of the period specified in that subsection.

(4) For the purposes of subsection (3) where the doing of any act is dependent on the completion of any preliminary act, the commencement of the doing or the continuance or completion of the doing, of the preliminary act shall be deemed to be the commencement of the doing of the first-mentioned act.

(5) If the claimant produces evidence (supported by statutory declaration) to the satisfaction of an officer thereto authorized in writing by the Attorney-General, that the respondent—

(*a*) has abandoned the property in respect of which the claimant desires to do, or to continue or complete the doing of, any act; or

(*b*) cannot be found and that the claimant has made reasonable efforts to ascertain his whereabouts, and that the claimant is not aware that the respondent is a protected person,

the officer may issue to the claimant a certificate to that effect and thereupon this Part shall not apply in respect of the doing, or in respect of the continuance or completion of the doing, of the act by the claimant.

(6) A certificate purporting to be issued in pursuance of subsection (5) shall, in the absence of proof to the contrary, be deemed to have been duly issued.

Exemptions from application of Part.

26aw. Nothing in this Part shall apply to any dwelling-house in respect of which a certificate of exemption under section 26ai or section 26aj is in force.

Amendment of principal Act, s. 2—Arrangement.

16. Section 2 of the principal Act is amended by inserting therein after the line "Part IIIB—Recovery of possession of premises" the line "Part IIIC—Protected persons".

Enactment of Part IIID. of principal Act—

17. The following Part is enacted and inserted in the principal Act after Part IIIC. thereof:—

PART IIID.

CONTROL OF RENTS OF HOTEL PREMISES.

Interpretation.

26ax. In this Part—

"board" means the board constituted pursuant to section 26ay:

"hotel premises" means any premises in respect to which a publican's licence is in force under the Licensing Act, 1932-1945:

"rent", in addition to the matters mentioned in the definition of rent in section 4, includes any premium, bonus, foregift, or other sum of money paid or payable in consideration of, or in association with—

(*a*) the grant or acceptance of any lease of hotel premises; or

(*b*) the renewal of a lease or the continuance of a letting of hotel premises; or

(*c*) any agreement for a lease or for the renewal of a lease of hotel premises.

Constitution of board.

26ay. (1) A board shall be constituted for the purposes of this Part.

(2) The board shall consist of—

(*a*) a special magistrate appointed by the Governor who shall be the chairman of the board;

(*b*) a member who shall be appointed by the Governor on the nomination of the committee of the South Australian Associated Brewers;

(*c*) a member to be appointed by the Governor on the nomination of the committee of the United Licensed Victuallers Association of the Commonwealth of Australia (South Australian Branch).

(3) The members of the board shall hold office for such term and upon such conditions and shall be entitled to such remuneration as the Governor from time to time determines.

(4) The chairman and one other member of the board shall be a quorum of the board. The chairman of the board shall have both a deliberative and a casting vote.

(5) No matter or thing done by the board or by the chairman or any member thereof or by any person whenever acting under the direction or authority of the board shall, if the matter or thing was done *bona fide* for the purpose

of executing this Part, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(6) Any expenses incurred by the board shall be deemed to be an expense authorized by this Act.

Application to board with respect to rent of hotel premises.

26az. (1) Any lessee of any hotel premises who is of opinion that the rent provided to be paid under the lease of the premises is excessive, may from time to time make application in writing to the board requesting that the board determine the rent of the premises.

(2) If the South Australian Prices Commissioner is of opinion that the rent provided to be paid under any lease of hotel premises is excessive, he may from time to time make application in writing to the board requesting that the board determine the rent of the premises.

(3) If pursuant to this Part, the rent of any hotel premises is determined by the board, the lessor of those premises may from time to time make application in writing to the board requesting that the board should again determine the rent of the premises.

Notice of proceedings of application.

26ba. After application being made as aforesaid the board shall give notice in writing of a time and place for the consideration of the application to the lessor and the lessee of the hotel premises and to the South Australian Prices Commissioner each of whom shall be entitled to be heard (either personally or by counsel, solicitor, or agent) by the board.

Onus in proceedings before board.

26bb. If application is made as aforesaid by a lessee of hotel premises, the onus shall be on the applicant to satisfy the board that the rent payable under the lease is excessive.

Determination of rent by board.

26bc. (1) The board shall hear and determine any application made to it and shall make a determination fixing the rent of the hotel premises.

(2) In its determination the board shall fix such rent as it considers to be fair and equitable after having regard to all relevant factors associated with the lease including the provisions of the lease and all benefits which could be derived from a proper and efficient use of the premises and the licence under the Licensing Act, 1932-1945, in force in respect thereof.

Board to have powers of Royal Commission.

26bd. In the exercise of its functions under this Part the board shall have the powers of a royal commission under the Royal Commissions Act, 1917, and the provisions of that Act shall apply to and in respect of proceedings before the board.

Commencement of determination.

26be. In any determination made by the board fixing the rent of any hotel premises, the board shall fix the day from which the rent so fixed shall be payable. The day aforesaid may be any day, whether before or after the making of the determination but other than a day prior to the day on which the application was made to the board, as the board considers proper.

Notice of determination.

26bf. Forthwith upon the making of a determination in respect of any hotel premises, the board shall give to the lessor and the lessee of the premises and to the South Australian Prices Commissioner notice in writing setting out the determination.

Effect of determination.

26bg. (1) During the continuance of this Act, as and from the day fixed by the determination of the board with respect to any hotel premises, the rent fixed by the determination shall (unless a lesser amount is, after the making of the determination, agreed to be paid) be the rent payable in respect of the premises and any rent in excess of that so fixed shall, notwithstanding any change in the ownership or occupation of the premises or any agreement to the contrary, be irrecoverable by the lessor.

(2) If any sum is or has been paid being a sum which by virtue of subsection (1) would have been irrecoverable by the lessor of any hotel premises, the sum so paid shall be recoverable from the lessor who received the payment by the lessee by whom it was paid, and may, without prejudice to any other method of recovery, be deducted by that lessee from any rent payable by him to that lessor in respect of the said premises.

Secretary and officers.

26bh. (1) The Treasurer may appoint any member of the public service to act as secretary of the board.

(2) The Treasurer may direct that any officers of the public service shall perform such duties as are necessary to enable the board to exercise its functions under this Part.

Application of ss. 36, 37, 38.

26bi. The provisions of sections 36, 37, and 38 shall apply to notices under this Part except that whenever in those sections there is a reference to the trust that reference shall be construed as if it were a reference to the board.

Mode of making application to board.

26bj. Any application to the board under this Part may be made by delivering the application or by posting the application to the chairman or secretary of the board.

Amendment of principal Act, s. 2— Arrangement.

18. Section 2 of the principal Act is amended by inserting therein after the line "Part IIIC.—Protected persons" the line "Part IIID.—Control of rents of hotel premises".

19. The following section is enacted and inserted in the principal Act after section 27 thereof:— Enactment of s. 27a of principal Act—

27a. (1) Any person who, whether as principal or agent, receives any payment of rent of any premises to which this Act applies shall, at the time of receiving the payment or within twenty-four hours of the making of the payment, 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. Duty to give receipt for rent.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(3) If pursuant to any arrangement made between the person paying the rent and the person to whom it is payable, any rent payable as mentioned in subsection (1) is paid into a bank to the credit of the person to whom it is payable (whether as principal or agent), the provisions of subsection (1) shall not apply in respect of that payment of rent.

20. Section 44 of the principal Act is repealed. Repeal of s. 44 of principal Act.

21. Section 49 of the principal Act is amended by striking out the word "forty-nine" in the second line thereof and by inserting in lieu thereof the word "fifty". Amendment of principal Act, s. 49—Duration of Act.

22. In any proceedings in any court which were commenced before the passing of this Act and in which the decision of the court was not announced by the court before the passing of this Act, the provisions of this Act shall be construed as if the said provisions had been enacted before the commencement of those proceedings. Effect of Act on proceedings pending.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI. REGIS.

A.D. 1949.

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No. 10 of 1949.

An Act to amend the Coal Act, 1947-1948.

[*Assented to 20th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Coal Act Amendment Act, 1949 ".

(2) The Coal Act, 1947-1948, as amended by this Act, may be cited as the " Coal Act, 1947-1949 ".

(3) The Coal Act, 1947-1948, is hereinafter referred to as " the principal Act ".

Incorporation.

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

Amendment of s. 12 of principal Act—Control of gas and electricity.

3. Subsection (3) of section 12 of the principal Act is amended by striking out paragraph (*c*) and inserting in lieu thereof the following :—

(*c*) come into operation at the hour and on the day specified therein, or if no such hour and day is specified therein, at the commencement of the day following the day on which it is first advertised in a newspaper.

Enactment of s. 13a—13b of the principal Act—

4. The following sections are enacted and inserted in the principal Act after section 13 thereof :—

Orders.

13a. Section 39 of the Acts Interpretation Act, 1915-1945, shall apply in relation to the power to make orders under this Act.

Permits.

13b. (1) Notwithstanding any order made under this Act the Minister, or a person authorized by the Minister to grant permits under this section, may grant to any person a permit to use gas or electricity during any period specified in the permit.

(2) A permit granted under this section—

(*a*) shall be in writing and signed by the person granting it :

(*b*) may contain any limitations whether as to the period during which, or the place, locality or premises in respect of which, it shall operate, or as to any other circumstances :

(*c*) may contain any conditions.

(3) A person holding a permit under this section shall be exempt from the obligation to comply with any orders in force under this Act, to the extent necessary to enable him to use gas or electricity in accordance with the permit.

(4) A person who contravenes or fails to observe a condition of a permit granted to him under this section shall be guilty of an offence.

(5) If a person contravenes or fails to observe a condition of a permit granted to him under this section the permit may be revoked by the person who granted it or by the Minister.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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(*c*) all surplus revenue applied after the commencement of this Act to loan accounts in accordance with section 30 of the Public Finance Act, 1936 ;

(*d*) the money borrowed under this Act.

Power to borrow.

4. The Treasurer may arrange for the sum of twelve million five hundred and sixty thousand five hundred pounds to be borrowed on behalf of the State in accordance with the financial agreement.

Issue and application of money from loan fund.

5. (1) There may be issued out of the loan fund any sums not exceeding fourteen million sixty thousand five hundred pounds.

(2) The sums so issued shall be applied for the purposes mentioned in the schedule.

(3) If the amount mentioned in any line of the schedule as the estimated expenditure for the work or purpose mentioned in that line is insufficient for that work or purpose, the Treasurer may issue additional money from the loan fund for that work or purpose but so that the total amount issued under this Act from the loan fund for works and purposes mentioned in the schedule shall not exceed fourteen million sixty thousand five hundred pounds.

Flotation expenses.

6. The Treasurer may—

(*a*) in addition to the other amounts authorized by this Act to be borrowed, arrange for the borrowing on behalf of the State in accordance with the financial agreement of a sum equal to the discounts, charges and expenses incurred in connection with the borrowing of money under this Act ;

(*b*) issue a sum equal to those discounts, charges and expenses out of the loan fund, and apply the sum so issued in payment of those discounts, charges and expenses.

Temporary finance for loan works.

7. If the money in the loan fund is at any time insufficient for the purpose of carrying out the works and purposes mentioned in the schedule the Treasurer may use other money in his hands for those purposes, but any money so used shall be repaid from the loan fund as soon as there is sufficient money in that fund to make the repayment.

Duration of Act.

8. Upon the commencement of an Act authorizing the raising and expenditure of loan money for the financial year 1950-1951, the authority to borrow money and to issue and apply money from the loan fund, given by the provisions of this Act, other than sections 6 and 7, shall cease.

Commencement of Act.

9. This Act shall come into operation on the first day of the month following the month in which this Act is assented to by the Governor.

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

C. W. M. NORRIE, Governor.

SCHEDULE.

Amounts Proposed to be Expended from the Loan Fund.

Loan Undertakings.	Estimated Expenditure.
	£
STATE BANK.	
Advances for Homes	700,000
Loans to Producers	100,000
Advances to Settlers	25,000
Loans for Fencing and Water Piping	25,000
Vermin-Proof Fencing	10,000
Advances to State Bank	750,000
Advances to State Bank Act, 1925-1941, Part VIA.—For loans to Primary Producers	100,000
HIGHWAYS AND LOCAL GOVERNMENT.	
Roads and Bridges	100,000
LANDS.	
Land Repurchase for Closer Settlement	40,000
Crown Lands Development Act	200,000
Agricultural Graduates, Purchase of Land for	40,000
IRRIGATION AND DRAINAGE.	
Irrigation and Reclamation of Swamp Lands	160,000
Lessees Reclaimed Swamp Lands, Loans to	1,000
South-Eastern Drainage	255,000
WOODS AND FORESTS.	
Afforestation and Timber Milling	650,000
RAILWAYS.	
Railway Accommodation	1,200,000
HARBORS BOARD.	
Harbors Accommodation	400,000
ENGINEERING AND WATER SUPPLY.	
Morgan-Whyalla Water Main	10,400
Adelaide and Millbrook Water District	1,250,000
Adelaide Sewers	280,000
Country Water Districts	224,000
Barossa Water District	57,000
Beetaloo, Bundaleer, and Baroota Water District	140,000
Tod River Water District	257,000
Warren Water District	50,000
Water Conservation	600
River Murray Weirs, Dams, Locks, Etc.	5,000
Metropolitan Floodwaters	1,000
Glanville Pipe Works	10,400

Amounts Proposed to be Expended from the Loan Fund—continued.

Loan Undertakings.	Estimated Expenditure.
ARCHITECT-IN-CHIEF.	£
Hospital Buildings	215,000
School Buildings	620,000
Police and Courthouse Buildings	60,000
Agricultural College	30,750
Other Government Buildings	180,000
MISCELLANEOUS.	
Expenses and Discounts of Floating Conversion Loans	100,000
Produce Department—Buildings and Plant	50,000
Settlement of Discharged Soldiers on the Land, 1914-1918	10,000
South Australian Housing Trust—War time and Post-war Housing	1,500,000
Lower River Broughton Irrigation Trust—Loan to	6,850
Leigh Creek Coal Field	500,000
Electricity Trust of South Australia—Loan to	2,500,000
Enfield General Cemetery—Advances to	6,000
Purchase of Stores	600,000
Temporary Housing Accommodation	10,000
Industries Development Act—Advances under	100,000
Municipal Tramways Trust—Loan to	450,000
Public Parks Act—Purchase of Land	20,000
Funding Revenue Deficit 1946-1947	60,500
Total	£14,060,500

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 12 of 1949.

An Act to amend the Sandalwood Act, 1930-1946.

[*Assented to 20th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Sandalwood Act Amendment Act, 1949 ".

(2) The Sandalwood Act, 1930-1946, as amended by this Act, may be cited as the " Sandalwood Act, 1930-1949 ".

(3) The Sandalwood Act, 1930-1946, is hereinafter referred to as " the principal Act ".

Incorporation.

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

Repeal of s. 11 of the principal Act—

Duration of Act.

3. Section 11 of the principal Act is repealed.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 13 of 1949.

An Act to create the Treasurer a body corporate.

[*Assented to 20th October,* 1949.]

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 "Treasurer's Incorporation Act, 1949".

Interpretation.

2. In this Act, unless the context otherwise requires "the Treasurer" means the Minister of the Crown holding the office of Treasurer.

Incorporation of Treasurer.

3. (1) The Treasurer and his successors in office are hereby constituted a body corporate, under the name of The Treasurer of South Australia, and by that name shall have perpetual succession and a common seal and shall be capable of suing and being sued and of being a party to arbitration and of purchasing holding and alienating property of all kinds and of entering into contracts and doing any other acts which the Treasurer has by law power to do.

(2) All courts, judges and persons acting judicially shall take judicial notice of the seal of The Treasurer of South Australia when affixed to any instrument and shall until the contrary is proved presume that it was properly affixed thereto.

Transfer of securities and guarantees.

4. (1) All stock, bonds, shares and other securities which at the time of the passing of this Act are held by the Treasurer in his capacity as a Minister of the Crown are hereby vested in the body corporate created by this Act.

(2) All guarantees given by the Treasurer under the Homes Act, 1941-1947, shall be deemed to have been given by the body corporate created by this Act.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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Powers as to land.

3. (1) The power to acquire property conferred by section 2 of this Act shall include power to buy land and to acquire land by compulsory process.

(2) This Act is incorporated with the Compulsory Acquisition of Land Act, 1925.

(3) Nothing in this Act shall be deemed to restrict any power of His Majesty or the Governor or any Minister or public authority to resume land held under any lease or agreement granted pursuant to the laws relating to Crown lands or pastoral lands.

Dedication of land.

4. The powers conferred on the Governor by section 5 of the Crown Lands Act, 1929-1946, shall include power to dedicate Crown land for uranium mining by The Minister of Mines and for purposes incidental thereto, and to grant to The Minister of Mines the fee simple of any Crown land so dedicated to secure the use thereof for the purposes for which it was dedicated.

Secrecy

5. (1) A person shall not either directly or indirectly divulge any information which relates to uranium and has been acquired by him by reason of or in the course of any employment held by him under the Government of the State or any work done by him for the Government of the State: Provided that this subsection shall not prevent a person from divulging information—

(*a*) in the course of any duty as an employee of the Government of the State;

(*b*) when required by law to do so in legal proceedings; or

(*c*) with the consent of The Minister of Mines.

(2) Where a person is doing work for the Government of the State, any person employed by that person in that work shall for the purposes of this section be deemed to be doing work for the Government of the State.

(3) A person who contravenes this section shall be guilty of an offence punishable summarily and liable to a fine not exceeding two hundred pounds or to imprisonment for not more than six months.

Regulations.

6. The Governor may make regulations prescribing any matters which it is necessary or convenient to prescribe for the purpose of carrying this Act into operation and may by regulation prescribe fines recoverable summarily and not exceeding one hundred pounds for breach of any such regulation.

Financial provision.

7. The moneys required for the purposes of this Act shall be paid out of money provided by Parliament for those purposes.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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Enactment of ss. 27a-27e of principal Act—

4. The following heading and sections are inserted in the principal Act after section 27 thereof :—

The Whyalla Abattoirs.

The Whyalla Abattoirs area.

27a. The Governor may by proclamation—

(*a*) declare that the town of Whyalla with or without any land adjacent thereto shall constitute the Whyalla abattoirs area;

(*b*) alter the Whyalla abattoirs area as constituted for the time being, by adding any land thereto, or by severing any part thereof;

(*c*) revoke any proclamation for the time being in force under this section.

Slaughtering and sale of meat within the Whyalla Abattoirs area.

27b. (1) A person shall not—

(*a*) at any place within the Whyalla abattoirs area other than the Whyalla abattoirs, slaughter any stock for sale, or dress any carcass for sale;

(*b*) within the Whyalla abattoirs area sell, offer for sale, or expose for sale any meat derived from stock slaughtered at any place within the Whyalla abattoirs area other than the Whyalla abattoirs;

(*c*) within the Whyalla abattoirs area sell, offer for sale, or expose for sale any meat derived from stock slaughtered outside the Whyalla abattoirs area unless the carcass of which that meat formed part, together with the pleura, peritoneum, lungs, heart, kidneys, tongue, and any other prescribed organs, and in the case of cows the udder also, attached in natural connection, was brought to the Whyalla abattoirs and inspected and branded by an inspector appointed by the Commission.

(2) In this section "stock" means cattle, horses, sheep, swine, goats, and all other animals and birds which the Governor by proclamation declares to be stock for purposes of this section.

(3) The Governor may by proclamation declare any animals or birds to be stock for purposes of this section, and may revoke any such proclamation.

(4) A person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

Inspection of meat at Whyalla Abattoirs.

27c. (1) The commission shall employ a fit and proper person as an inspector for the purpose of inspecting all meat derived from stock slaughtered at the Whyalla Abattoirs, and of ensuring that no such meat which is diseased, unsound, or unwholesome shall be sold for human consumption.

(2) The inspector so employed shall inspect all carcasses and meat derived from stock slaughtered at the Whyalla Abattoirs before such carcasses and meat are removed from those Abattoirs.

(3) Any inspector employed under this section shall, in relation to carcasses and meat derived from stock slaughtered at the Whyalla Abattoirs, have and exercise both within and outside the town of Whyalla all the powers and authorities of an inspector under the Health Act, 1935-1947, and the Food and Drugs Act, 1908-1943.

Fees for inspection.

27d. The commission may by notice published in the *Gazette* fix reasonable fees to be paid to the commission for the inspection of carcasses and meat at the Whyalla Abattoirs and shall be entitled to charge and recover such fees from the owner of the carcasses or meat.

Exemptions.

27e. The following stock and meat shall be exempted from the operation of section 27b of this Act—

(a) bacon and any other dried, salted or smoked flesh of swine not slaughtered within the Whyalla abattoirs area;

(*b*) tinned meat;

(*c*) any other stock or meat declared by the Governor by regulation to be exempt from section 27b of this Act.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 16 of 1949.

An Act to amend the Advances for Homes Act, 1928-1947.

[*Assented to 27th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Advances for Homes Act Amendment Act, 1949 ".

(2) The Advances for Homes Act, 1928-1947, as amended by this Act, may be cited as the " Advances for Homes Act, 1928-1949 ".

(3) The Advances for Homes Act, 1928-1947, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 18— Sale of dwellinghouse.

2. (1) Subsection (2) of section 18 of the principal Act (as enacted by section 4 of the Advances for Homes Act Amendment Act, 1944, and amended by subsection (1) of section 6 of the Advances for Homes Act Amendment Act, 1947) is amended by striking out the words " two hundred and fifty " wherever occurring in paragraph (*d*) and paragraph (*e*) thereof and by inserting in lieu thereof in every case the words " five hundred ".

(2) Subsection (4) of section 18 of the principal Act (as amended by subsection (2) of section 6 of the Advances for Homes Act Amendment Act, 1947) is amended by striking out the words " two hundred and fifty " in the proviso thereto and by inserting in lieu thereof the words " five hundred ".

Amendment of principal Act, s. 22—
Advances.

3. Subsection (5) of section 22 of the principal Act (as amended by section 6 of the Advances for Homes Act Amendment Act, 1944, and by section 7 of the Advances for Homes Act Amendment Act, 1947) is amended by striking out the words " two hundred and fifty " and by inserting in lieu thereof the words " five hundred ".

Amendment of principal Act, s. 35—
Acquisition of freehold.

4. Subsection (2) of section 35 of the principal Act (as amended by section 8 of the Advances for Homes Act Amendment Act, 1944, and by section 8 of the Advances for Homes Act Amendment Act, 1947) is amended by striking out the words " two hundred and fifty " and by inserting in lieu thereof the words " five hundred ".

Amendment of principal Act, s. 40—
Repair of property.

5. Subsection (2) of section 40 of the principal Act (as amended by section 9 of the Advances for Homes Act Amendment Act, 1944, and by section 9 of the Advances for Homes Act Amendment Act, 1947) is amended by striking out the words " two hundred and fifty " and by inserting in lieu thereof the words " five hundred ".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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inserting in lieu thereof in each case the figures "1955";

(*b*) by striking out the figures "1951" in the last line of paragraph 2 thereof and by inserting in lieu thereof the figures "1956";

(*c*) by striking out the figures "1952" in the second line of paragraph 3 thereof and by inserting in lieu thereof the figures "1957";

(*d*) by striking out the figures "1953" in the fourth line of paragraph 3 thereof and by inserting in lieu thereof the figures "1958";

(*e*) by inserting after the word "fit" in the first line of paragraph 4 thereof the words "from time to time";

(*f*) by adding at the end of paragraph 4 thereof the words "and, without limiting the generality of the foregoing provisions of this paragraph, may direct that any interest payable by the trust shall, from such date as is from time to time fixed by the Minister, be capitalized and added to the amount advanced to the trust".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 18 of 1949.

An Act to amend the Homes Act, 1941-1947.

[*Assented to 27th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Homes Act Amendment Act, 1949 ".

(2) The Homes Act, 1941-1947, as amended by this Act, may be cited as the " Homes Act, 1941-1949 ".

(3) The Homes Act, 1941-1947, is hereinafter referred to as " the principal Act ".

Amendment of s. 7 of principal Act— Amount of loan.

2. Section 7 of the principal Act (as amended by section 3 of the Homes Act Amendment Act, 1947) is amended by striking out the words " twelve hundred and fifty " in paragraph (*a*) thereof and by inserting in lieu thereof the words " one thousand five hundred ".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 19 of 1949.

An Act to amend the Lottery and Gaming Act, 1936-1948.

[*Assented to 27th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Lottery and Gaming Act Amendment Act, 1949 ".

(2) The Lottery and Gaming Act, 1936-1948, as amended by this Act, may be cited as the " Lottery and Gaming Act, 1936-1949 ".

(3) The Lottery and Gaming Act, 1936-1948, is hereinafter called " the principal Act ".

Incorporation.

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

Enactment of s. 48c of principal Act—

3. The following section is enacted and inserted in the principal Act after section 48b thereof :—

Power of board as to investment.

48c. (1) The board may invest in securities issued by the Commonwealth any money received by it and may sell or convert any such securities.

(2) Interest earned by any such investment shall be used by the board in paying the costs of administering this Part.

(3) The investments made by the board before the enactment of this section shall be deemed to have been lawfully made.

(4) This section shall not affect the duty of the board to make payments as and when required by the other provisions of this Act.

Amendment of s. 54A of principal Act—

4. Section 54a of the principal Act is amended by striking out the first four lines and inserting in their place the following :—

Minors in betting enclosures.

54a. A person under the age of twenty-one years shall not be—

(*a*) in a betting ring ;

(*b*) within six feet of a bookmaker who is in a betting ring,

on a race course or trotting ground while a race meeting or trotting meeting is being held on it

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 20 of 1949.

An Act to amend the Public Service Act, 1936-1948.

[*Assented to 27th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Public Service Act Amendment Act, 1949 ".

(2) The Public Service Act, 1936-1948, as amended by this Act, may be cited as the " Public Service Act, 1936-1949 ".

(3) The Public Service Act, 1936-1948, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 17 of principal Act—Salary of Commissioner.

3. Section 17 of the principal Act is amended by adding at the end of subsection (1) thereof the following :—

Provided that The Public Service Board may determine—

(*a*) that additional salary, of such amount as the board deems just having regard to alterations in the cost of living and in the salaries paid to officers of the Public Service generally, shall be paid to the Commissioner as from such day as the board fixes ;

(*b*) that any such additional salary shall, as from such day as the board fixes, be increased or reduced by such amount as the board deems just having regard to the said alterations in the cost of living and salaries.

Any additional salary so determined shall be paid to the Commissioner as part of his salary under this Act, without further appropriation.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 21 of 1949.

An Act to provide for the protection of the banks and bed of the River Torrens, and for incidental purposes.

[*Assented to 27th October,* 1949.]

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 " River Torrens Protection Act, 1949 ".

Commencement of Act.

2. This Act shall come into force on a day to be fixed by proclamation.

Interpretation.

3. In this Act, unless the context otherwise requires—

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

" occupier " means any person who, either jointly or alone, has the actual physical possession of any land to the substantial exclusion of all other persons from participating in the enjoyment thereof :

" owner " means—

(*a*) the registered proprietor under The Real Property Act, 1886-1945, of any estate of freehold in possession ;

(*b*) as regards land not under The Real Property Act, 1886-1945, any person who is seised of any estate of freehold in possession, or if the said estate is subject to redemption under any mortgage, the person who, upon payment of all such mortgages, would be entitled to a conveyance of such an estate ;

(*c*) as regards any land belonging to the Crown, any person who has agreed to purchase the land from the Crown or is in possession of the land under any lease granted by the Crown ;

(*d*) any mortgagee in possession who is by himself or his tenant in occupation of any land, and is entitled to receive the rents and profits thereof :

"river" means the River Torrens but does not include any of its tributaries.

Application of Act.

4. (1) Subject to subsection (2), this Act shall apply within such part of the State as the Governor, by proclamation, declares that this Act shall apply.

Subject to subsection (2), the Governor may by proclamation declare that this Act shall apply within any part of the State specified in the proclamation and may by proclamation revoke or vary any such proclamation.

(2) This Act shall not apply within the boundaries of the City of Adelaide nor to any land forming part of the bed or banks of the river which is under the care, control and management of any municipal or district council.

Licensing of sand washers, etc.

5. (1) No person shall carry on the business of washing sand, gravel, crushed stone or other similar material in the river or at any place so that any effluent from any washing operation carried on by him flows or is likely to flow into any part of the river or any tributary thereof unless he is licensed by the Minister under this Act.

Penalty : Not exceeding fifty pounds.

(2) Upon application being made in the prescribed form and upon payment of the prescribed fee the Minister may issue a licence to any person to carry on the business of washing sand, gravel, crushed stone or other similar material in the river or upon or near the banks of the river or at any such place aforesaid.

Disposal of silt, etc.

6. No person shall—

(*a*) return or cause or permit to return to the river any

effluent from any washing operation carried on by him containing any silt, sludge or other matter containing solids ; or

(*b*) deposit or cause or permit to be deposited any such silt, sludge or other matter containing solids in the river or in such a position that the same is or is liable to be carried into the river either by flood or otherwise.

Penalty : Not exceeding fifty pounds.

Prohibition of certain excavations.

7. (1) No person shall dig or excavate or cause to be dug or excavated any hole in the bed or in or near any bank of the river which might give rise to or increase the erosion of such bed or any bank of the river.

Penalty : Not exceeding fifty pounds.

(2) If any hole is dug or excavated in contravention of this section, the Minister may give notice in writing to the owner or occupier of the land wherein the hole is dug or excavated requiring him to fill in the hole.

Removal of obstructions.

8. (1) If any land abuts upon the bank of the river, the owner or occupier of that land shall do the following upon such part of the bed or bank of the river as abuts his land and extends to the centre of the main stream for the time being of the river :—

I. Before the thirty-first day of March in each calendar year cut down all trees, bamboos, bushes, undergrowth or other vegetation growing upon the said part of the bed or bank which might obstruct the free flow of water in the river ;

II. Before the thirtieth day of April in each calendar year remove from the said part of the bed or bank all trees, bamboos, bushes, undergrowth or other vegetation cut down as aforesaid :

Provided however that this subsection shall not apply to any trees, bamboos, bushes, undergrowth or other vegetation which, in the opinion of the Minister, acts as a protection against erosion of the river banks.

(2) The owner of any land forming part of the bed or bank of the river shall, upon being required by notice in writing by the Minister so to do, remove from that land any obstruction whether natural or artificial to the free flow of water in the river including any stone in the bed of the river : Provided

however that this subsection shall not apply to any floor, bottom, wall or cover placed or constructed in over or across the river within any municipality or district council district with the consent in writing of the council thereof.

Power of Minister, upon default, to cause work to be done and recover the cost thereof.

9. (1) If the requirements of any notice under section 7 or section 8 are not complied with to the satisfaction of the Minister within the time specified in the notice, then the Minister may cause to be done such work as he considers necessary to comply with the notice, and may recover the cost thereof in any court of competent jurisdiction from the person to whom the notice was given as a debt due to the Minister.

(2) If the requirements of subparagraphs (*a*) and (*b*) of subsection (1) of section 6 are not complied with to the satisfaction of the Minister, then the Minister may cause to be done such work as he considers necessary to comply therewith and may recover the cost from the owner or occupier of the land whereon the work is done in any court of competent jurisdiction as a debt due to the Minister.

Prohibition of deposit of rubbish.

10. No person shall deposit or cause or permit to be deposited in the river or any of its tributaries or upon any land forming part of the bed or bank of the river or any of its tributaries any dead animal, offal, carrion, filth or offensive matter of any description, or any earth, stone, wood, tins, scrap metal, boxthorn, bamboos, or rubbish of any description whatsoever: Provided however that the owner or occupier of any such land may, with the consent in writing of the Minister, or of the council of the municipality or district council district in which the land is situate, construct any work for the protection of the bed or bank of the river or any of its tributaries from erosion.

Penalty: Not exceeding fifty pounds.

Power of Minister to enter upon lands.

11. (1) The Minister may enter upon any lands for the purpose of ascertaining whether the provisions of this Act are being observed or for the purpose of exercising any power conferred upon him by this Act.

(2) No person shall obstruct or wilfully delay the Minister in the exercise of any power conferred upon him by this Act.

Penalty: Not exceeding fifty pounds.

Swimming pools.

12. (1) The Minister may grant a permit upon such terms as he may think fit, to any *bona fide* swimming club to construct and maintain a swimming pool upon any land forming part of the bed or banks of the river which is owned or occupied by the club.

(2) No such permit shall relieve any swimming club or the members thereof from any liability to which it or they would have been subject if the permit had not been granted.

Power of Minister to delegate powers.

13. (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 or required to do.

(2) Every person so authorized shall have and enjoy all such and the like powers as are hereby 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, 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 such act, matter or thing.

Service of notice.

14. Any notice provided for in this Act may be given by post in a prepaid letter addressed to the person concerned at his usual or last known place of business or abode.

Summary disposal of offences.

15. All proceedings for offences against this Act shall be disposed of summarily.

Institution of proceedings.

16. (1) No proceedings in respect of any offence against this Act shall be taken without the consent in writing of the Minister.

(2) Any such consent may be proved by the production of a document to that effect purporting to be signed by the Minister.

Facilitation of proof.

17. (1) In any proceedings in respect of offences against this Act the allegation in any complaint that, upon the date or between the dates specified therein—

(*a*) any person was the owner or occupier of any land ;

(*b*) any person dug or excavated any hole ; or

(*c*) any notice authorized by this Act was given to any person,

shall be *prima facie* evidence of the matter alleged.

(2) In any proceedings for an offence against this Act, the allegation that any place is situated within the part of the

State to which this Act applies shall be *prima facie* evidence of the matter alleged.

(3) In any proceedings by the Minister to recover the cost of any work done by him under section 9, a document purporting to be signed by the Minister—

(*a*) stating that, upon the date or between the dates specified therein—

(i.) any person was the owner or occupier of any land ;

(ii.) any person dug or excavated any hole ;

(iii.) any notice authorized by this Act was given ; or

(*b*) stating the work done by the Minister and the cost thereof,

shall be admissible in evidence and shall be *prima facie* proof of the matters so stated.

Saving provisions.

18. Nothing in this Act shall in any way affect—

(*a*) any of the provisions of Part XXXV. or Division III. of Part XLV. of the Local Government Act, 1934-1948, except that subsections (2), (3) and (4) of section 639 thereof shall not apply to any bridge, dam, fence, floor, bottom, wall, or cover erected across or constructed in the river with the consent in writing of the Minister ;

(*b*) the exercise by the Minister of Works of any of his powers under the Metropolitan Drainage Act, 1935.

Non-application of Soil Conservation Act 1939-1947.

19. The provisions of the Soil Conservation Act, 1939-1947, shall not apply within any part of the State to which this Act applies.

Regulations.

20. The Governor may make regulations, not inconsistent with this Act, prescribing all things which by this Act are required contemplated or permitted to be prescribed, or which may be necessary to be prescribed for giving effect to the provisions and objects of this Act, and amongst others the following things—

(*a*) prescribing forms for and conditions as to the grant of licences or permits under this Act ;

(*b*) prescribing the manner in which and the reasons for which any such licence or permit may be cancelled by the Minister;

(*c*) prescribing fees to be paid on the grant of any such licence or permit.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 22 of 1949.

An Act to amend the Building Materials Act, 1945-1948

[*Assented to 27th October,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the "Building Materials Act Amendment Act, 1949".

(2) The Building Materials Act, 1945-1948, as amended by this Act, may be cited as the "Building Materials Act, 1945-1949".

(3) The Building Materials Act, 1945-1948, is hereinafter referred to as "the principal Act".

Amendment of principal Act Section 11—Duration of Act.

2. Section 11 of the principal Act is amended by striking out the word "November" in the second line thereof and by inserting in lieu thereof the word "December".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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paid to the Auditor-General as from such day as the board fixes ;

(*b*) that any such additional salary shall, as from such day as the board fixes, be increased or reduced by such amount as the board deems just having regard to the said alterations in the cost of living and salaries.

Any additional salary so determined shall be paid to the Auditor-General as part of his salary under this Act, without further appropriation.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 24 of 1949.

An Act to amend the Friendly Societies Act, 1919-1946.

[*Assented to 3rd November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the "Friendly Societies Act Amendment Act, 1949".

(2) The Friendly Societies Act, 1919-1946, as amended by this Act, may be cited as the "Friendly Societies Act, 1919-1949".

(3) The Friendly Societies Act, 1919-1946, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 7—Objects of societies.

2. Section 7 of the principal Act (as amended by section 2 of the Friendly Societies Act Amendment Act, 1946) is amended—

(*a*) by adding at the end of subsection (1) thereof the following paragraphs:—

VI. For establishing a fund for the purpose of providing superannuation or retiring benefits for officers of the society or branch who are permanently employed by the society or branch:

VII. For the payment of the expenses of management which are reasonably necessary for the purposes of the society or branch.

(*b*) by striking out the word "two" in the fifth line of subsection (2) thereof and by inserting in lieu thereof the word "five";

(*c*) by striking out the word "three" in the proviso to subsection (2) thereof and by inserting in lieu thereof the word "five";

(*d*) by striking out the word "three" in the last line of subsection (3) thereof and by inserting in lieu thereof the word "five".

Amendment of third schedule of principal Act—

3. The third schedule to the principal Act is amended by adding at the end thereof the following paragraph:—

Rules.

18. Provisions providing for the payment of the expenses of management of the society or branch.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 25 of 1949.

An Act to amend The Savings Bank of South Australia Act, 1929-1948.

[*Assented to 3rd November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as "The Savings Bank of South Australia Act Amendment Act, 1949".

(2) The Savings Bank of South Australia Act, 1929-1948, as amended by this Act, may be cited as "The Savings Bank of South Australia Act, 1929-1949".

(3) The Savings Bank of South Australia Act, 1929-1948, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 4—Saving clause.

2. Section 4 of the principal Act is amended by striking out the word "Penny" in the third line of paragraph (*f*) of subsection (1) thereof and by inserting in lieu thereof the word "School".

Amendment of principal Act, s. 19—Officers.

3. Section 19 of the principal Act is amended by adding at the end thereof the following passage:—

> Any approval of the Governor as aforesaid may approve of the payment by the Trustees of salary or emoluments paid or payable in respect of any period before the giving of the approval.

Amendment of principal Act, s. 20—Fixed establishment.

4. Section 20 of the principal Act is amended by adding at the end thereof the following proviso :—

Provided further that, for the purposes of this section and of section 22, in calculating the period that any officer, clerk, or servant may have been declared on the fixed establishment there shall be deducted, unless the Trustees specifically direct to the contrary, any period or periods during which the officer, clerk, or servant was absent on duly authorized leave of absence without pay.

Amendment of principal Act, s. 42—Deposits.

5. Section 42 of the principal Act is amended—

(*a*) by striking out the words " this section " in the third and fourth lines of subparagraph (4) of paragraph (*e*) thereof and by inserting in lieu thereof the words " sub-paragraph (1) of this paragraph ";

(*b*) by striking out the word " subsection " in the fourth line of subparagraph (5) of paragraph (*e*) thereof and by inserting in lieu thereof the word "paragraph".

Amendment of principal Act, s. 50—Payment of deposits into banking accounts.

6. Section 50 of the principal Act is amended—

(*a*) by striking out the words " The amount " in the first line thereof and by inserting in lieu thereof the words " That part " ;

(*b*) by inserting after the word " Bank " in the second line thereof the words " as is not required for immediate use in the conduct of the Bank's business " ;

(*c*) by inserting after the word " Bank " in the fourth to last line thereof the words " which pursuant to this section are required to be deposited ".

Amendment of principal Act, s. 51—Receipts for withdrawals.

7. Section 51 of the principal Act is amended by striking out paragraphs (3) and (4) thereof and by inserting in lieu thereof the following paragraph :—

(3) On the withdrawal of any money, the depositor or other person to whom the money is lawfully payable shall sign such withdrawal form as the Trustees from time to time provide, and the receipt of the money by the person presenting the withdrawal form signed as aforesaid shall be a good and sufficient discharge to the Trustees and their officers for the sum therein expressed to be received.

Consequential amendment of principal Act, s. 52—Interest on deposits.

8. Section 52 of the principal Act (as enacted by section 25 of The Savings Bank of South Australia Act Amendment Act, 1942) is amended by striking out the word " net " in paragraph (*c*) thereof.

9. Section 53 of the principal Act is amended so as to read as follows :— Re-enactment of s. 53 of principal Act—

53. (1) Subject to subsection (3), interest to which any depositor may become entitled under the provisions of this Act shall be calculated once in every period of twelve months up to the thirty-first day of May and shall be carried to the credit of the account of the depositor not later than the following thirtieth day of June. Payment of interest.

(2) Any interest credited as aforesaid shall thereupon become principal and shall, subject to any limitations as to the amount on which interest is payable, bear interest as and from the first day of June next after the thirty-first day of May aforesaid.

(3) If a depositor's account is closed prior to the thirty-first day of May in any such period of twelve months, before the account is closed there shall be credited to the account the interest which accrued to the time of closing the account from the preceding first day of June.

10. Section 59 of the principal Act is amended by striking out the word " deceased's " in the fourteenth line thereof and by inserting in lieu thereof the word " deceased ". Amendment of principal Act, s. 59— Deceased depositors.

11. Section 65 of the principal Act is amended so as to read as follows :— Re-enactment of s. 65 of principal Act—

65. So soon as they reasonably can after the thirtieth day of June in every financial year, the Trustees shall set apart from the net profits of the Bank for the financial year ending on that thirtieth day of June any sum or sums which they consider it necessary or expedient to set apart towards the establishment or increase of a reserve fund or funds for any purpose and the balance, if any, of the profits shall be carried forward towards the profits of the financial year ending on the next succeeding thirtieth day of June. Reserve fund.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 26 of 1949.

An Act relating to Chiropractors.

[*Assented to 10th November,* 1949.]

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 " Chiropractic Act, 1949 ".

Interpretation.

2. In this Act, unless inconsistent with the context or subject matter—

" chiropractic " means the system of palpating and adjusting the articulations of the human spinal column by hand only for the relief of nerve pressure :

" chiropractor " means any person whose method of attention to the human body is confined solely to chiropractic.

Practise of chiropractic.

3. Notwithstanding any provisions of the Physiotherapists Act, 1945-1948, or the Medical Practitioners Act, 1919-1946, a chiropractor may practise chiropractic without being registered under either of those Acts.

Treatment at clinics and hospitals.

4. A person practising as a chiropractor under this Act may in connection with his practice use X-rays for the purpose only of producing shadow-photographs of the human spinal column.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 27 of 1949.

An Act to amend the Fruit Fly Act, 1947-1948.

[*Assented to 10th November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Fruit Fly Act Amendment Act, 1949 ".

(2) The Fruit Fly Act, 1947-1948, as amended by this Act, may be cited as the " Fruit Fly Act, 1947-1949 ".

(3) The Fruit Fly Act, 1947-1948, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 4 of principal Act—Right to compensation.

3. Section 4 of the principal Act is amended by inserting after the word " forty-eight " in subsection (2) thereof the words " or the year nineteen hundred and forty-nine ".

Amendment of s. 5 of principal Act—Claims for compensation.

4. Section 5 of the principal Act is amended by striking out subsection (1) thereof and inserting in its place the following subsections :—

(1) A person claiming compensation under this Act shall give to the committee a notice of claim in the form fixed and provided by the committee for the purpose and shall supply the committee with all the information indicated in the form.

(1a) Every such notice—

(*a*) shall be signed by the claimant ;

(*b*) if the claim is for loss resulting from the prohibition of growing or planting any plant or from the prohibition of removing fruit or vegetables from any land, shall be delivered to the committee before the thirty-first day of December in the year in which that proclamation imposing prohibition was made, or before the expiration of three months after the making of that proclamation, whichever is later ;

(*c*) if the claim is for loss resulting from any act, shall be delivered to the committee not later than three months after the end of October next following the day on which that act was done.

The signature of a claimant to a notice of claim shall be witnessed by a justice of the peace or a member of the police force.

Amendment of the schedule to the principal Act.

5. The schedule to the principal Act is amended by adding thereto the following lines :—

Date of Proclamation.	Date and Page of *Gazette*.
10/1/49	10/1/49, page 49
14/1/49	14/1/49, page 111
7/2/49	7/2/49, page 333
21/3/49	21/3/49, page 789

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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(*e*) lubricating oil, that is to say petroleum or other oils or mixtures or oils suitable for the lubrication of moving parts of machinery and includes petroleum greases, compounds of oils with other substances to form lubricating greases and mixtures of oils with plastics ;

(*f*) rectified spirit, that is to say any spirit produced by fermentation of any material and denatured for industrial or power purposes ;

(*g*) shale oil, that is to say shale distillate or residual, either crude or refined, produced from shale or coal and suitable for use either alone or when mixed with any other liquid as a fuel or as a source of power in internal combustion engines :

" the liquid fuel regulations " means the regulations made under this Act, including any Commonwealth regulations which the first mentioned regulations declare to have effect as if they had been regulations made under this Act, and any orders made under any of the regulations aforesaid.

(2) The Governor may by regulation vary the definition of " liquid fuel " as contained in this Act by adding to it or altering it in any way which he thinks fit.

Power to make regulations.

3. The Governor may make regulations for all or any of the following purposes :—

(*a*) regulating and controlling the distribution, sale, supply, and use of liquid fuel ;

(*b*) providing for the appointment by any authorities or officers (whether of the State or of the Commonwealth) specified in the regulations of persons or bodies of persons to administer the regulations or any of them ;

(*c*) empowering any person or body of persons to make orders, not inconsistent with the regulations, providing for matters necessary or convenient to be provided for carrying out or giving effect to the regulations ;

(*d*) prescribing any matters which the Governor deems it necessary or convenient to prescribe for the purpose of carrying into effect any agreement or arrangement to which the State is a party with respect to the distribution, sale, supply, and use of liquid fuel ;

(*e*) declaring that any regulations of the Commonwealth which relate to liquid fuel and are in force in any territory of the Commonwealth shall have effect without or with modifications or additions as if they had been regulations made under this Act;

(*f*) prescribing any matters necessary or convenient to be prescribed to carry into effect a system of rationing liquid fuel.

Offences.

4. (1) A person who contravenes or fails to comply with any requirement of the liquid fuel regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for not more than six months.

(2) If a person is convicted of an offence against this section the court of summary jurisdiction which convicted him or any other court of summary jurisdiction may order that any liquid fuel proved to the court to have been obtained in contravention of the liquid fuel regulations shall be forfeited to the Crown.

Duration of Act.

5. This Act shall remain in force until the thirty-first day of December, nineteen hundred and fifty-one, and no longer.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 29 of 1949.

An Act to amend the Surveyors Act, 1935-1948.

[*Assented to 10th November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the "Surveyors Act Amendment Act, 1949".

(2) The Surveyors Act, 1935-1948, as amended by this Act, may be cited as the "Surveyors Act, 1935-1949".

(3) The Surveyors Act, 1935-1948, is hereinafter referred to as "the principal Act".

Amendment of principal Act, s. 47—Regulations.

2. Section 47 of the principal Act is amended—

(*a*) by inserting after paragraph XVII. of subsection (1) thereof the following paragraph:—

XVIIa. For prescribing fees which licensed surveyors shall be entitled to charge from the persons employing them:

(*b*) by striking out the number "XVII." in the first line of subsection (2) thereof and by inserting in lieu thereof the number "XVIIa.".

Amendment of third schedule of principal Act.

3. The third schedule to the principal Act is amended by inserting therein after the passage "£5 5s." the words "or such other amount as is from time to time prescribed by regulation".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 30 of 1949.

An Act for the general appropriation of the revenue of the State for the year ending on the thirtieth day of June, nineteen hundred and fifty, and for other purposes.

[*Assented to 17th November,* 1949.]

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 " Appropriation Act (No. 2), 1949 ".

Further issue.

2. Out of the moneys paid to the State by the Commonwealth of Australia, and any other General Revenue of the said State, not otherwise by law specially appropriated, there may be further issued the sum of sixteen million, four hundred and fifty-six thousand, eight hundred and ninety-seven pounds.

Appropriation of General Revenue.

Estimates 1949-50.

3. (1) Out of the sum of four million pounds issued under the authority of the Supply Act (No. 1), 1949, and the sum of two million pounds issued under the authority of Supply Act (No. 2), 1949, and the said sum of sixteen million, four hundred and fifty-six thousand, eight hundred and ninety-seven pounds by this Act authorized to be issued, there may be applied and paid for defraying the charges of the State Government for the year ending the thirtieth day of June, nineteen hundred and fifty the sum of twenty-two million, four hundred and

fifty-six thousand, eight hundred and ninety-seven pounds, the said amount being appropriated as follows, viz. :—

	£
Legislative Council	4,825
House of Assembly	6,371
Parliamentary Library	2,472
Joint House Committee	4,400
Electoral	30,329
Government Reporting	15,405
Parliamentary Standing Committee on Public Works	1,433
Parliamentary Committee on Land Settlement	3,501
Legislature, Miscellaneous	19,090
State Governor's Establishment	2,825
Chief Secretary	9,019
Statistical	25,350
Audit	23,169
Printing and Stationery	110,706
Police	677,497
Sheriff and Gaols and Prisons	76,022
Hospitals	1,499,687
Children's Welfare and Public Relief	293,015
Central Board of Health	27,482
Chief Secretary, Miscellaneous	455,485
Attorney-General	8,151
Registrar of Companies	5,109
Crown Solicitor	12,747
Parliamentary Draftsman	2,988
Public Trustee	24,458
Supreme Court	27,060
Adelaide Local Court	17,413
Adelaide Police Court	16,025
Country and Suburban Courts	20,707
Coroners	1,675
Registrar-General of Deeds	43,971
Attorney-General, Miscellaneous	4,010
The Treasury	16,911
S.A. Superannuation Fund Branch	17,030
Motor Vehicles	60,576
Agent-General in England	7,672
Land Tax	43,137
Stamp and Succession Duties	16,848
Publicity and Tourist Bureau and Immigration	75,944
Prices Control	69,031
Building Materials	10,859
Interest and Exchange	760,000
Unclaimed Moneys—Repayment of	200
Treasurer, Miscellaneous	3,677,248
Lands	241,384
Botanic Garden	18,185
Government Motor Garage	12,796
Advances to Settlers, Vermin Proof Fencing and loans for Fencing and Water Piping	9,520
Minister of Lands, Miscellaneous	17,257
Public Works (Office of the Minister)	4,232
Engineering and Water Supply	845,724
Architect-in-Chief	54,121

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Government Offices	43,882
Cemetery	10,533
Public Stores	54,332
Aborigines	48,405
Public Works	356,695
Minister of Works, Miscellaneous	19,267
Education	2,285,973
The Libraries	45,521
The Museum	16,590
The Art Gallery	8,680
Observatory	1,734
Minister of Education, Miscellaneous	165,646
Industry	29,108
Factories and Steam Boilers	25,047
Minister of Industry, Miscellaneous	5,177
Minister of Agriculture	5,162
Agriculture	192,881
Agricultural College	58,809
Produce	162,626
Fisheries and Game	9,773
Chemistry	21,545
Primary Producers' Assistance	13,241
Minister of Agriculture, Miscellaneous	90,870
Department of Lands, Irrigation and Drainage	229,696
Minister of Irrigation, Miscellaneous	300
Mines	208,017
Harbors Board	518,953
Minister of Marine, Miscellaneous	6,060
Railways	8,281,812
Transport Control Board	9,618
Minister of Railways, Miscellaneous	13,362
Highways and Local Government	69,654
Minister of Local Government, Miscellaneous.	16,856
Total	£22,456,897

(2) If—

(*a*) during the financial year ending on the thirtieth day of June nineteen hundred and fifty any increases of salaries or wages become payable by the State Government pursuant to any return made under the Acts relating to the public service, or any regulation, or any award, order, or determination of a court or other body empowered to fix wages or salaries ; and

(*b*) such increases were not provided for in the estimates of expenditure for the said financial year,

the Governor may, by warrant under section 72 of the Constitution Act, 1934-1947, appropriate out of the general revenue of the State any money required to pay the said increases.

The aggregate amount of money which may be appropriated under section 72 of the Constitution Act, 1934-1947, for the

said financial year shall be increased by the amount of money appropriated pursuant to this subsection.

Sections 48 and 187 of the Industrial Code, 1920-1948, except so far as they require awards, orders and determinations to be laid before Parliament, shall not apply to any award, order or determination made between the passing of this Act and the passing of the Act for the general appropriation of revenue for the year ending on the thirtieth day of June, nineteen hundred and fifty-one.

Treasurer to pay the orders of Governor, and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sums of money for the purpose hereinbefore mentioned, not exceeding in the whole the amount hereinbefore specified, in such portions as the Governor directs by any orders in writing signed by him and countersigned by the Chief Secretary, is hereby authorized; and the Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums are so paid shall be to him a full discharge for the sums for which the receipts are given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than revenue or money received from the Commonwealth.

5. If the moneys paid by the Commonwealth of Australia and the General Revenue of the State are insufficient to make the payments authorized by section 3 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Recoup to Governor's Appropriation Fund.

6. (1) All money appropriated from the Governor's Appropriation Fund to meet expenditure incurred between the thirtieth day of June, nineteen hundred and forty-nine, and the commencement of this Act, shall be recouped to the Governor's Appropriation Fund out of the money voted by this Act, to the intent that the Governor shall thereafter have power to appropriate revenue under the authority of subsection (1) of section 72 of the Constitution Act, 1934-1947, to the full extent and for the purposes permitted by that subsection.

(2) In this section "Governor's Appropriation Fund" means the Governor's Appropriation Fund as defined by subsection (2) of section 72 of the Constitution Act, 1934-1947.

Power to make payments.

7. The Treasurer may out of the money appropriated by this Act make any payment for which money has been included in the estimates of expenditure of the Government of South

Australia, passed by the House of Assembly for the financial year ending on the thirtieth day of June, nineteen hundred and fifty notwithstanding that the payment is—

(*a*) in respect of a period prior to the first day of July, nineteen hundred and forty-nine ; or

(*b*) at a rate in excess of the rate which, during the period in respect of which the payment is made, was in force under any return made by the Public Service Board, pursuant to the Public Service Act, 1936-1948, or under any regulation of the South Australian Railways Commissioner.

8. Any amount appropriated by this Act may be paid for the purpose for which it is so appropriated, in addition to any other amount appropriated by law for that purpose. Payments to be in addition to other payments.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 31 of 1949.

An Act to amend the Education Act, 1915-1948.

[*Assented to 17th November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Education Act Amendment Act, 1949 ".

(2) The Education Act, 1915-1948, as amended by this Act, may be cited as the " Education Act, 1915-1949 ".

(3) The Education Act, 1915-1948, is hereinafter called " the principal Act ".

Incorporation.

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

Repeal of s. 18a of principal Act and enactment of other provisions—

3. Section 18a of the principal Act is repealed and the following sections are enacted in its place :—

Long service leave.

18a. (1) Subject to this section, the Governor may grant to any teacher who has been continuously employed as a teacher for not less than fifteen years the following long service leave of absence :—

(*a*) In respect of the first fifteen years of continuous service as a teacher, not more than ninety days leave on full salary ;

(*b*) In respect of ten or more additional years of continuous service as a teacher, not more than ninety days on full salary.

(2) A teacher shall not be entitled under this section to more than one hundred and eighty days leave.

(3) For the purposes of this section—

(*a*) the length of service of a teacher who was trained in a Teachers' College maintained by the Minister, shall be computed from the commencement of his training ;

(*b*) periods of service as a teacher, and of training in a Teachers' College maintained by the Minister, both before and after the passing of the Education Act Amendment Act, 1949, shall be taken into account ;

(*c*) except as provided in section 18d of this Act, service after the age of sixty-five years in the case of a male teacher, or sixty years in the case of a female teacher, shall not be taken into account.

(4) Service as a teacher shall be deemed to continue during any period during which the teacher is absent on leave with or without pay.

(5) Where a teacher after having retired on pension under section 40 of the Superannuation Act, 1926-1948, has subsequently been re-employed as a teacher his continuous service before retirement and his continuous service after re-employment shall, for the purposes of this section, be taken into account as though all such service were continuous ; but the period during which he was in receipt of pension shall not be taken into account.

This subsection shall apply whether the re-employment took place before or after the passing of the Education Act Amendment Act, 1949.

(6) Where a teacher retires without having taken all the leave which had been, or could have been, granted to him under this section, the Governor may direct that a cash payment be made to him in lieu of the leave not so taken. The payment shall not exceed the amount of the teacher's salary, for a period equal to the period of the leave not so taken, calculated at the rate at which he was being paid at the time of retirement.

(7) If a teacher dies without having taken all the leave which had been or could have been granted to him under this section the Governor may direct that there shall be paid to his dependants, or if he does not leave any dependants, to his personal representatives, a cash payment

not exceeding the amount of his salary calculated at the rate at which he was last paid, for the period of leave not taken.

Any questions as to—

(*a*) whether a teacher had any dependants or who they were ;

(*b*) what dependant or dependants shall be entitled to payments under this subsection, and in what proportions if more than one dependant,

shall be settled by the Governor, as he deems proper.

(8) Section 75 of the Public Service Act, 1936-1948 shall not apply to teachers.

(9) In this section—

"dependants" means those members of the family of a person who were wholly or in part dependent upon his earnings at the time of his death ;

"members of the family" includes wife, husband, parents, grand-parents, step-parents, children, grand-children, step-children, brothers, sisters, half-brothers, and half-sisters ;

"teacher" means a person who at the time of the passing of the Education Act Amendment Act, 1949, or at any time thereafter, is employed as a teacher in the Education Department.

Leave of teachers transferred to other Government employment.

18b. (1) If a person, after having served as a teacher, has been or is appointed to any other employment under the Government of the State, and his service in that employment is continuous with his service as a teacher, his service as a teacher shall be taken into account to the following extent for the purpose of computing the leave which may be granted to him under section 75 of the Public Service Act, 1936-1948 :—

(*a*) If the period of his service as a teacher did not exceed fifteen years—two thirds of that period shall be so taken into account :

(*b*) If the period of his service as a teacher exceeded fifteen years—the period to be so taken into account shall be ten years plus that period of his service as a teacher which is in excess of fifteen years, but shall not exceed twenty years.

(2) The leave which may be granted under section 75 of the Public Service Act, 1936-1948, to any such person as

mentioned in subsection (1) of this section shall be reduced by the actual amount of any leave taken by him under section 18a of this Act.

(3) In this section service as a teacher includes service either before or after the passing of the Education Act Amendment Act, 1949, but this section shall not confer any rights on any person who before the passing of that Act ceased to be an employee of the Government of the State.

Leave of Government employees transferred to teaching service.

18c. (1) If a person after having served as an employee of the Government other than a teacher is appointed as a teacher and his service as a teacher is continuous with his previous employment under the Government, the period of his service as such employee shall be taken into account for the purpose of computing the leave which may be granted to him under section 18a of this Act.

(2) The leave which may be granted to any such person under section 18a of this Act shall be reduced by the actual amount of any leave taken by him under section 75 of the Public Service Act, 1936-1948.

Retirement of teachers.

18d. (1) Notwithstanding section 57 of the Public Service Act, 1936-1948, a teacher who attains the age of retirement during a school term may continue in the employment of the Minister as a teacher until the end of that term.

(2) Any further extension of the service of a teacher who so continues in employment until the end of a school term shall be granted under section 57 of the Public Service Act, 1936-1948, as if the teacher had attained the age of retirement on the last day of that school term.

(3) Service under this section after the age of retirement shall be taken into account in computing the long service leave which may be granted to a teacher under section 75 of the Public Service Act, 1936-1948.

(4) In this section the age of retirement means—

(*a*) in the case of a male teacher, the age of sixty-five years:

(*b*) in the case of a female teacher, the age of sixty years.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 32 of 1949.

An Act relating to the marketing of honey.

[*Assented to 17th November,* 1949.]

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 "Honey Marketing Act, 1949".

Commencement and poll.

2. (1) The provisions of this Act (other than sections 1, 2, and 3) shall not come into operation unless a proclamation is made by the Governor declaring that this Act shall commence on a day specified in the proclamation.

(2) No such proclamation shall be made unless a poll of producers has been first held on the question whether this Act shall be brought into operation and a majority of the votes validly cast at the poll are in the affirmative.

(3) The Returning Officer for the State shall take a poll such as mentioned in subsection (2) of this section as soon as is convenient after this Act is assented to.

(4) At the poll every producer whose name appears on the list of producers prepared under this section shall be entitled to one vote.

(5) The Minister shall, as soon as is convenient after this Act is assented to, prepare and supply to the Chief Electoral Officer a list containing the names of all persons who are producers at the time of the preparation of the list. The Minister may amend or add to the list at any time before the ballot papers are posted.

(6) The poll shall be conducted by postal voting.

(7) The ballot paper shall be in the form set out in the schedule to this Act.

(8) A producer shall indicate his vote in the following manner :—

(*a*) If he desires that this Act shall come into operation—by placing the number 1 in the square opposite the word " Yes " and the number 2 in the square opposite the word " No ";

(*b*) If he does not desire that this Act shall come into operation—by placing the number 1 in the square opposite the word " No " and the number 2 in the square opposite the word " Yes ":

Provided that a ballot paper shall not be informal solely because the voter has indicated his vote by placing in one square the number 1 or a cross, and by leaving the other square blank, and if he so votes by a cross that cross shall be deemed to be equivalent to the figure 1.

(9) Subject to this Act, the poll shall be conducted in such manner as the Returning Officer for the State determines.

(10) A poll shall not be invalid by reason of any defect or informality, unless that defect or informality has affected the decision given on the question submitted at the poll.

3. (1) In this Act, unless the context otherwise requires or some other meaning is clearly intended— Interpretation.

" the board " means The South Australian Honey Board constituted under this Act :

" honey " means the ripened nectar and saccharine exudations of plants gathered, modified, and stored by the Honey Bee, and shall include beeswax :

" member " includes chairman :

" Minister " means Minister of the Crown for the time being holding the office of Minister of Agriculture, or any Minister of the Crown for the time being discharging the duties of that office :

" producer " means person who keeps ten or more colonies of bees :

" registered agent " means any person for the time being registered as an agent of the board under this Act :

" sell " includes barter ; and " sale " has a corresponding meaning.

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act would but for this section be in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

The South Australian Honey Board.

Constitution of board.

4. (1) For the purposes of this Act there shall be a board to be known as The South Australian Honey Board.

(2) The board shall consist of seven members appointed by the Governor.

(3) Four members of the board shall be producers selected by the Minister from nominees of The South Australian Apiarists' Association, and three shall be selected by the Minister from nominees of The South Australian Honey Packers' Association.

A person who is a registered agent or an employee of a registered agent shall not be eligible to be nominated for membership by The South Australian Apiarists' Association.

(4) Whenever it is necessary to appoint any members the Minister shall request each association which has the right to nominate members to nominate twice as many persons as the number of members to be selected from nominees of that association and to submit to him a panel containing the names of the persons nominated.

The Minister shall select the members from the persons whose names are included in the panel.

(5) If an Association fails to submit a panel of names of nominees to the Minister within one month after receiving a request to do so, the Minister may nominate the members to be appointed.

(6) One of the members selected from the nominees of The South Australian Apiarists' Association shall be appointed by the Governor as chairman.

Incorporation of board.

5. The board shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued and of making contracts and of acquiring, holding, and disposing of property of all kinds.

Board not to represent Crown.

6. The board shall not, except in relation to any matter in which the board is specially authorized by the Governor to act on behalf of the Crown, be the agent or servant or the representative of the Crown.

Term of office.

7. (1) Subject to the other provisions of this Act, each member of the board shall hold office for four years calculated as from the first day of July in the year in which he was appointed.

(2) If the term of office of a member expires before his successor is appointed he shall remain in office until his successor is appointed.

(3) Two of the first members nominated by the South Australian Apiarists' Association and one of the first members nominated by the South Australian Honey Packers' Association shall retire on the thirtieth day of June in the second year after the year in which they were first appointed.

The two members nominated by the South Australian Apiarists' Association who shall so retire shall be determined by agreement between all the members nominated by that Association; and the member nominated by the South Australian Honey Packers' Association who shall so retire shall be determined by agreement between all the members nominated by that Association. If any members required to retire under this section are not so determined by agreement on or before the fifteenth day before the day on which they are required to retire, they shall be selected by drawing lots.

(4) A member appointed to fill a casual vacancy on the board shall hold office for the unexpired portion of the term of the member in whose place he was appointed.

Casual vacancies.

8. (1) The office of a member shall become vacant if he—

(*a*) dies ;

(*b*) resigns by written notice given to the Minister ;

(*c*) is removed from his office by the Governor;

(*d*) absents himself, without permission of the board, from more than four consecutive meetings of the board, and is declared by resolution of the board to have forfeited his seat.

(2) The Governor may remove a member from office if the member has been guilty of any conduct which, in the Governor's opinion, shows him to be unfit to hold his office, or if he is unable by reason of mental or physical incapacity to perform properly the duties of his office.

Proceedings of board not invalidated by vacancies and defects.

9. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of members of the board not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the subsequent discovery of any defect in the appointment or qualification of any member thereof, be as valid as if such member had been properly appointed and qualified.

Chairman.

10. (1) The chairman shall preside at every meeting of the board at which he is present. If the chairman is absent from a meeting the other members of the board present shall select one of their number to act as chairman at that meeting.

(2) The chairman, or the person acting as chairman, shall have a deliberative vote and in the event of equality of votes a casting vote also.

Quorum.

11. (1) Any four members of the board including at least two members who are producers shall form a quorum thereof for the transaction of business, and no business shall be transacted at a meeting unless a quorum is present.

(2) Every matter coming before the board shall be decided by a majority of the votes of the members present and voting at a duly convened meeting of the board.

Meetings of the board.

12. (1) The first meeting of the board shall be convened by the chairman, and thereafter meetings shall be held at the times and places determined by the board: Provided that the chairman may, on reasonable notice to members of the board, call a meeting at any time.

(2) Subject to this Act, the business of the board shall be conducted in such manner as the board determines.

Remuneration of the board.

13. (1) The members of the board shall be entitled to be paid such remuneration and expenses as are approved by the Governor.

(2) Such remuneration and expenses shall be paid out of the funds of the board.

Staff of board.

14. (1) The board may appoint a secretary and such inspectors, clerks, and other officers and employees as it requires to assist it in the administration of this Act.

(2) With the consent of the Minister administering any department of the Public Service of the State, the board may on any terms agreed upon between itself and the Minister, make use of the services of any person employed in that department.

Accounts and audit.

15. (1) The board shall keep proper accounts of all its financial transactions and shall prepare a balance-sheet and a statement of its income and expenditure at least once a year.

(2) The board shall at all times keep a copy of its last balance-sheet and statement of income and expenditure affixed in a conspicuous place in that part of its office which is open to the public.

(3) The board shall cause its accounts to be properly audited at least once a year by an auditor holding an auditor's licence under the Companies Act, 1934-1939.

Board may co-operate.

16. The board may become a member of or nominate or appoint members to or otherwise co-operate with any limited company or other organization formed (whether within or outside the State) for the protection or advancement of the interests of persons engaged in the production, packing, or sale of honey, or for stabilizing the price of honey or pooling the proceeds of the sale of honey.

General powers of board.

17. The board may do all or any of the following things :—

(*a*) purchase or otherwise acquire, sell or otherwise dispose of, prepare for sale, process or otherwise treat, store and handle honey or other apiary products ;

(*b*) borrow money to enable it to exercise any of the powers or functions conferred on it by this Act and give security over any of its assets for repayment of money so borrowed ;

(*c*) act as agent for the Commonwealth or any State in connection with the purchase and sale of honey or other apiary products ;

(*d*) do any other acts or things and enter into and carry out any contracts and transactions (including the purchase and sale of any property) which are necessary or convenient to be done, entered into or carried out for giving effect to this Act or which are incidental to the exercise of any power or function of the board ;

(*e*) delegate any of its functions and revoke any such delegation.

Honey floors.

18. The board shall not establish or maintain any honey floor : Provided that if the Minister is satisfied that a honey floor is necessary in any locality and that no other suitable person is willing to establish such a floor and grade honey

thereat at a cost which the Minister considers reasonable, the Minister may authorize the board to establish and maintain a honey floor in that locality, and the board may establish and maintain a honey floor accordingly.

Review of decisions of board.

19. (1) A person dissatisfied with a decision or action or proposed decision or action of the board, may in writing request the Minister to review that decision, or action, or proposed decision or action.

(2) The Minister—

(*a*) shall give the person making the request, and the board, an opportunity to submit to him any information or arguments relevant to the matter to which the request relates ; and

(*b*) may give the board a direction relating to that matter.

(3) Any such direction shall be binding on the board.

Registered Agents.

Registered agents.

20. (1) For the purposes of this Act the board may register suitable persons as its agents.

(2) Any person desiring registration as an agent of the board shall apply in writing to the board for such registration, and give the board such information relevant to his application as the board requires.

(3) Any person who holds a licence to export honey or apiary products under the laws of the Commonwealth shall be entitled upon application duly made to be registered as an agent of the board and to remain so registered as long as he holds such a licence and complies with this Act and the regulations.

(4) The board shall have a discretion to grant or refuse registration to any applicant therefor other than an applicant holding a licence to export honey under the laws of the Commonwealth, but shall not capriciously refuse any application.

(5) The registration of an agent shall remain in force until it is cancelled, or the agent surrenders it, or dies.

(6) The board may cancel the registration of any agent if he ceases to hold a licence to export honey under the laws of the Commonwealth, or if he has failed in any way to comply with this Act or the regulations or to carry out any of his duties as an agent, or if he becomes bankrupt, or in any way, as a debtor, takes the benefit of the laws relating to bankruptcy.

(7) Every registered agent shall be entitled to take delivery of honey from producers on behalf of the board and shall perform such other duties and functions on behalf of the board as the board directs.

Control and Marketing of Honey.

Duty to sell and deliver honey.

21. (1) The board may by notice published in the *Gazette* and in a daily newspaper fix a day (in this section called " the appointed day ") on and after which every producer must comply with the requirements of this Act as to the sale and delivery of honey.

(2) On or after the appointed day a producer shall not sell or deliver any honey to any person other than a registered agent, and a person other than a registered agent shall not purchase or take delivery of any honey from a producer: Provided that the foregoing provision of this subsection shall not apply to—

(*a*) any honey sold or delivered as allowed under section 22 of this Act;

(*b*) any honey sold or delivered in the course of trade or commerce between the States.

(3) The board through its registered agents shall accept delivery of all honey tendered to it pursuant to this Act if such honey is of merchantable quality and complies with any requirements prescribed by regulation.

Effect of delivery of honey.

22. All honey delivered to the board by producers and accepted by the board shall thereupon be vested in and become the absolute property of the board, freed and discharged from all mortgages, charges, liens, pledges, interests, trusts, contracts, and encumbrances affecting the honey; and the rights and interests of every person to or in the honey shall thereupon be converted into a claim for payment therefor in accordance with the provisions of this Act.

Exemptions.

23. (1) The board may by notice published in the *Gazette*, or by written notice given to the producers thereby affected, exempt from the operation of the last two preceding sections :—

(*a*) any persons who in the board's opinion will not produce more than 600 lb. of honey per annum during the period for which the exemption is granted ;

(*b*) any specified sales or deliveries of honey or all sales and deliveries complying with any specified conditions.

(2) An exemption granted by notice under subsection (1) of this section—

(*a*) shall be in operation for the term specified in the notice ;

(*b*) may contain such conditions (to be specified in the notice) as the board thinks fit, including a condition requiring the exempted person to make contributions to the funds of the board ;

(*c*) may be cancelled by the board upon breach of any such condition.

(3) This Act shall not apply in relation to any honey if the proceeds of the sale thereof are expended or applied for any of the following purposes :—

(*a*) for the benefit of any hospital, or institution in which sick, aged, or infirm persons are maintained, or any other charitable institution ;

(*b*) for the benefit of any school or institute ;

(*c*) for paying the cost of building or purchasing any church or any hall available or intended to be available for general public use, or for repaying any loan raised to pay such cost ;

(*d*) for beautifying or improving any streets, roads, public parks, public playgrounds, public reserves, or other like public places ;

(*e*) for any charitable purpose ; or

(*f*) any other patriotic, religious, educational, or scientific purpose.

(4) This Act shall not apply to honey sold as honey for feeding bees or to honey given by the producer thereof to an occupier or owner of land who has permitted that producer to keep colonies of bees upon that land.

Mode of delivery.

24. (1) Delivery of honey to the board shall be effected by delivering the honey to a registered agent.

(2) The tendering of honey by a producer or person on his behalf, to a registered agent for acceptance shall be prima facie evidence of an intention to deliver the honey to be disposed of in accordance with this Act.

Issue of certificate to person other than producer.

25. A producer may prior to or at the time of delivering honey to a registered agent give notice to the agent that the honey is delivered on behalf of some other person and that the certificate for the honey is to be issued to that person.

Certificate to produce upon delivery.

26. (1) As soon as practicable after the receipt of any honey the registered agent shall issue to the person entitled thereto a certificate in the prescribed form certifying the quantity and grade of that honey and its appraisement value and that payment therefor is to be made to such person or his assignee.

(2) The person entitled to a certificate under this section shall be :—

(*a*) the producer by whom the honey was delivered ; or

(*b*) if the producer has notified the board that the certificate is to be issued to any other person, that other person.

(3) A person to whom a certificate has been issued, or to whom the rights under a certificate have been assigned, may assign his rights under the certificate by indorsement thereon specifying the name of the assignee.

Grading and prices.

27. (1) Every registered agent shall grade all honey delivered to him. The grades of honey and the characteristics of the honey of each grade shall be as prescribed by regulation.

(2) If a producer is dissatisfied with the decision of a registered agent as to the grade or appraisement value of honey he has delivered to the registered agent, the board may, on application in writing by the producer vary the decision of the registered agent, but no such application will be considered by the board unless it is received by the board before the expiration of one month from the date of the issue of the agent's certificate.

Payments to producers on account of price.

28. Upon acceptance of any honey the board shall pay to the person holding the certificate issued for the honey, such amount on account of the price of the honey as the board thinks fit.

Settlements with producers.

29. (1) The board shall determine what shall be the accounting periods for the purpose of determining and paying the amounts owing to producers and others for honey delivered to the board.

(2) The board shall, at or after the end of each accounting period, make payments to all holders of certificates for honey delivered to the board during that period. The payments so made shall be based upon—

(*a*) the quantity and the grades of the honey so delivered ;

(*b*) the net proceeds of the sales of all honey of the corresponding grades sold by the board during the accounting period ;

(*c*) the amount of the payments made under section 27 of this Act to the holders of the certificates ;

(*d*) any other circumstances affecting the amount of the payments.

(3) The board may in fixing the payments to be made under this section take into account or deduct from the proceeds of the sale of honey, and retain, a sum equal to—

(*a*) the amount spent by the board in and about the transport, storage, grading, blending, packing and marketing of the honey ;

(*b*) a contribution or levy towards the cost of the administration of this Act or towards the creation of a fund for the administration of this Act ;

(*c*) a contribution or levy towards the cost of any expenses incurred by the board in advertising or towards the creation of a fund for advertising ;

(*d*) any money necessary to repay any advances made to the board and interest therein.

(4) For the purpose of this Act the decision of the board as to the grade of any honey delivered to the board shall be final and conclusive.

Non liability of board for payments in good faith.

30. Where the board in good faith and without negligence has made any payment to the person appearing from any certificate to be entitled to such payment, the board shall not be liable to make any payment to any other person for the honey mentioned in the certificate.

Sale of honey by board.

31. (1) The board shall sell all honey of which it becomes the owner under this Act.

(2) In selling such honey the board shall pay due regard to the reasonable trade requirements of registered agents of the board who in the course of their business sell honey by wholesale or retail.

Information as to honey production.

32. (1) The board, or any person acting under the authority of the board, may for the purposes of the administration or enforcement of this Act require any person to supply to the board or such authorized person any information in relation to the production or sale of honey.

(2) Any person who without reasonable excuse fails to supply any information so asked for within the time specified by the board or person requiring it, or who knowingly gives any false information, shall be guilty of an offence.

Inspection of accounts.

33. (1) For the purposes of this Act any member of the board or any person authorized by the board to act under this section may enter any premises and inspect any books, accounts, registers, or documents found in or upon such premises and relating to the packing of or any transactions in connection with honey and may take copies thereof.

(2) Any person who obstructs any such person in the exercise of his powers under this section, or who, on being requested to do so, does not produce any such books, accounts, registers, or documents in his possession or under his control, shall be guilty of an offence.

Miscellaneous Provisions.

Offences and penalties.

34. (1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(2) Any person guilty of any offence against this Act shall be liable to a fine not exceeding one hundred pounds.

(3) Proceedings for offences against this Act shall be heard and determined summarily.

Service of notices.

35. Except where this Act otherwise provides, any notice required by this Act to be given to any person, may be served personally or by post.

Regulations.

36. The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular, but without limiting the generality of the foregoing powers :—

(1) For requiring any persons to furnish the board with any information relating to honey ;

(2) For enabling the board or any person authorized by it to inspect any records or accounts relating to honey or any premises on which honey is produced, stored, graded, blended, processed, packed or otherwise treated ;

(3) For prescribing the duties, functions and conduct of registered agents ;

(4) For prescribing penalties recoverable summarily and not exceeding in any case a fine of twenty pounds for breach of the regulations.

Duration of Act.

37. This Act shall expire on the thirtieth day of June, nineteen hundred and fifty-four.

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

C. W. M. NORRIE, Governor.

THE SCHEDULE.

BALLOT PAPER.

HONEY MARKETING ACT, 1949.

Question :—Do you desire that the Honey Marketing Act, 1949, shall come into operation ?

YES ☐

NO ☐

The voter shall indicate his vote as follows :—

If he desires that the Honey Marketing Act, 1949, shall come into operation he should place the number 1 in the square opposite the word " YES " and the number 2 in the square opposite the word " NO ".

If he does not desire that the Honey Marketing Act, 1949, shall come into operation he should place the number 1 in the square opposite the word " NO " and the number 2 in the square opposite the word " YES ".

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 33 of 1949.

An Act to amend the Parliamentary Superannuation Act, 1948.

[*Assented to 17th November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Parliamentary Superannuation Act Amendment Act, 1949 ".

(2) The Parliamentary Superannuation Act, as amended by this Act, may be cited as the " Parliamentary Superannuation Act, 1948-1949 ".

(3) The Parliamentary Superannuation Act, 1948, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 11 of principal Act—
Right to pension.

3. Section 11 of the principal Act is amended by adding at the end of subsection (1) thereof the following proviso :—

Provided that a person who has served as a member for eighteen years or more need not comply with section 14 of this Act in order to qualify for pension.

Amendment of s. 14 of principal Act—
Conditions precedent to pension.

4. Section 14 of the principal Act is amended by striking out subsections (1) and (2) thereof and inserting in lieu thereof the following subsections :—

(1) Subject to subsection (2a) of this section if a member resigns before the expiration of his term of office as a

member, he shall not be entitled to pension unless, in addition to complying with the other requirements of section 11 of this Act—

(*a*) he has, either before or after his resignation, satisfied a judge that there were good and sufficient reasons for his proposed resignation, or his resignation (as the case may be); or

(*b*) he has stood for re-election and has been defeated.

(2) Subject to subsection (2a) of this section if a person ceases to be a member on the expiration of his term of office he shall not be entitled to pension unless, in addition to complying with the other requirements of section 11 of this Act—

(*a*) he has, either before or after the expiration of his term of office, satisfied a judge that there were good and sufficient reasons why he should not seek or should not have sought re-election; or

(*b*) he has stood for re-election and has been defeated.

(2a) Subsections (1) and (2) of this section shall not apply to a person who has served as a member for eighteen years or more.

Amendment of s. 21 of principal Act—

Payment of pension.

5. Section 21 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following:—

(1) As from the first day of the month following the month in which the Parliamentary Superannuation Act Amendment Act, 1949 comes into operation the annual amount of each pension shall be paid by twenty-four equal instalments.

Instalments shall become due on the fifteenth and the last day of each month.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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"osteopathy" means the adjustment by hand only of the bones or soft tissue of the human body for the purpose of curing or alleviating any disease or abnormality of the body.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 35 of 1949.

An Act to amend the Business Agents Act, 1938.

[*Assented to 24th November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Business Agents Act Amendment Act, 1949 ".

(2) The Business Agents Act, 1938, as amended by this Act, may be cited as the " Business Agents Act, 1938-1949 ".

(3) The Business Agents Act, 1938, is hereinafter referred to as " the principal Act ".

Enactment of s. 13a of principal Act—

2. The following section is enacted and inserted in the principal Act after section 13 thereof :—

Renewal of licence.

13a. (1) The holder of a licence may not earlier than the first day of January and not later than the last day of February preceding the date of the expiry of the licence make an application for the renewal of the licence.

(2) Except as hereinafter in this section provided, every application for a renewal of a licence shall be made in the same manner and to the same court as an application for a licence is made ; Provided is shall not be necessary for an advertisement to be published as provided by section 10 and provided further that if the applicant has previously

filed a fidelity bond complying with this Act which will enure and remain of full force and effect during the period of renewal of the applicant's licence the applicant shall be deemed to have complied with the provisions of this Act relating to the filing of a fidelity bond.

(3) Any person who objects to the renewal of a licence may, at any time before the seventh day of March in any year, file in the local court in which the application is filed, a notice in the prescribed form of his objection to the application and the grounds of his objection. The provisions of this Act relating to objections (except subsection (1) of section 11) shall apply in respect of any such objection.

(4) Where any objection is lodged to the renewal of a licence, the court shall hear and determine the application for renewal in the same manner as if it were an application for the issue of a licence.

(5) In the absence of any objection to an application for the renewal of a licence the court may, on payment of the fee provided to be paid by section 18, grant a renewal without further inquiry as to the fitness of the applicant to carry on the business of a business agent.

An application for renewal of a licence to which no objection has been filed may be dealt with by the court sitting in chambers at such time and place as the court thinks fit.

(6) The court may, in its discretion, hear and determine any application for the renewal of a licence, or any objection to such renewal, notwithstanding that the application or objection may not have been filed within the times limited by this section in that behalf.

(7) If application for the renewal of a licence has been filed, but is not determined on or before the thirty-first day of March in any year, the licence shall, notwithstanding anything to the contrary in this Act, be deemed to be extended until the application is disposed of by a court in accordance with this Act.

(8) Subject to this section every reference in this Act to an application for a licence shall be deemed to include a reference to an application for the renewal of a licence.

Amendment of principal Act, s. 16—Duration of licence.

3. Section 16 of the principal Act is amended—

(*a*) by striking out the words " thirtieth day of June " in the fourth line thereof and by inserting in lieu thereof the words " thirty-first day of March " ;

(*b*) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) If any licence is current at the passing of the Business Agents Act Amendment Act, 1949, the licence shall, unless sooner cancelled, continue in force until the thirty-first day of March next after the said passing and no longer, but the following provisions shall apply in respect thereof :—

I. If at the expiration of the licence, the licence is renewed pursuant to this Act then the fee to be paid for that renewal shall be three-quarters of the fee which would otherwise be payable pursuant to section 18 :

II. If at the expiration of the licence the licence is not renewed pursuant to this Act, the Treasurer shall refund to the holder of the licence one-quarter of the fee paid for the licence.

Any payment required to be made pursuant to this subsection shall be made from the general revenue without any further appropriation than this section and the general revenue is hereby appropriated for that purpose accordingly.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 36 of 1949.

An Act to amend the Evidence Act, 1929-1947.

[*Assented to 24th November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Evidence Act Amendment Act, 1949 ".

(2) The Evidence Act, 1929-1947, as amended by this Act, may be cited as the " Evidence Act, 1929-1949 ".

(3) The Evidence Act, 1929-1947, is hereinafter called " the principal Act ".

Incorporation.

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

Enactment of ss. 34c-34h of principal Act—

3. The following sections are enacted and inserted in the principal Act after section 34b thereof :—

Admissibility of documentary evidence as to facts in issue.

34c. (1) In any civil proceedings where direct oral evidence of a fact would be admissible, any statement made by a person in a document and tending to establish that fact shall, on production of the original document, be admissible as evidence of that fact if the following conditions are satisfied, that is to say—

(i) if the maker of the statement either—

(*a*) had personal knowledge of the matters dealt with by the statement ; or

(*b*) where the document in question is or forms part of a record purporting to be a continuous record, made the statement (in so far as the matters dealt with thereby are not within his personal knowledge) in the performance of a duty to record information supplied to him by a person who had, or might reasonably be supposed to have, personal knowledge of those matters; and

(ii) if the maker of the statement is called as a witness in the proceedings:

Provided that the condition that the maker of the statement shall be called as a witness need not be satisfied if he is dead, or unfit by reason of his bodily or mental condition to attend as a witness, or if he is beyond the seas and it is not reasonably practicable to secure his attendance, or if all reasonable efforts to find him have been made without success.

(2) In any civil proceedings, the court may at any stage of the proceedings, if having regard to all the circumstances of the case it is satisfied that undue delay or expense would otherwise be caused, order that such a statement as is mentioned in subsection (1) of this section shall be admissible as evidence or may, without any such order having been made, admit such a statement in evidence—

(*a*) notwithstanding that the maker of the statement is available but is not called as a witness;

(*b*) notwithstanding that the original document is not produced, if in lieu thereof there is produced a copy of the original document or of the material part thereof certified to be a true copy in such manner as may be specified in the order or as the court may approve, as the case may be.

(3) Nothing in this section shall render admissible as evidence any statement made by a person interested at a time when proceedings were pending or anticipated involving a dispute as to any fact which the statement might tend to establish.

(4) For the purposes of this section, a statement in a document shall not be deemed to have been made by a person unless the document or the material part thereof was written, made or produced by him with his own hand,

or was signed or initialled by him or otherwise recognised by him in writing as one for the accuracy of which he is responsible.

(5) For the purpose of deciding whether or not a statement is admissible as evidence by virtue of the foregoing provisions, the court may draw any reasonable inference from the form or contents of the document in which the statement is contained, or from any other circumstances, and may, in deciding whether or not a person is fit to attend as a witness, act on a certificate purporting to be the certificate of a legally qualified medical practitioner and where the proceedings are with a jury, the court may in its discretion reject the statement notwithstanding that the requirements of this section are satisfied with respect thereto, if for any reason it appears to it to be inexpedient in the interests of justice that the statement should be admitted.

Weight to be attached to evidence.

34d. (1) In estimating the weight, if any, to be attached to a statement rendered admissible as evidence by this Act, regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement, and in particular to the question whether or not the statement was made contemporaneously with the occurrence or existence of the facts stated, and to the question whether or not the maker of the statement had any incentive to conceal or misrepresent facts.

(2) For the purpose of any rule of law or practice requiring evidence to be corroborated or regulating the manner in which uncorroborated evidence is to be treated, a statement rendered admissible as evidence by this Act shall not be treated as corroboration of evidence given by the maker of the statement.

Proof of instrument to validity of which attestation is necessary.

34e. Subject as hereinafter provided, in any proceedings, whether civil or criminal, an instrument to the validity of which attestation is requisite may, instead of being proved by an attesting witness, be proved in the manner in which it might be proved if no attesting witness were alive: Provided that nothing in this section shall apply to the proof of wills or other testamentary documents.

Presumptions as to documents twenty years old.

34f. In any proceedings, whether civil or criminal, there shall, in the case of a document proved, or purporting, to be not less than twenty years old, be made any presumption which immediately before the commencement of this

Act would have been made in the case of a document of like character proved, or purporting, to be not less than thirty years old.

Interpretation and savings.

34g. (1) In sections 34c to 34f (inclusive) of this Act—

"document" includes books, maps, plans, drawings and photographs:

"statement" includes any representation of fact, whether made in words or otherwise:

"proceedings" includes arbitrations and references, and "court" shall be construed accordingly.

(2) Nothing in sections 34c to 34f (inclusive) of this Act shall—

(*a*) prejudice the admissibility of any evidence which would apart from the provisions of those sections be admissible; or

(*b*) enable documentary evidence to be given as to any declaration relating to a matter of pedigree, if that declaration would not have been admissible as evidence if those sections had not been enacted.

Evidence of access or non-access.

34h. In any proceedings a husband or wife may give evidence proving or tending to prove that he or she did or did not have sexual relations with his or her spouse, notwithstanding that any such evidence would prove or tend to prove that any child born to the wife during marriage was illegitimate.

Enactment of s. 67a of principal Act—

4. The following section is enacted and inserted in the principal Act after section 67 thereof:—

Admissibility of documents without proof of seal, etc.

67a. Every document admissible in evidence for any purpose in any court of justice in England or Wales without proof of the seal, or stamp, or signature authenticating the document, or of the judicial or official character of the person appearing to have signed it, shall be admissible in evidence for the like purpose in any court of the State or before any person acting judicially under any law of the State, without proof of the seal, or stamp, or signature authenticating the document, or of the judicial or official character of the person appearing to have signed it.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 37 of 1949.

An Act to regulate the use of fruit cases.

[*Assented to 24th November*, 1949.]

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 " Fruit Cases Act, 1949 ".

Interpretation

2. In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

" fruit case " means a case commonly known by a name and conforming or approximately conforming with a measurement set out in the schedule hereto ;

" metropolitan area " means the municipalities of Adelaide, Thebarton, Hindmarsh, Prospect, Walkerville, St. Peters, Kensington and Norwood, Payneham, Burnside, Unley, Mitcham, Marion, Brighton, Glenelg, West Torrens, Henley and Grange, Woodville, Port Adelaide, and Enfield.

Restriction on use of fruit cases.

3. (1) Subject to this Act, a person shall not within the metropolitan area use a fruit case for the purpose of packing any commodities other than fresh fruit and vegetables.

(2) A person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Power of Minister to grant exemptions.

4. (1) The Minister may, by writing, grant exemptions from section 3 of this Act.

(2) Any such exemption shall be granted for such term and in respect of such cases and shall be subject to such conditions (if any) as are specified therein.

(3) A person who fails to observe or contravenes any condition of an exemption granted to him shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

Regulations as to exemptions.

5. The Governor may by regulation prescribe any commodities other than fresh fruit and vegetables, which it shall be lawful to pack in fruit cases.

Any such regulations may contain provisions limiting their operation by reference to time, place or circumstances.

Proof of exemptions.

6. The onus of proving any exemption from section 3 of this Act (whether granted by the Minister or prescribed by regulation) or any facts alleged to give rise to any such exemption, shall lie upon the defendant.

Inspection.

7. (1) Any person authorized by the Minister of Agriculture to act as an inspector under this Act may enter and inspect any land, building or vehicle for the purpose of ascertaining whether this Act has been complied with.

(2) A person who hinders any person in the exercise of any power conferred on him by this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Regulations.

8. The Governor may by regulation prescribe any matters necessary or convenient to be prescribed for securing the due administration of this Act and may by any regulation prescribe fines recoverable summarily and not exceeding ten pounds for breach of any regulation.

Duration of Act.

9. This Act shall remain in operation until the thirty-first day of December, nineteen hundred and fifty-two, and no longer.

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

C. W. M. NORRIE, Governor.

SCHEDULE.

DESCRIPTION AND MEASUREMENT OF FRUIT CASES.

Name of Case.	Inside Measurement (Clear of All Divisions).		
	Length.	Depth.	Width.
	In.	In.	In.
Bushel case (dump)	18	$14\frac{1}{4}$	$8\frac{2}{3}$
Half-bushel case (dump)	18	$7\frac{1}{8}$	$8\frac{2}{3}$
Canadian standard case	18	$10\frac{1}{2}$	$11\frac{1}{2}$
Tropical fruit case	$24\frac{3}{4}$	12	12

ANNO DECIMO TERTIO

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and the said land shall for all time continue to be dedicated and reserved as provided in the said section.

(3) Nothing in this Act shall impose upon the Corporation of the City of Adelaide any obligation in respect of the maintenance, lighting or cleansing of any building on the said land.

By-laws.

3. (1) The Municipal Council of the City of Adelaide may make by-laws for all or any of the following purposes :—

I. For the protection and management of the said land and any buildings and other improvements thereon :

II. For securing orderly and decent behaviour on the part of persons upon the said land and otherwise for regulating the conduct of persons upon the said land :

III. Prescribing penalties recoverable summarily and not exceeding twenty pounds for breach of any by-law.

(2) All by-laws made pursuant to this section shall be made in manner prescribed by the provisions of Division I of Part XXXIX of the Local Government Act, 1934-1948, and the said provisions shall apply in respect of every such by-law.

(3) The power given by this section shall be in addition to any other power to make by-laws which may be exercised by the Municipal Council of the City of Adelaide.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 39 of 1949.

An Act to amend the Opticians Act, 1920-1935.

[*Assented to 24th November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Opticians Act Amendment Act, 1949 ".

(2) The Opticians Act, 1920-1935, as amended by this Act, may be cited as the " Opticians Act, 1920-1949 ".

(3) The Opticians Act, 1920-1935, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 19— Disposal of fees.

2. Section 19 of the principal Act is amended by striking out the word " seventy-five " in the second line thereof and by inserting in lieu thereof the words " one hundred and fifty ".

Amendment of principal Act, s. 23— Registration and licence fees.

3. Section 23 of the principal Act is amended—

(*a*) by striking out the word " three " in the third line thereof and by inserting in lieu thereof the word " five ";

(*b*) by striking out the words " one pound " in the fourth line thereof and by inserting in lieu thereof the words " two pounds ";

(*c*) by striking out the words " one pound " in the eighth line thereof and by inserting in lieu thereof the words " two pounds ";

(*d*) by striking out the words " ten shillings " in the ninth line thereof and by inserting in lieu thereof the words " one pound ".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 40 of 1949.

An Act to amend the Prices Act, 1948.

[*Assented to 24th November,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Prices Act Amendment Act, 1949 ".

(2) The Prices Act, 1948, as amended by this Act, may be cited as the " Prices Act, 1948-1949 ".

(3) The Prices Act, 1948, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 3 of principal Act—Interpretation.

3. Section 3 of the principal Act is amended by adding at the end thereof the following subsection (the previous part of section 3 being read as subsection (1) thereof) :—

(2) For purposes of this Act any regulation, order, or instrument of the Commonwealth referred to in this Act shall be deemed to have been valid at all times prior to the commencement of this Act.

Amendment of s. 53 of principal Act—Duration of Act.

4. Section 53 of the principal Act is amended by striking out the word " fifty " at the end thereof and inserting in lieu thereof the word " fifty-one ".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 41 of 1949.

An Act to amend the Second-hand Dealers Act, 1919-1934.

[*Assented to 24th November*, 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Second-hand Dealers Act Amendment Act, 1949 ".

(2) The Second-hand Dealers Act, 1919-1934, as amended by this Act, may be cited as the " Second-hand Dealers Act, 1919-1949 ".

(3) The Second-hand Dealers Act, 1919-1934, is hereinafter referred to as " the principal Act ".

Enactment of s. 9b of principal Act—

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

Grounds for objection.

9b. Any objection to the grant or renewal of a licence may (without limitat on of any other ground of objection) be upon one or more of the following grounds :—

1. That, in the case of an application by a company, any of the directors or the manager of the company has been convicted of an offence against this Act or has been guilty of such conduct as to make it undesirable that a licence should be granted or renewed :

II. That any employee of the applicant has been convicted of an offence against this Act or has been guilty of such conduct as to make it undesirable that a licence should be granted or renewed, as the case may be.

Amendment of principal Act, s. 10—Revocation of licence.

3. Section 10 of the principal Act is amended by striking out subsection (3) thereof and by inserting in lieu thereof the following subsection :—

(3) A licence may be revoked upon any of the following grounds, namely :—

I. That the licensee has been convicted of any offence against this Act :

II. That the licensee is not a fit and proper person to continue any longer to be licensed :

III. Where a licence is held by a company, that any of the directors of the company or the manager thereof has been convicted of an offence against this Act or has been guilty of any conduct which, in the court's opinion, would justify it revoking the licence :

IV. That the licensee has employed in the business of the licensee any person who has been convicted of an offence against this Act or who has been guilty of such conduct as to make it desirable that the licence should be revoked :

V. That the premises of the licensee are not suitable for the carrying on of the business of a second-hand dealer.

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

W. C. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 42 of 1949.

An Act to provide for the regulation of the use of certain building materials, to repeal the Building Materials Act, 1945-1949, and for other purposes.

[*Assented to 1st December,* 1949.]

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

1. This Act may be cited as the " Building Materials Act, 1949 ". Short title.

2. (1) The Building Materials Act, 1945, the Building Materials Act Amendment Act, 1946, the Building Materials Act Amendment Act, 1947, the Building Materials Act Amendment Act, 1948, and the Building Materials Act Amendment Act, 1949, are hereby repealed. Repealing provision.

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

3. (1) In this Act, unless the context otherwise requires— Interpretation.

" area ", applied to a building or structure, means 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 stories the total superficies calculated as aforesaid in respect of each storey in the building or structure, together in every case with the superficies

calculated as aforesaid of every verandah, balcony, porch and similar structure attached to the building or structure :

" building " includes dwelling-house :

" 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 :

" essential building material " means—

(*a*) any material mentioned in the schedule ; and

(*b*) any material which pursuant to subsection (2) of this section is declared to be an essential building material :

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

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

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

(2) The Governor may make regulations—

(*a*) declaring that any material shall be an essential building material for the purposes of this Act ;

(*b*) declaring that any material (whether defined as an essential building material by subsection (1) of this section or declared as such by regulation) shall cease to be an essential building material.

Control of use of essential building materials.

4. (1) No person shall use or cause to be used any essential building material except as provided by subsection (2) of this section.

(2) It shall not be a contravention of this section if any essential building material is used for any of the following purposes :—

I. The construction of any dwellinghouse where—

(*a*) the total cost of the construction of the dwellinghouse does not exceed or if completed will not exceed one thousand six hundred pounds ; and

(*b*) the total area of the dwellinghouse does not exceed or if completed will not exceed twelve and a half squares ; and

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

(ii.) the dwellinghouse is constructed at the cost of a person upon land used by that person as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary, and in which that person has a beneficial interest, and the dwellinghouse is constructed for occupation by a person employed upon that land by the first mentioned person :

II. The construction of any building or structure (other than a dwellinghouse such as is referred to in paragraph I. of this subsection) the total cost of construction of which does not exceed or if completed will not exceed one hundred pounds (excluding the cost of any painting) :

III. The carrying out during any financial year of any repairs, alterations, or additions to any building or structure situated on any grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary, where the total cost of all such repairs, alterations and additions to that building or structure during that financial year (excluding the cost of any painting) does not exceed one hundred pounds :

IV. The carrying out during any financial year of any repairs, alterations or additions to any building or structure (other than a building or structure such as is referred to in paragraph III. of this subsection) where the total cost of all such repairs, alterations and additions together with the total cost of all repairs, alterations and additions to any outbuilding appurtenant to that building or structure during that financial year (excluding the cost of any painting) does not exceed one hundred pounds:

V. The construction of any building or structure pursuant to and in accordance with the conditions of a permit issued under this Act:

VI. Any purpose authorized by or in pursuance of any permit, priority certificate, or direction issued under this Act or any Act repealed by this Act.

(3) 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.

Further restrictions on the use of cement and bricks.

5. (1) Unless authorized by a permit issued by the Minister, no person shall use or cause to be used any cement or any cement product 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 appurtenant to any building or for the construction of any kerbing or border on any land.

(2) Unless authorized by a permit issued by the Minister, no person shall use or cause to be used any cement, building bricks of any kind, bricks or blocks of cement concrete, or breeze blocks for the construction of any fence, fence-wall, or structure constructed to serve as a fence.

(3) No person shall use or cause to be used any cement for the purpose of the construction of any building or structure or for the carrying out of any repairs, alterations or additions to any building or structure, unless the cement is used or caused to be used for any purpose described in paragraph I, II, III, or IV of subsection (2) of section 4 and is used in accordance with the provisions thereof or unless the cement is used in pursuance of a permit issued by the Minister.

(4) The Governor may make regulations declaring that no person shall use or cause to be used cement or any cement product for any purpose specified in the regulations.

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.

(5) Any person who uses or causes to be used any cement, cement product, building bricks of any kind, bricks or blocks of cement concrete, or breeze blocks, 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.

Prohibition of demolition of dwelling-house.

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 in writing 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, 1935-1947, or the Housing Improvement Act, 1940-1947.

(3) The Minister may issue to any person any permit as aforesaid. Any such permit may be issued subject to such conditions as the Minister considers necessary.

(4) 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.

Issue of priority certificates

7. (1) Any person who desires to acquire from any other person any essential building material may apply to the Minister for the issue of a priority certificate under this Act. The Minister may issue to the applicant a priority certificate for the acquisition of that material.

Any priority certificate may be issued subject to such conditions as the Minister considers necessary.

(2) The Minister may, from time to time, by notice published in the *Gazette*—

(*a*) set out the order of priority in which priority certificates will be issued ;

(*b*) give directions as to the order in which any essential building materials are to be sold or otherwise supplied in accord with priority certificates issued under this Act.

(3) In this section " essential building material " shall, in addition to having the meaning given to that term by subsection (1) of section 3, include—

(*a*) cement and cement products ;

(*b*) galvanized, black, and cast iron water and gas pipes.

Control of sale of certain essential building materials.

8. (1) Any person engaged in the business of selling any essential building material (hereinafter in this section referred to as " the seller ") who has in his possession or disposition any essential building material (other than any essential building material which has been manufactured outside the Commonwealth) shall not sell or dispose of that building material except—

(*a*) to a person to whom a priority certificate for the acquisition of such material has been issued (which said person is hereinafter referred to in this section as the " authorized purchaser ") ; or

(*b*) to a person authorized by the authorized purchaser to acquire or to secure the possession of the essential building materials under the priority certificate ; or

(*c*) in pursuance of a direction in writing given by the Minister, whether given pursuant to subsection (3) of this section or otherwise from time to time given by the Minister.

(2) If any person engaged in the business of selling any essential building materials (hereinafter in this section referred to as " the seller ") has in his possession or disposition any essential building materials which have been manufactured outside the Commonwealth, and if any person to whom a priority certificate for the acquisition of such material has been issued (which said person is hereinafter referred to in this section as " the authorized purchaser ") has, either by himself or by some person authorized by the authorized purchaser to acquire or to secure the possession of the essential building material under the priority certificate, requested the seller to sell or dispose of to him any such material authorized to be acquired by the priority certificate, the seller shall not sell or dispose of those essential building materials to any other person unless before so doing he sells or disposes of

materials of that kind to any authorized purchaser making a request as aforesaid : Provided that nothing in this subsection shall limit the power of the Minister to give notice under subsection (3) of this section to any seller directing that the seller may sell or dispose of any such essential building materials to other than authorized purchasers.

(3) The Minister may from time to time, by notice in writing given to any seller, direct that the seller may sell or dispose of any essential building materials other than to authorized purchasers. Any such direction may fix quotas of any such essential building materials which may be so sold or disposed of or otherwise authorize the sale or disposal of such of the essential building materials as are not required for the purposes of authorized purchasers. Any such direction shall be in force for such period as is stated in the direction and the direction may be given subject to such conditions as the Minister deems necessary.

(4) Any seller who sells or disposes of any essential building material and any person who purchases any essential building material contrary to the provisions of subsection (1) or subsection (2) of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

If a seller is charged with selling or disposing of any essential building material to any person before selling or disposing of materials of that kind to an authorized purchaser contrary to subsection (2) of this section, it shall be a sufficient defence if the seller satisfies the court that, in the ordinary course of business, the seller, by reason of reasonable doubts as to the ability of the authorized purchaser to make any payments arising out of the sale or disposition of the material, would not have sold or disposed of the material to the authorized purchaser.

(5) Any seller who sells or disposes of any essential building material and any person who purchases any essential building material contrary to any direction of the Minister given in accordance with paragraph (*b*) of subsection (2) of section 7 or to any direction of the Minister given in accordance with subsection (1) or (3) of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(6) If any essential building material is sold or supplied to an authorized purchaser by virtue of a priority certificate issued for the acquisition of that building material and if the authorized purchaser or any person who, under the authority of the authorized purchaser has acquired or secured possession of that building material, uses or disposes of or causes or permits

to be used or disposed of building material of that kind in any manner contrary to any condition of the priority certificate or for a purpose other than a purpose stated in the application for the permit or priority certificate, he shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds unless the building material was so used or disposed of after the completion of the work in respect of which the priority certificate was issued and the building material was surplus material and unnecessary to be used for the purposes of the said work.

(7) If a priority certificate is issued to any authorized purchaser for the acquisition of any essential building material, and if the authorized purchaser or any person authorized by the authorized purchaser to acquire or secure the possession of the essential building material to which the priority certificate relates, by reason of the exercise or the purported exercise of rights conferred by the priority certificate, acquires or obtains possession of essential building materials to a greater extent than authorized by the priority certificate or attempts so to acquire or obtain possession, he shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(8) If any seller manufactures or causes to be manufactured from any substance any essential building material 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.

(9) In this section "essential building material" shall, in addition to having the meaning given to that term by subsection (1) of section 3, include—

(*a*) cement and cement products ;

(*b*) galvanized, black, and cast iron water and gas pipes.

Notice to cease unlawful construction of building or structure.

9. If in any building or structure in course of construction, or if in the carrying out of any repairs, alterations, or additions to any building or structure, any essential building material or cement is used 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, requiring him to cease carrying on the construction of the building or structure, or, as the case may be, the carrying out of the repairs, alterations, or additions. 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 the requirements of the notice are not complied with.

Issue of permits for use of essential building materials.

10. (1) The Minister may issue to any person a permit to use, or cause to be used, any essential building materials, cement, or cement product for any purpose thought fit by the Minister. 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 will bring about the employment of persons on the work to be authorized by the permit who could otherwise be employed in the construction of dwellinghouses.

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

Conditions for permits, etc.

11. Without limitation of any other power given by this Act with respect to any permits or priority certificates, the Minister may, on the issue of a permit or priority certificate under this Act, issue the permit or priority certificate 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 is not more than a sum specified in the permit or priority certificate.

Duration of permit.

12. (1) Every permit issued under this Act or under any Act repealed by this Act shall cease to have any force or effect after the expiration of twelve months after the issue thereof 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, or unless the duration of the permit is extended as provided by this section.

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

Revocation of permit or priority certificate.

13. The Minister, if satisfied—

(*a*) that any application for the issue of a permit or priority certificate and upon which a permit or priority certificate was issued under this Act contains any false or misleading statement; or

(*b*) that any provision of or condition upon which any permit or priority certificate was issued under this Act or any provision of this Act relating to any permit or priority certificate has been broken or has not been observed; or

(*c*) that it is for any other reason desirable that the permit or priority certificate should be revoked or suspended,

may revoke or suspend the permit or priority certificate.

Requirements of building contracts.

14. (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 passing of this Act, the contract shall be voidable at the option of the 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 or payable 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) Notwithstanding that any contract such as is referred to in subsection (1) does not provide for the payment of the money aforesaid to a special purpose account, the builder shall, within fourteen 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 builder and the owner.

(3) If any contract of the kind referred to in subsection (1) was made before the passing of this Act and if the construction of the dwellinghouse has not been commenced before the passing of this Act, the contract shall be construed as if it provided—

(*a*) that the construction of the dwellinghouse is to be commenced within a period of three months after the passing of this Act; and

(*b*) that any sum paid or payable as aforesaid shall within fourteen days after the passing of this Act 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.

(4) 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 to a penalty not exceeding one hundred pounds and the owner may, by action in any court of competent jurisdiction, sue for the recovery of the money from the builder.

(5) 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.

(6) 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.

(7) 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.

(8) Nothing in this section shall apply to any contract made by an institution to which sections 11 to 17 (inclusive) of the Homes Act, 1941-1949, apply and which is made in pursuance of any of the provisions of those sections for the construction of a dwellinghouse by the institution.

Duty to keep records of expenditure.

15. (1) Any person who uses or causes to be used any essential building material or cement for the purpose of the construction of any building or structure or for the carrying out of any repairs, alterations, or additions to any building or structure, shall keep such records as are necessary to show the cost (including both the cost from time to time and on completion) of the construction of the building or structure, or, as the case may be, of the repair or alteration of or addition to the building or structure.

Any person who fails to keep such records as aforesaid or who wilfully makes any false entry in any such records shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(2) The Minister may, at any reasonable time, inspect any such records and any person who hinders or obstructs any such inspection shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(3) Nothing in this section shall impose any duty to keep records upon any person employed as an employee by any other person in the construction of any building or structure or the carrying out of any repairs, alterations, or additions to any building or structure.

Penalty for procuring breach of Act.

16. 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 or priority certificate.

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

Power to enter premises.

18. (1) For the purpose of ascertaining whether any essential building material, cement, or cement product is being or has been used contrary to 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.

19. Any person who, in any application for the issue of a permit or a priority certificate 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.

Power to require disclosure of source of supply of essential building materials.

20. (1) The Minister may, by notice in writing, require any person having the possession or custody of any essential building materials to disclose to the Minister within the time stated in the notice, the source from which the person obtained the essential building materials, and the time at which the essential building materials were obtained.

(2) Any person who fails to comply with any such notice or who in respect of the essential building materials wilfully supplies any information which is false in any material particular, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(3) In this section "essential building material" shall, in addition to having the meaning given to that term by subsection (1) of section 3, include—

(*a*) cement and cement products;

(*b*) galvanized, black and cast iron water and gas pipes.

Evidentiary provision.

21. (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, Buildings Materials Office, and stating that a permit or priority certificate under this Act, or under any Act repealed by this 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 essential building material or cement has been used or caused to be used for any purpose 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 probable cost of construction of the building or structure or the repairs, alterations or additions to the building or structure or the area of the building or structure, may find that the cost of construction of the building or structure or of the repairs, alterations or additions 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 essential building material, cement, or cement product has been used upon any land for any purpose and if there is proof that any person is the owner or occupier of that land, then that evidence and proof shall be *prima facie* evidence that the essential building materials, cement, or cement product, as the case may be, were used, or, as the case may require, were caused to be used for that purpose by that person.

(4) In any proceedings for an offence against this Act, the onus shall be on the defendant to satisfy the court that a dwellinghouse was constructed in the circumstances described in subparagraph (*c*) of paragraph 1. of subsection (2) of section 4.

Delegation of powers by Minister.

22. (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.

23. 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.

24. (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 Act repealed by 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 or under any Act repealed by 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.

(2) Any proceeding before any court pursuant to section 10a of the Building Materials Act, 1945-1949, 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.

Officers.

25. (1) Such officers as are required for the administration of this Act may be appointed pursuant to the Public Service Act, 1936-1949.

(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, 1936-1949, from any date subsequent to the commencement of his employment as aforesaid and the officer shall be deemed to have been so appointed accordingly.

Powers of Treasurer to provide temporary housing accommodation.

26. (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.

(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) 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.

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

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

Regulations.

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

Proceedings for offences.

28. (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.

29. (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, and no longer.

(2) The provisions of subsection (1) of this section shall not apply to section 1 and section 26 of this Act and, notwithstanding the said subsection, the said section 1 and section 26 shall continue in force until Parliament otherwise provides.

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

C. W. M. NORRIE, Governor.

THE SCHEDULE.

ESSENTIAL BUILDING MATERIALS.

1. Building bricks of all kinds, bricks or blocks of cement concrete, and breeze blocks.
2. Roofing tiles of all kinds.
3. Corrugated and plain asbestos cement sheets.
4. Corrugated sheet and plain sheet galvanized iron.
5. Steel re-inforcing rods of $\frac{1}{2}$in. or $\frac{3}{8}$in. gauge.
6. Flooring boards.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 43 of 1949.

An Act to amend the Dog Fence Act, 1946.

[*Assented to 1st December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Dog Fence Act Amendment Act, 1949 ".

(2) The Dog Fence Act, 1946, as amended by this Act, may be cited as the " Dog Fence Act, 1946-1949 ".

(3) The Dog Fence Act, 1946, is hereinafter referred to as " the principal Act ".

Enactment of s. 23a of principal Act—

2. The following section is enacted and inserted in the principal Act after section 23 thereof :—

Dog fence on Crown lands

23a. (1) The board may—

(*a*) for the purpose of completing any portion of the dog fence, erect any fence on any Crown land ;

(*b*) make dog-proof any fence upon any Crown land ;

(*c*) maintain any such fence.

(2) Without limitation of the powers conferred by this section, the board may, for the purpose of carrying out any work authorized by subsection (1), enter into any arrangement with the occupier of any land.

3. Section 24 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :— Amendment of principal Act, s. 24—

Payments for maintenance of dog fence.

(1a) If any part of the dog fence is owned jointly by two or more owners, the board shall pay the amount aforesaid to such of the owners as the board is satisfied will undertake the liability of carrying out the work referred to in subsection (2), and for the purposes aforesaid the board may require the joint owners to enter into such agreement with respect to such liability as the board considers proper.

Nothing in this subsection shall limit any duty imposed by section 22 upon the owner of any part of the dog fence nor limit any powers of the board under section 23.

4. The following section is enacted and inserted in the principal Act after section 32 thereof :— Enactment of s. 32a of principal Act—

Borrowing powers of board.

32a. (1) The Treasurer may lend to the board and the board may borrow upon such terms and conditions as are agreed between the Treasurer and the board, such moneys as are necessary for the execution of any works authorized by this Act to be carried out by the board.

(2) The Treasurer may arrange for the borrowing on behalf of the State and in accordance with the Financial Agreement of such sums of money as he requires for the purpose of making loans to the board under this section. This section without further appropriation shall be sufficient authority for lending any money so borrowed to the board.

(3) The board may out of the moneys of the board set aside such sums as it thinks proper as a sinking fund for the redemption of any moneys borrowed by the board and may invest any such sinking fund.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 44 of 1949.

An Act to amend the Electricity Trust of South Australia Act, 1946.

[*Assented to 1st December,* 1949.]

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

short titles.

1. (1) This Act may be cited as the " Electricity Trust of South Australia Act Amendment Act, 1949 ".

(2) The Electricity Trust of South Australia Act, 1946, as amended by this Act, may be cited as the " Electricity Trust of South Australia Act, 1946-1949 ".

(3) The Electricity Trust of South Australia Act, 1946, is hereinafter called " the principal Act ".

Incorporation.

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

Enactment of s. 43da of principal Act—

3. The following section is enacted and inserted in the principal Act after section 43d thereof :—

Clubs and refreshment rooms.

43da. (1) The trust may on the Leigh Creek coalfield—

(*a*) establish and maintain premises for use as club rooms and refreshment rooms ;

(*b*) at any such premises conduct clubs and refreshment rooms.

(2) The power to conduct clubs and refreshment rooms under this section shall include power to sell and supply

refreshments, including liquor, to provide such accommodation conveniences and amenities as the trust thinks fit, and to do all things incidental to the conduct of clubs and refreshment rooms.

(3) The Trust shall not sell any liquor as defined in the Licensing Act, 1932-1945, at any time except during such hours as are prescribed by the Governor by regulations, or if no hours are so prescribed, during the hours in which it is lawful for the holder of a publican's licence to sell such liquor. The Governor may by regulation from time to time fix the hours during which the Trust may sell liquor under this section. Any regulations so made may fix different hours for different premises.

Except as provided in this subsection the Trust, in selling and supplying liquor under this section, shall not be subject to the Licensing Act, 1932-1945.

(4) The profits derived by the trust from the conduct of clubs and refreshment rooms under this section shall be applied for such purposes beneficial to the inhabitants of the Leigh Creek coalfield as are approved by the Treasurer.

(5) After the close of each financial year the trust shall submit to the Treasurer—

(*a*) a copy of its accounts for that financial year relating to the conduct of clubs and refreshment rooms under this section :

(*b*) recommendations by the trust as to the purposes to which the profit derived by the trust during that financial year from the conduct of clubs and refreshment rooms are to be applied, and the amount to be applied to each purpose.

(6) The Treasurer may approve of the said purposes either with or without additions or alterations, and when the purposes are so approved the said profits shall be applied by the trust accordingly.

(7) For the purpose of this section—

" the Leigh Creek coalfield " means the land held by the trust on lease granted by the Governor pursuant to section 43g of this Act :

" liquor " includes liquor as defined in the Licensing Act, 1932-1945.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 45 of 1949.

An Act to amend the Footwear Regulation Act, 1920.

[*Assented to 1st December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Footwear Regulation Act Amendment Act, 1949 ".

(2) The Footwear Regulation Act, 1920, as amended by this Act, may be cited as the " Footwear Regulation Act, 1920-1949 ".

(3) The Footwear Regulation Act, 1920, is hereinafter referred to as " the principal Act ".

Incorporation.

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

Repeal and re-enactment of ss. 5 and 6 of the principal Act—

3. Sections 5 and 6 of the principal Act are repealed and the following sections are enacted and inserted in lieu thereof :—

Duty to brand footwear.

5. (1) A manufacturer of boots and shoes shall brand every boot and shoe manufactured by him—

(*a*) with the words " made by " or " manufactured by " followed by the name of the manufacturer ; and

(*b*) in the case of a boot or shoe the sole of which does not consist entirely of rubber, with a true statement of the materials composing the sole.

(2) Where the only materials in the sole of a boot or shoe, other than leather, are any of the following, namely :—

(*a*) ordinary fillers of cork or waterproof felt ;

(*b*) canvas used to reinforce the insole ;

(*c*) a prescribed material used in the manufacture of shanks ;

(*d*) wood used in the heels of women's shoes ;

(*e*) stiffening made of prescribed materials,

the words " All leather sole " shall be deemed to be a true statement of the materials comprising the sole.

(3) The words required to be branded upon a boot or shoe under this section shall comply with the following requirements :—

(*a*) In the case of a boot or shoe with a leather sole and a heel not less than one-sixteenth of one inch in height and not being a woman's fashion shoe having a moulded or otherwise rounded waist, the words shall be branded on the waist of the sole of the boot or shoe close to the heel in clear imprinted letters ;

(*b*) In the case of a cross strap sandal or any boot or shoe which has no upper or the upper of which does not extend over the inside waist and which has a sole which is not leather, the words shall be branded on the inside waist of the inner sole in clear imprinted or embossed letters ;

(*c*) In the case of any other boot or shoe the words shall be branded on the inside of the upper above the inside waist of the boot or shoe in clear imprinted or embossed letters, or if the boot or shoe has a lining of material on which letters cannot be imprinted or embossed in clear letters, shall be marked with indelible permanent ink ;

(*d*) All the words required to be branded on a boot or shoe shall be in lettering of not less than ten point measurement ;

(*e*) For the purposes of this subsection the name of a manufacturer shall be indicated as follows :—

(i) If the manufacturer is an individual, by his surname preceded by his Christian names or the initial of any Christian name not given in full ;

(ii) If the manufacturer is a partnership, by the partnership name ;

(iii) If the manufacturer is a body corporate, by its corporate name ;

(iv) In any case the registered business name of the manufacturer shall be sufficient.

Penalty for failure to brand.

6. If a person manufactures, sells, offers for sale or exposes for sale or has in his possession for the purpose of sale any boot or shoe which in any respect does not comply with section 5 of this Act he shall be guilty of an offence and liable to a fine of not less than five pounds and not more than twenty pounds.

Consequential amendment of s. 10 of principal Act.

4. Section 10 of the principal Act is amended by striking out the figure " 5 " occuring in the first, sixth and tenth lines and inserting in lieu thereof in each case the figure " 6 ".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 46 of 1949.

An Act to amend the Industries Development Act, 1941-1947.

[*Assented to 1st December*, 1949.]

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

Short titles.

1. (1) This Act may be cited as the "Industries Development Act Amendment Act, 1949".

(2) The Industries Development Act, 1941-1947, as amended by this Act, may be cited as the "Industries Development Act, 1941-1949".

(3) The Industries Development Act, 1941-1947, is hereinafter referred to as "the principal Act".

Incorporation.

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

Amendment of s. 19a of principal Act—Assistance for production of building materials.

3. Section 19a of the principal Act is amended—

(*a*) by striking out the word "fifty" in the third line of subsection (4) and inserting in lieu thereof the words "one hundred";

(*b*) by striking out the word "forty-nine" at the end thereof and inserting in lieu thereof the word "fifty-two".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 47 of 1949.

An Act to amend the Municipal Tramways Trust Act, 1935-1940.

[*Assented to 1st December*, 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Municipal Tramways Trust Act Amendment Act, 1949 ".

(2) The Municipal Tramways Trust Act, 1935-1940, as amended by this Act, may be cited as the " Municipal Tramways Trust Act, 1935-1949 ".

(3) The Municipal Tramways Trust Act, 1935-1940, is hereinafter referred to as " the principal Act ".

Amendment of Part V. of principal Act—

2. Sections 35 to 41 (both inclusive) of the principal Act are repealed and the following sections are enacted and inserted in the principal Act in lieu thereof :—

Issue of debentures.

35. (1) The terms and conditions of any debentures issued by the Trust to the Treasurer pursuant to this Act which were in force immediately before the passing of the Municipal Tramways Trust Act Amendment Act, 1949, may be varied from time to time by agreement between the Treasurer and the Trust.

(2) The Treasurer may lend moneys to the Trust upon such terms and conditions as are agreed between the Treasurer and the Trust.

(3) The Treasurer may arrange for the borrowing on behalf of the State and in accordance with the Financial

Agreement of such sums of money as he requires for the purpose of making loans to the Trust under this section.

(4) Debentures shall be issued by the Trust in favour of the Treasurer to secure repayment of the moneys advanced and payment of interest thereon to the Treasurer by the Trust and such capital moneys together with such interest are hereby charged on the assets of the Trust in favour of the Treasurer.

(5) This section without further appropriation shall be sufficient authority for lending any money so borrowed to the Trust.

Renewal of debentures.

36. When any debenture under this Act or any repealed Act matures and is not paid off, the Trust shall issue and the Treasurer shall accept in lieu thereof another debenture for the same amount having such currency and bearing interest at such rate and containing such terms and conditions as is agreed between the Treasurer and the Trust.

Provision of reserves, etc.

37. The Trust may at the end of any financial year set aside out of its revenue such sums as it thinks proper as payments to reserves or sinking funds and may invest any such reserves or sinking funds or use them in its undertaking.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 48 of 1949.

An Act to amend the Public Finance Act, 1936-1947, to repeal certain provisions of the Constitution Act, 1934-1947, and the Audit Act, 1921-1946, relating to Public Finance, and for other purposes.

[*Assented to 1st December,* 1949.]

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 " Public Finance Act, 1949 ".

Repeals.

2. Section 72 of the Constitution Act, 1934-1947, and sections 18 to 23 (inclusive) of the Audit Act, 1921-1946, are repealed.

Enactment of Part VIA. and Part VIB. of the Public Finance Act—

3. The following heading and sections are enacted and inserted in the Public Finance Act, 1936-1947, after section 32 thereof :—

PART VIA.

EXPENDITURE UNDER WARRANTS.

Power to appropriate revenue.

32a. (1) In this section—

" previously authorised purpose " means—

(*a*) a purpose mentioned in the estimates of expenditure for the financial year in which a warrant is issued or if those estimates have not at the time of the issue of the warrant been laid on the table of the House of Assembly, a purpose mentioned in estimates of expenditure for the next preceding financial year :

(*b*) any purpose the money required for which is required by any enactment (whether passed before or after the Public Finance Act, 1949) to be paid out of moneys to be provided or appropriated by Parliament:

"the Governor's Appropriation Fund" means the amount of money which the Governor is by this section authorised to appropriate.

"the public service within the State" includes any previously authorised purpose.

(2) The Governor in any financial year may appropriate by warrant to the public service within the State not more than four hundred thousand pounds of which not more than one hundred thousand pounds shall be appropriated for purposes other than previously authorised purposes.

(3) Any money appropriated for any purpose by the Governor pursuant to this section in any financial year shall be recouped to the Governor's Appropriation Fund out of any money subsequently voted by any Supply Act or Appropriation Act which provides for the issue and application of money from the General Revenue of the State and is passed in the same financial year, and thereafter the balance of the Governor's Appropriation Fund shall be increased by the amount so recouped.

Appropriation for loan works.

32b. (1) In this section "authorised loan work" means any work or purpose—

(*a*) which pursuant to any Act is authorised to be carried out and is to be paid for or financed out of money to be borrowed by or on behalf of the State; or

(*b*) which pursuant to any Act is authorised to be carried out and is to be paid for or financed out of moneys to be provided or appropriated by Parliament and which, in the Treasurer's opinion, is such that it should properly be paid for or financed out of loan moneys.

(2) Where—

(*a*) there is no Act appropriating money for an authorised loan work; or

(*b*) there is an Act appropriating money for an authorised loan work, but the amount appropriated is insufficient for the complete carrying out of the work,

the Governor may by warrant authorise the Treasurer to advance any public money not exceeding the amount stated

in the warrant for the purpose of the carrying out or continued carrying out of that authorised loan work.

(3) When money has been advanced under this section, the first Public Purposes Loan Bill introduced after the advance is made shall contain a provision authorising the borrowing of the amount of money so advanced, and its application to the loan work for which it was advanced.

(4) When such a Bill is passed the amount of money thereby authorised to be applied to the loan work for which the advance was made, shall be applied to recoup the public money out of which the said advance was made.

(5) This section shall apply in relation to authorised loan works authorised by any Act whether passed before or after this Act.

Provisions as to warrants.

32c. Every warrant issued under this Part shall—

(*a*) be signed by the Governor and countersigned by the Chief Secretary ;

(*b*) without further appropriation be a sufficient authority for the Treasurer to expend or advance money as authorised by warrant.

Effect of this Part.

32d. This Part, without further appropriation shall be sufficient authority for the appropriation of money by warrants under this Part, and for the expenditure of money for the purpose for which it was appropriated by warrant.

PART VIB.

COLLECTION AND PAYMENT OF MONEYS.

Treasurer may agree with any bank for conducting business.

32e. The Treasurer may, from time to time, agree with any bank upon such terms and conditions as he thinks fit for the receipt, custody, payment, and transmission of public money within or without the State, and for advances to be made and for the charges in respect of them, and for the interest payable by or to the bank upon balances or advances respectively, and generally for the conduct of the banking business of the State.

Public account.

32f. (1) The public account shall be kept in such bank and under such subdivisions (if any) as the Treasurer, in writing, directs.

(2) All money paid into any bank to the public account shall be deemed to be public moneys and the property of His Majesty, and to be money lent by His Majesty to the bank.

Treasurer to prepare statement of moneys payable out of revenue and loan fund.

32g. (1) The Treasurer shall, as often as occasion may require, calculate the amounts of money likely to become due and payable out of the public revenue and the loan fund respectively during a period not exceeding one month next after such calculation, and shall thereupon prepare a warrant in duplicate setting forth the said amounts and such other particulars (if any) as are prescribed, and, after having signed such warrant, shall transmit the same to the Chief Secretary for the approval and signature of the Governor, and for the counter-signature of the Chief Secretary.

(2) One copy of such warrant shall be transmitted to the Auditor-General, and the other copy shall be retained by the Treasurer.

(3) Any such warrant, when approved and signed by the Governor and countersigned by the Chief Secretary, shall be the authority for the disbursement of the money therein mentioned.

(4) No public money shall be disbursed unless and until the disbursement thereof has been authorized as hereinbefore provided.

Duties of paymaster at Treasury.

32h. The Treasurer shall not make any payment out of the public money until such payment has been duly authorized by the Governor, and until he has ascertained that, with respect to such payment, the regulations have been complied with so far as they relate to the payment of accounts.

Sums appropriated for any year not to be expended after the close of the year.

32j. (1) All sums of money appropriated out of the General Revenue to the public service for any financial year shall be legally available for the service of that year, provided that payment of such sums is made during such year.

(2) All sums of money appropriated to the public service for any financial year, which have not been expended during such year, shall lapse and shall cease to have any effect for any purpose at the close of that year, and any balance of the money so appropriated which may then be unexpended shall lapse, and the accounts of the year shall be then closed.

Enactment of s. 38 and 39 of principal Act—

4. The following sections are enacted and inserted in the principal Act after section 37 thereof :—

The Loan Fund Account.

38. (1) The Treasurer shall keep an account at the Treasury to be called the Loan Fund Account.

(2) There shall be credited to the Loan Fund Account the amounts of—

(*a*) the money standing to the credit of the loan fund account in the Treasury at the time of the enactment of this section :

(*b*) all money received after the enactment of this section by the Treasurer in repayment of advances made or money expended out of money borrowed under any Act whenever passed :

(*c*) all surplus revenue applied after the enactment of this section to loan accounts in accordance with section 30 of this Act :

(*d*) all money which is borrowed pursuant to the financial agreement by or on behalf of the State and for which Commonwealth securities are issued.

(3) There shall be debited to the Loan Fund Account the amounts of—

(*a*) all money issued after the enactment of this section from the loan fund or from money standing to the credit of the Loan Fund Account :

(*b*) all money issued after the enactment of this section pursuant to warrants under section 32b of this Act :

(*c*) all money required by any Act passed after the enactment of this section to be debited or charged to the Loan Fund Account.

Regulations.

39. (1) The Governor may make regulations prescribing any matters or things necessary or convenient to be prescribed for carrying this Act into effect, or for securing the proper care and management of the money and securities of the State.

(2) Any such regulation may prescribe penalties recoverable summarily and not exceeding a fine of fifty pounds for breach of any such regulation.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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out and complete the standardization works mentioned in the Agreement.

(2) The money required for the purposes mentioned in subsection (1) of this section shall be paid out of money voted by Parliament for those purposes.

Finance.

6. The Treasurer shall, out of the general revenue of the State, make the payments to the Commonwealth which the Agreement requires the State to make. This Act, without further appropriation, shall be sufficient authority for making those payments.

Regulations.

7. The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for carrying out the Agreement.

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

C. W. M. NORRIE, Governor.

THE SCHEDULE.

RAILWAYS STANDARDIZATION AGREEMENT (SOUTH AUSTRALIA).

AGREEMENT made the twentieth day of October one thousand nine hundred and forty-nine between the Commonwealth of Australia of the first part and the State of South Australia of the second part:

WHEREAS there are differences between the gauges of the railway lines of the parties:

AND WHEREAS, in order to assist in the defence and development of Australia, to facilitate interstate trade and commerce and to secure maximum efficiency and economy in railway operation, it is desirable to secure a uniform track gauge throughout the railway systems in Australia:

AND WHEREAS it is desirable, as part of the process of securing such uniform track gauge throughout the railway systems in Australia, that the railways of the State of South Australia be converted to standard gauge.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:—

PART I.—PRELIMINARY.

1. (1) In this agreement, unless the context otherwise requires— Definitions.

"betterment" means the provision of capacity or equipment in excess of appropriate standards to be fixed under this Agreement and which, although not essential to or necessary for a standardization work, may conveniently or desirably be provided in conjunction with such work:

"existing", in relation to locomotives, rolling stock, or the capacity thereof, means existing at the time of the replacement or conversion of such locomotives or rollingstock:

"party" means party to this Agreement:

"standard gauge" means a gauge of four feet eight and one-half inches:

"standardization work" means any work and undertaking included in clauses 5 and 21 of this Agreement:

"the Commonwealth" means the Commonwealth of Australia:

"the Loan Fund" means the head of the Loan Fund of the Commonwealth styled "Standardization of Australian Railway Gauges" and specified in the Loan Acts under the authority whereof moneys are raised by the Commonwealth for the purposes of this Agreement:

"the Minister" means the Commonwealth Minister of State for Transport:

"the State" means the State of South Australia.

(2) Where in this Agreement any Minister is referred to, that reference shall be deemed to include any Minister for the time being acting for or on behalf of that Minister or any Minister appointed in substitution for that Minister.

2. (1) This Agreement shall have no force or effect and shall not be binding upon either party until it is approved by the Parliaments of the Commonwealth and of the State. Ratification of agreement.

(2) Each party agrees to take every practicable step to have this Agreement approved by its Parliament without restrictions or amendments as soon as possible.

(3) Each party, so far as its power extends, agrees to provide for and secure the execution and enforcement of this Agreement and of any legislation by which it is approved.

3. Where a matter is required by this Agreement to be determined by agreement between the parties and the parties fail to reach agreement, the matter shall be decided by the Minister in agreement with the Minister of Railways of the State. Decision in default of agreement between the parties.

4. The State shall permit any person thereto authorized by the Minister to enter upon and inspect any standardization work being carried out by the State and to inspect any plans, designs, accounts, records or documents relating to any work specified in clause 5 of this Agreement. Inspection.

PART II.—WORKS FOR THE STANDARDIZATION OF RAILWAY GAUGES.

5. The State shall carry out or execute, in accordance with the terms and conditions of this Agreement, the following works and undertakings, namely:— Works to be executed.

(*a*) Conversion to standard gauge of the entire South Australian 5ft. 3in. gauge system and of the 3ft. 6in. gauge lines of the South-Eastern division, the conversion to standard gauge of existing locomotives and rolling stock suitable for conversion, and the construction of standard gauge locomotives and rolling stock to the extent necessary to replace the existing capacity of all units unsuitable for conversion to standard gauge.

(*b*) Conversion to standard gauge of the 3ft. 6in. gauge lines of the Peterborough Division of the South Australian Railways, the conversion to standard gauge of existing locomotives and rolling stock suitable for conversion, and the construction of standard gauge locomotives and rolling stock to the extent necessary to replace the existing capacity of all units unsuitable for conversion to standard gauge.

(*c*) The provision of terminal facilities rendered necessary by the conversion of any line specified in the foregoing provisions of this clause.

Undertakings involved in or incidental to conversion.

6. The works to be carried out or executed under the last preceding clause shall include the purchase, construction and/or conversion of land, railway lines, structures, buildings, workshops, plant, locomotives, rolling stock and all matters and things which are essential to the establishment and/or operation of standard gauge lines of railway over the sections and routes set out in the last preceding clause, but not including—

(*a*) operation or maintenance of railways ; or

(*b*) betterments.

Betterments, variation of types, and replacement of locomotives.

7. (1) Betterments may be carried out in conjunction with the works specified in clause 5 of this Agreement.

(2) The State may replace existing locomotives, rolling stock, or other assets, by locomotives, rolling stock or other assets of different types or kinds.

(3) For the purpose of facilitating standardization of locomotive design and construction, any locomotives provided to replace existing locomotives, and having a capacity of not more than ten per centum in excess of the capacity of the existing locomotives, shall be deemed to be of equal capacity to the existing locomotives and such excess capacity shall not be regarded as betterment.

Consent by the State to construction of railways by Commonwealth.

8. The State hereby consents to the carrying out by the Commonwealth of any works which the Commonwealth is under this Agreement required to carry out in the conversion of its own railways within the territory of that State.

Order of works.

9. (1) Any question arising as to the order in which the standardization works shall be carried out shall be determined by agreement between the parties.

(2) Any question arising as to the time at which any standardization works shall be commenced by any party shall be determined by agreement between the parties.

Standards, plans, and designs.

10. (1) The parties or their nominees shall, in collaboration and agreement with each other, establish and publish common standards of design and construction in all matters and things essential to the establishment of standard gauge railways and to the safe and efficient operation of interchange traffic including locomotives and all classes of rolling stock over the unified railways of Australia.

(2) Each party shall—

(*a*) prepare all preliminary plans and final designs and estimates for all works to be carried out by it pursuant to this agreement ; and

(*b*) incorporate in all such plans, designs and estimates the standards of design and construction established under this agreement.

Commencement and execution of works.

11. A party shall not incur any expenditure debitable under this agreement to the Loan Fund until the Minister has given the party written authority to incur that expenditure.

Disposal of replaced assets.

12. The value of the whole or part of any asset owned by the State which is replaced by a new asset at the cost of the Loan Fund shall be determined from time to time by agreement between the parties and credited to the Loan Fund.

Provided that this clause shall not require the credit to the Loan Fund of the value of any locomotives and rolling stock unsuitable for conversion to standard gauge and retained by the State for use on its own system.

Ownership of new locomotives and rollingstock.

13. New locomotives and rolling stock, the cost of which is borne as provided in clause 14 of this Agreement, shall be the property of the State of South Australia.

Part III.—Finance.

Liability for cost of works.

14. (1) Seven-tenths of the cost of the standardization works set out in clause 5 of this Agreement shall be borne by the Commonwealth and three-tenths of such cost shall be borne by the State.

(2) For the purposes of this clause the cost of any work shall be deemed to include the administrative expenses necessary or incidental to the carrying out of that work, and such expenses shall be apportioned between the parties in the manner specified in this clause in respect of that work.

Cost of betterment and certain replacements.

15. The cost of any betterment, and any increased cost caused by any replacement of the kind mentioned in subclause (2) of clause 7 of this agreement, shall not be debited to the Loan Fund but shall be borne by the State concerned.

Provision of funds and State contributions.

16. (1) The Commonwealth shall provide all funds required to carry out the standardization works specified in this Agreement.

(2) The State shall, in respect of so much of the expenditure by the Commonwealth under clause 14 of this Agreement in any financial year (in this clause called the year of expenditure) as is to be borne by the State, pay to the Commonwealth from revenue during the period of fifty years after the year of expenditure, equal annual contributions of such amounts as will liquidate the expenditure so to be borne by the State together with interest on the amount of that expenditure outstanding at the end of each financial year.

For this purpose the rate of interest shall be the rate of interest which is paid by the Commonwealth on the loan from which the expenditure was financed.

(3) From each annual contribution to be made by the State calculated in accordance with subclause (2) of this clause there shall be deducted an amount equivalent to Five Shillings per centum of so much of the cost of standardization works incurred by the Commonwealth under this agreement in the year of expenditure as is pursuant to clause 14 of this Agreement to be borne by the State.

Payments from Loan Fund.

17. (1) Moneys provided by the Commonwealth from the Loan Fund shall be used for—

(a) Meeting all expenditure incurred in carrying out the standardization works ;

(b) making refunds to the State of any expenditure incurred by it before the execution of this Agreement in planning or preparing for the standardization works or in carrying out any work which the parties agree to treat as a standardization work ; and

(c) any damages, compensation or other expense arising out of or incidental to the execution of a standardization work.

(2) No payment shall be made out of the Loan Fund except on the written authority of the Minister.

Annual budgets.

18. Each party shall prepare annual budgets of all estimated expenditure under this Agreement.

Audit.

19. All accounts in connection witl the standardization works shall be subject to audit by the Auditor-General for the Commonwealth.

Accounts and records.

20. Each party shall—

(a) keep full accounts and records of all financial transactions, work done and stores bought, used or disposed of, in connection with the standardization works ; and shall furnish to the Minister periodical reports and such details as he requires ; and

(b) permit the Auditor-General for the Commonwealth or of the State to inspect such accounts and records.

Part IV.—Supplementary Provisions.

Works to be undertaken by the Commonwealth.

21. The Commonwealth shall undertake—

(a) the conversion to standard gauge of the 3ft. 6in. gauge lines of the Commonwealth Railways from Port Augusta to Alice Springs, the conversion to standard gauge of existing locomotives and rolling stock suitable for conversion, and the construction of standard gauge locomotives and rolling stock to the extent necessary to replace the existing capacity of all units unsuitable for conversion to standard gauge ;

(b) the construction of a new standard gauge railway from Alice Springs to Birdum and the construction of the standard gauge locomotives and rolling stock necessary to operate this line ; and

(c) the conversion to standard gauge of the 3ft. 6in. gauge Commonwealth Railway line from Birdum to Darwin, the conversion to standard gauge of existing locomotives and rolling stock suitable for conversion and the construction of standard gauge locomotives and rolling stock to the extent necessary to replace the existing capacity of all units unsuitable for conversion to standard gauge.

Cost of works undertaken by the Commonwealth.

22. The Commonwealth shall bear the cost of carrying out the works specified in the last preceding clause.

Acquisition and conversion of the Silverton Tramway.

23. The Commonwealth shall take all reasonable steps to ensure that the Silverton Tramway and the locomotives and rollingstock thereon shall be acquired and vested in the South Australian Railways Commissioner.

IN WITNESS WHEREOF the Prime Minister of the Commonwealth of Australia and the Premier of the State of South Australia have signed this agreement for and on behalf of the Commonwealth of Australia and the State of South Australia respectively.

Signed by the Prime Minister of the Commonwealth of Australia for and on behalf of the said Commonwealth in the presence of—
E. J. WARD.
} J. B. CHIFLEY.

Signed by the Premier of the State of South Australia for and on behalf of the said State in the presence of—
A. W. PAUL.
} T. PLAYFORD.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 50 of 1949.

An Act to amend the Succession Duties Act, 1929-1943.

[*Assented to 1st December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Succession Duties Act Amendment Act, 1949 ".

(2) The Succession Duties Act, 1929-1943, as amended by this Act, may be cited as the " Succession Duties Act, 1929-1949 ".

(3) The Succession Duties Act, 1929-1943, is hereinafter called " the principal Act ".

Incorporation.

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

Enactment of s. 56a of principal Act—

3. The following section is enacted and inserted in the principal Act after section 56 thereof :—

Rate of duty on property derived by illegitimate children.

56a. (1) Where an illegitimate child or the issue of an illegitimate child derives any property—

(*a*) under the intestacy of the mother of the child ; or

(*b*) under a disposition (whether testamentary or non-testamentary) made by the father or the mother of the child,

the duty payable in respect of that property shall be at the same rate as if the child had been born legitimate.

(2) If between the thirtieth day of June, nineteen hundred and forty-nine, and the passing of the Succession Duties Act Amendment Act, 1949, any duty was paid in respect of any property derived by an illegitimate child, at a rate in excess of the rate which would have been payable if subsection (1) of this section had applied to that duty, the Commissioner may refund that duty to the person entitled to receive it.

(3) This Act without further appropriation shall be sufficient authority for any such refund.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 51 of 1949.

An Act to constitute a trust to be known as the Tatiara Drainage Trust, to confer certain powers and duties upon the trust, and for purposes incidental thereto.

[*Assented to 1st December*, 1949.]

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. This Act may be cited as the " Tatiara Drainage Trust Act, 1949 ". Short title.

2. This Act shall commence on a day to be fixed by the Governor by proclamation. Commencement.

3. This Act is divided into Parts as follows :— Arrangement of Act.

PART I.—Preliminary :

PART II.—Constitution of the trust and its district :

PART III.—Members of the trust :

PART IV.—Management of the trust :

PART V.—Control of drainage works affecting Tatiara Creek :

PART VI.—Rates :

PART VII.—Elections :

PART VIII.—Miscellaneous provisions.

Interpretation.

4. In this Act, unless the context otherwise requires, or some other meaning is clearly intended:—

"chairman" means chairman of the trust:

"construct" includes erect and excavate:

"district" means the Tatiara Drainage District as constituted for the time being under this Act:

"drainage work" means—

(*a*) any bank, dam, weir, lock, fence, channel, drain, culvert, tunnel, or other work for regulating, controlling, diverting, or otherwise affecting the flow of water:

(*b*) any alteration of or addition to or part of any such work as mentioned in paragraph (*a*) of this definition;

but does not include any such work situated outside the Tatiara Drainage District:

"member" means member of the trust:

"occupier" and "owner" have the same meaning as they have in the Local Government Act, 1934-1948, and its amendments:

"public notice" means notice by advertisement in the *Gazette* and in a newspaper circulating in the district:

"rate" means a rate declared under this Act:

"Tatiara Creek" includes any affluent, effluent, anabranch or extension of, and any creek (including Nalang Creek), lake or lagoon connected with, the Tatiara Creek:

"secretary" means the secretary of the trust:

"trust" means the Tatiara Drainage Trust constituted by this Act:

"works" includes all works constructed by the trust under this Act.

PART II.

CONSTITUTION OF THE TRUST AND ITS DISTRICT.

Constitution of the trust.

5. (1) There shall be a trust called the "Tatiara Drainage Trust".

(2) The trust shall be a body corporate, and shall have perpetual succession, and shall by its corporate name be capable of suing and being sued, of purchasing, holding, and alienating land, of doing all acts necessary or expedient for carrying out the purposes of this Act.

Common seal.

6. (1) The trust shall have a common seal, which shall be kept at the trust office.

(2) The corporate name of the trust shall be part of the seal.

(3) Judicial notice shall be taken of the seal of the trust.

District of trust.

7. (1) As soon as possible after the commencement of this Act the Governor shall by proclamation define the land which shall constitute the Tatiara Drainage District for the purposes of this Act.

(2) The Governor may by proclamation made on the recommendation of the trust, at any time alter the district by adding any land thereto or excluding any land therefrom.

Wards

8. (1) The Governor shall, by the first proclamation defining the district, divide the district into four wards, and define and name each ward.

(2) The Governor may by proclamation made on the recommendation of the trust, at any time alter the boundaries or the number of the wards in any way recommended by the trust.

PART III.

PART III.

MEMBERS OF THE TRUST.

Members.

9. (1) The trust shall consist of a chairman and two members for each ward.

(2) The first chairman shall be appointed by the Governor and every subsequent chairman shall be appointed by the Governor on the recommendation of the other members.

(3) The first members shall be appointed by the Governor, and all subsequent members shall be elected or appointed as provided by this Act.

Qualification for membership of trust.

10. (1) Subject to this Act, a person shall not be eligible to be a member of the trust unless his name appears in the assessment-book kept pursuant to the Local Government Act, 1934-1948, as the owner or occupier of ratable property within the ward which he represents.

(2) The chairman need not be an owner or occupier of land within the district, or a ratepayer.

Disqualification for membership of the trust.

11. A person shall not be eligible to hold office as the chairman or a member of the trust if he is—

(*a*) a minor :

(*b*) an undischarged bankrupt :

(*c*) in arrears for six months with the payment of any rates payable under this Act.

Annual retirements of members.

12. (1) On the first Saturday in July in each year one member for each ward being the member who has been longest in office since his last election or appointment shall retire.

(2) If the two members for any ward have so been in office for an equal time, they shall draw lots to decide who shall retire.

(3) A member appointed to a casual vacancy shall for purposes of this section be regarded as having been in office from the commencement of the term of his predecessor.

(4) When it is necessary to draw lots under this section, the lots shall be drawn not later than the thirty-first day of May in the year in which the retirement is to take place.

(5) If any members required by this section to draw lots fail to do so within the time prescribed by this section, the chairman shall in the presence of three ratepayers draw lots on behalf of the members.

Biennial retirement of chairman.

13. On the first Saturday in July in the second year after the year in which the trust is first constituted, and on the first Saturday in July in each alternate year thereafter the chairman shall retire.

Mode of election.

14. (1) The election of members shall take place as provided in Part VII. of this Act.

(2) Whenever a vacancy occurs in the office of chairman the secretary shall as soon as possible after the occurrence of the vacancy call a meeting of the members of the trust and the members present at that meeting or any adjournment thereof shall recommend a person for appointment as chairman.

(3) If a person is not so recommended for appointment as chairman within one month after the vacancy occurred, the Governor may appoint a chairman without any recommendation.

(4) A retiring chairman or member shall be eligible for re-appointment or re-election.

Members to hold office until appointment of successor.

15. Every chairman and member shall notwithstanding his retirement be deemed to hold office until his successor is appointed.

Casual vacancies.

16. (1) Any of the following acts or events shall cause a casual vacancy in the office of the chairman or any member, namely :—

(*a*) If he dies or becomes a mental defective within the meaning of the Mental Defectives Act, 1935-1945 :

(*b*) If he is adjudicated bankrupt or executes a statutory deed of assignment for the benefit of his creditors, or compounds with his creditors for less than twenty shillings in the pound :

(*c*) If he is sentenced to imprisonment for a crime :

(*d*) If he is absent without leave of the trust for four or more consecutive ordinary meetings of the trust :

(*e*) If he resigns by notice to the secretary :

(*f*) If his office is declared vacant by a judgment or order of a court:

(*g*) If he is disqualified from holding office pursuant to any other provision of this Act.

(2) A chairman or any member appointed or elected to a casual vacancy shall hold office only for the balance of the term of chairman or member in whose place he was appointed.

Casual vacancies filled by appointment.

17. When a casual vacancy occurs in the office of a member the chairman and remaining members of the trust shall appoint a person qualified under this Act to fill that vacancy.

Disqualified person acting as member or chairman.

18. A person who—

(*a*) being disqualified from acting as chairman, acts as chairman; or

(*b*) being disqualified from acting as a member, acts as a member,

with knowledge of the existence of his disqualification, shall be guilty of an offence.

Proceedings for trying title of member, etc.

19. (1) The proceedings—

(*a*) for trying the title of a chairman, or member, to his office; or

(*b*) for trying the right of any person to be admitted or restored to any such office; or

(*c*) to compel his restoration or admission; or

(*d*) to compel the trust to proceed to any election or appointment; or

(*e*) to try the validity of any rate:

(*f*) to compel the production or delivery of any books, voting-papers, or other documents or papers pursuant to this Act,

shall be had and taken before, and determined in a summary way by, a court of summary jurisdiction constituted by a special magistrate.

(2) No other proceedings in any court shall be taken for any of the purposes aforesaid.

Jurisdiction and powers of Court.

20. (1) A complaint for the purposes of the last preceding section may be laid by the trust, or a person acting on behalf of the trust, or by any ratepayer or other person interested.

(2) The court of summary jurisdiction may make an order—

(*a*) declaring that any person is or is not entitled to any office or that any office is vacant :

(*b*) commanding the trust or any person to take the necessary steps for and hold any election, or to make any appointment;

(*c*) quashing any rate which for any reason is invalid :

(*d*) to compel the production or delivery of any books, voting-papers, or documents by or to the trust, or any officer thereof, to or by any person.

Procedure on non-compliance with order.

21. (1) On non-compliance with any order made by any court of summary jurisdiction under the last preceding section, any court of summary jurisdiction may on complaint laid by the trust, or a person acting on behalf of the trust, or by any ratepayer or person interested, order that—

(*a*) any sum of money be paid by or to the trust, or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with that order :

(*b*) any such officer or person be imprisoned, either for a specified time, not exceeding six months, or until the order aforesaid is obeyed.

(2) Any such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid.

Time within which proceedings may be taken.

22. No proceedings to try the title of any person to any office or place shall be taken under this Part except upon a complaint laid within two months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person is liable to be ousted, whichever last happens.

Chairman's allowance.

23. The trust may, out of its revenue, pay to the chairman and members, or any of them, such remuneration or allowances as the trust fixes by resolution.

PART IV.

PART IV.

MANAGEMENT OF THE TRUST.

Trust office.

24. The trust shall maintain within the district, or within the town of Bordertown an office suitable for transacting its business.

Officers of the trust.

25. (1) The trust shall appoint a secretary and may appoint any other officers and servants.

(2) The secretary and every other officer and servant shall carry out such duties as are allotted to him by the trust.

Authentication of documents by the trust.

26. Subject to the provisions of this Part as to contracts made by the trust, every order, summons, notice, or other document requiring to be authenticated by the trust shall be sufficiently authenticated without the common seal of the trust, if signed by the chairman, by two members, or by the secretary.

Meetings.

27. (1) Ordinary meetings of the trust shall be held at the trust office at such times as the trust determines.

(2) Special meetings may be held at any time either at the trust office or at any place within the district.

(3) Any meeting may be adjourned to any time and place.

(4) Any business required to be done at an ordinary meeting may be done at a special meeting.

Special meetings.

28. (1) The chairman may call a special meeting at any time, and, on the requisition in writing of any three members, shall call such a meeting.

(2) If after receiving any such requisition the chairman refuses or for seven clear days fails to call a meeting, any three members may call the meeting by notice, signed by them, and given to the chairman and such member and stating the object of the meeting and the time and place of holding it.

Notice of meeting.

29. Except as otherwise provided by the last preceding section or the by-laws, four days notice of every meeting, signed by the secretary, shall be given to the chairman and every member, informing him of the time and place of meeting, and, in the case of a special meeting, of the business to be done thereat.

Quorum.

30. (1) At all meetings of the trust, except where otherwise provided by this Act, the chairman and half of the other members, or a majority of the members, shall form a quorum.

(2) If at the expiration of half-an-hour after the time fixed for holding a meeting a quorum is not present the meeting shall lapse.

Chairman of meetings.

31. (1) At every meeting of the trust the chairman, or, if the chairman is absent, a member chosen by the members present, shall preside.

(2) The chairman or other person so presiding shall have a deliberative vote, and, in case of equality of votes, a casting vote also.

Effect of vacancies.

32. Notwithstanding any vacancy in the office of the chairman or a member, the business of the trust shall be carried on by the members actually in office, who shall have all the powers of the trust.

Validity of proceedings of trust.

33. All acts and proceedings of the trust, or of any committee of the trust, shall notwithstanding any defect in the election or appointment of the chairman or any member or that he was incapable of holding office, be as valid as if he had been duly elected or appointed and was capable of holding office.

Resolutions.

34. (1) A resolution or decision of the trust shall be valid if agreed to by a majority of the members present at a meeting of the trust.

(2) A resolution passed at a meeting of the trust shall not be revoked or altered, unless—

(*a*) written notice of an intention to propose the revocation or alteration at a subsequent meeting of the trust is given or posted to each of the members seven days at least before holding that meeting; and

(*b*) the revocation or alteration is determined upon by the chairman and three members or by four members of the trust.

Committe

35. The trust may appoint committees of its members, for the purpose of obtaining information and making recommendations to the trust.

Minutes of meetings.

36. (1) The trust shall cause full minutes of every meeting of the trust and of every meeting of a committee of the trust, to be duly made in books provided for the purpose, and to be kept by the secretary, under the superintendence of the trust.

(2) The minutes of every meeting shall be put before the trust or the committee (as the case may be) as early as is convenient and if found correct shall be confirmed, and if not found correct shall be amended and confirmed. When confirmed, they shall be signed by the chairman of the meeting at which they were confirmed.

(3) All minute books shall, at all reasonable times, be open to the inspection of any member or creditor of the trust. Any ratepayer may inspect and take copies of the minutes at any reasonable time on payment of one shilling to the secretary.

(4) The minutes of a meeting shall be *prima facie* evidence of the transactions and matters therein recorded.

(5) A document purporting to be a copy of any such minutes and purporting to be certified by the secretary or chairman as a true copy shall be *prima facie* evidence of the minutes of a meeting.

(6) All courts and persons acting judicially shall take judicial notice of the signature of the secretary or chairman when appearing in any such document as mentioned in subsection (5) of this section.

Contracts by trust.

37. (1) The trust may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows :—

I. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the trust may make in writing and under its common seal :

II. Any contract which, if made between private persons, would be by law required to be in writing signed by or on behalf of the parties to be charged therewith, the trust may make in writing under its common seal, or in writing signed by any person acting under the authority of the trust, express or implied :

III. Any contract which, if made by private persons, would be by law valid although only made by parol, may be made by the trust in either of the two ways aforesaid, or by parol by any person acting under the authority of the trust, express or implied.

(2) All contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

(3) A contract made by the trust may be varied or discharged in the same manner in which it is authorized by this section to be made.

Power to borrow.

38. (1) The trust may—

(*a*) borrow money for the purpose of defraying any expenses incurred or to be incurred by it in the execution of its powers and duties under this Act:

(*b*) give such security for money so borrowed as may be agreed upon between the trust and the person lending the money.

(2) The Treasurer may lend the trust such amount of money, not exceeding one thousand pounds, as the trust requires for expenses incurred or to be incurred by the trust before rates are received under this Act.

(3) The terms and conditions of any such loan shall be agreed upon between the Treasurer and the trust.

(4) This Act without further appropriation shall be sufficient authority for any such loan.

(5) The trust shall declare, levy and collect such rates as are necessary to repay any loan made under this section as it becomes due.

Power to compound claims.

39. The trust may compound any claim made by or against the trust for such sums of money or other consideration as the trust thinks proper.

Banking of money.

40. (1) All money received on account of the trust shall be paid into a bank appointed by the trust.

(2) Payment into the bank shall in every case be made as soon as the money in hand amounts to five pounds or more.

Accounts and Audit.

41. (1) The trust shall keep proper accounts of all its financial transactions and shall cause those accounts for each financial year to be audited, as soon as is convenient after the end of that year, by an auditor holding a local government auditor's certificate under the Local Government Act, 1934-1949.

(2) The auditor shall present his report to the secretary, who shall lay it before the trust at the first meeting of the trust held after the report is received by the secretary.

Powers of entry by officers of trust.

42. The trust shall, for the purposes of this Act, have power by the chairman or any member or officer at all reasonable hours to enter and inspect any structure building or land.

By-laws.

43. Subject to the approval of the Minister, the trust may, from time to time, make by-laws for or relating to all or any of the following subjects :—

(*a*) The appointment of the time and place for meetings of the trust, whether ordinary or special, and the procedure at and conduct of such meetings :

(*b*) The powers and duties, and the control, supervision, and guidance of all officers, servants, and persons employed by the trust :

(*c*) Prescribing any matters necessary or convenient to be prescribed for the purpose of the administration of this Act by the trust.

(*d*) Prescribing penalties recoverable summarily and not exceeding fifty pounds for any breach of any by-law.

PART V.

CONTROL OF DRAINAGE WORKS AFFECTING TATIARA CREEK.

Licences for drainage work.

44. (1) A person shall not commence to construct, or construct, any drainage work for the purpose of diverting, preventing, restricting, controlling, regulating or otherwise affecting the flow of water in the Tatiara Creek or of water which may overflow from that creek unless he has obtained from the trust a licence to construct that work.

(2) A person shall not remove any drainage work which diverts, prevents, restricts, controls, regulates or otherwise affects the flow of water in the Tatiara Creek or of water which overflows from that creek unless he has obtained from the trust a licence to do so.

(3) If a person contravenes subsection (1) or (2) of this section he shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

Applications for licence.

45. (1) Every application for a licence such as mentioned in the preceding section shall be made in a form fixed by the trust and shall contain all the information indicated in that form.

(2) An applicant for a licence shall furnish the trust with any additional information which the trust may require as to the work proposed to be done.

Notice of applications.

46. (1) Upon receipt of an application in the proper form the trust shall—

(*a*) insert in a newspaper circulating generally in the district an advertisement stating that the application has been received, the name of the applicant, and a short general description of the work to be done :

(*b*) affix a notice in a conspicuous place in or upon the trust's office stating the same matters as the advertisement.

(2) The advertisement shall also specify a day, not earlier than one month from the date of the publication of the advertisement in the newspaper, before which any person objecting to the proposed work may deliver a notice of objection to the trust.

Objections to grant of licence.

47. (1) A person who objects to the grant of a licence shall give written notice to the trust of his objection and of the grounds thereof within the time fixed by the advertisement: Provided that the trust may if it deems it just to do so extend the time for giving a notice of objection under this section.

(2) An objector may by his notice of objection claim that he will suffer damage from the work to be done pursuant to the licence, and may ask the trust to fix the amount of compensation which shall be paid to him by the applicant in the event of the licence being granted.

Hearing of objections.

48. Before deciding an application for a licence the trust shall give the applicant and any objector an opportunity of placing before the trust any evidence, information or arguments in support of or in opposition to the grant of the licence.

Power to grant licences.

49. (1) After consideration of an application and all evidence, information and arguments submitted by the applicant and the objectors, if any, the trust shall decide whether or not it will grant the licence.

(2) If the trust grants a licence it may do so either unconditionally or upon conditions.

(3) A licence may contain conditions—

(*a*) as to the locality and nature of the works to be carried out pursuant thereto, the mode of construction and the materials to be used:

(*b*) requiring the applicant to pay to any other person a sum of money fixed by the trust and specified in the licence, by way of compensation for such damage as in the trust's opinion is likely to accrue to that other person from the construction of the works authorized by the licence:

(*c*) any other conditions which the trust deems just.

(4) A person to whom any money is due and payable pursuant to a condition of a licence may bring an action for that money in any court having jurisdiction in personal actions up to the amount claimed.

(5) A licence shall render lawful the construction of works in accordance with its terms and conditions, and the maintenance, use and operation of works so constructed.

Removal of works.

50. (1) If after the passing of this Act any drainage work or part of a drainage work is constructed without a licence under this Part or in contravention of any condition of a licence, the trust may by notice in writing order the person who constructed the drainage work or part thereof or his successor in title to the land on which it was constructed, to take such steps as the trust indicates in the notice to demolish the drainage work or part thereof or to render it ineffective.

(2) Where any drainage work which diverts, prevents, restricts, controls, regulates or otherwise affects the flow of water in the Tatiara Creek or of water which overflows

from that creek, has been constructed before the passing of this Act and the trust is of the opinion that such drainage work has caused or will cause injury to any land (including any road or street) it may by notice in writing order the occupier of the land on which it is constructed to take such steps as the trust indicates in the notice to demolish the drainage work or to render it ineffective.

(3) Before making an order under this section the trust shall give the person against whom the order is proposed to be made at least one month's notice of its intention to make the order and shall give that person an opportunity to show cause why the order should not be made and to place before the trust any evidence information or arguments relevant to the proposed order.

(4) If a person fails to comply with any requirement of such a notice the trust may itself do the work specified in the notice and recover from that person by action in any court of competent jurisdiction the amount of the expense incurred by the trust in doing the work.

PART VI.

RATES.

Ratable value.

51. In this Part "ratable value" means the value of ratable property as shown on the day when rates are declared, in the assessment book kept pursuant to the Local Government Act, 1934-1948.

Declaration of rates.

52. The trust may declare and levy rates for the purpose of paying the costs and expenses of the administration of this Act and of doing anything which the trust may lawfully do.

Basis of rates.

53. Every rate shall be of an amount fixed by the trust for each pound of the ratable value of all ratable property within the district.

Notice to ratepayers.

54. The secretary shall give written notice to each occupier of land in respect of which rates are payable, of the date of the declaration of every rate, the amount payable by the ratepayer, and the land in respect of which that amount is payable.

Liability of owner and occupier for payment of rates.

55. (1) The occupier for the time being and also the owner for the time being of the property rated shall be liable to the payment of rates.

(2) A person who becomes the owner of any ratable property by reason of being a mortgagee in possession shall not be liable, in respect of that ratable property, to the payment of any rates

declared in respect of any financial year previous to the financial year in which he becomes the owner as aforesaid. Nothing in this subsection shall be deemed to limit the powers of the trust under section 60.

Notice before recovery of rates.

56. Every rate shall become due and payable when it is declared, but no rate shall be recoverable by action from any person until twenty-one days after a written notice from an officer of the trust has been served on that person, informing him of the amount of the rate payable by him, and of the land in respect of which the rate is payable.

Fine in default of payment.

57. (1) If any rate is not paid before the first day of March after it becomes due and payable, a fine equal to five pounds per centum thereof shall be added to the amount of the rate, and shall thenceforth for all purposes be deemed to be a part of the rate, and shall be paid by the person liable to pay the rate, and be recoverable from that person: Provided that no such fine shall be added to the amount of any rate unless the rate has remained unpaid for twenty-one days after notice of the rate has been given to the person by whom it is payable.

(2) The trust may by resolution remit the whole or a part of any fine added to a rate by virtue of this section.

Liability of persons appearing in assessment book as owners.

58. Every person appearing in the assessment book as the owner of any land shall continue liable for all rates declared in respect of that land, notwithstanding any change in the ownership thereof prior to the declaration of the rates, except as to rates declared after he, having ceased to be owner, has given written notice to the secretary of the change of ownership, and the name of the new owner.

Recovery of rates.

59. Rates shall be recoverable by the trust from any person liable to pay them. by action in any court of competent jurisdiction.

Power to sell land for non-payment of rates.

60. The trust shall have the same power to sell land for non-payment of rates as a district council has under Part XIV. of the Local Government Act, 1934-1948, and that Part of that Act shall *mutatis mutandis* apply to the trust as if the trust were a district council and the secretary of the trust were a clerk of a district council.

Limitation of liability of trustee agent, or attorney.

61. No trustee, agent, or attorney for any owner or occupier of ratable land shall be liable to pay any money recovered or penalty imposed under the provisions of this Act in excess of the amount then in his hands or under his control and belonging to the owner or occupier.

PART VII.

ELECTIONS.

Nominations.

62. (1) No person shall be capable of being elected as a member of the trust unless duly nominated in writing.

(2) Every nomination shall be in a form fixed by the returning officer and shall—

(*a*) state the name of the candidate, his place of residence and his occupation :

(*b*) be signed by not less than two ratepayers as nominators :

(*c*) contain an undertaking by the candidate that he will act as a member if elected.

Time and place for nomination.

63. (1) Twelve o'clock noon on the second Saturday in June of each year shall be the hour and day of nomination ; and the office of the trust shall be the place of nomination.

(2) Ten clear days before the day of nomination the trust shall give public notice of the hour, day and place of nomination.

Requirements as to nominations.

64. No candidate shall be validly nominated unless a written nomination complying with this Act is lodged in the trust office not later than the hour of nomination : Provided that a nomination shall not be invalid by reason only of any formal defect so long as it substantially complies with this Act.

Proceedings on day of nomination.

65. (1) On the day of nomination the returning officer shall attend at the trust office at the hour of noon, and shall there and then publicly open and read aloud all the nominations lodged in the office.

(2) If only one candidate is nominated for an office the returning officer shall declare that candidate to be elected to that office as from the first Saturday in the July next ensuing.

(3) If more than one candidate is nominated for an office the returning officer shall adjourn all further proceedings in respect of the election until the first Saturday in the July following, when the election shall be by ballot, as by this Act provided.

Notices of adjournment.

66. The returning officer upon any such adjournment shall forthwith give notice thereof, and of the object thereof, and the names of the several candidates, and the day, hour, and place when and where the election is to take place, by affixing hand-bills in a conspicuous place on the outside of the office of the trust and in such other places as he deems necessary.

Procedure on failure of election.

67. Whenever—

(*a*) any annual or supplementary election from any cause wholly or in part fails to be made upon the day appointed by this Act; or

(*b*) any such election being made, afterwards becomes wholly or in part void,

a supplementary election shall be held.

Supplementary election.

68. (1) Immediately upon the happening of any such failure or avoidance, the trust shall by public notice appoint a day, not being earlier than seven days nor later than twenty-one days from the giving of the notice, and an hour and place for the nomination of the persons to be elected.

(2) The nomination shall take place on the day and at the hour and place so appointed in like manner as at the annual election.

(3) If only one candidate is nominated for an office the returning officer shall declare that candidate to be elected to that office as from the day of nomination.

(4) If more than one candidate is nominated for any office, the returning officer shall adjourn all further proceedings in respect of the election until a day to be fixed by him for the election, not being less than six not more than ten clear days from the day of nomination.

(5) On the day so fixed the election shall take place in like manner as at the annual election.

Notice of election.

69. Within forty-eight hours from the election of any person to any office in connection with the trust, the returning officer shall cause to be delivered or posted to that person a notice informing him of the election, and within fourteen days of the election shall cause a notice thereof to be inserted in the *Gazette*.

Procedure where trust fails to hold election.

70. If—

(*a*) the trust fails to proceed, as required by this Act, to any election for twenty-one days from the last day on which the election is required by this Act to be held; or

(*b*) by resignation or otherwise it happens that there are no members of the trust,

any justice resident within the district, or any special magistrate, may, upon the request in writing of any three ratepayers, do every act by this Act required to be done for holding the election, including the appointment of a day hour and place for nomination and a returning officer.

Mode of Holding Elections.

Returning officers.

71. For every election the trust shall appoint a returning officer, who shall, *mutatis mutandis*, have all the powers conferred by The Ballot Act of 1862, on a returning officer in case of an election, including the power to appoint deputies, and shall preside at the election.

Polling place and hours of voting.

72. The trust shall appoint polling places for the election. The voting at the election shall commence at nine o'clock in the morning, and shall continue until all the voters present in each polling place at five o'clock in the afternoon have had an opportunity of voting, and shall then close.

Scrutineers.

73. (1) For the purpose of an election each candidate may appoint in writing one scrutineer to be present at each polling place.

(2) Any scrutineer may inspect the scrutiny and count of votes.

Polling booths.

74. At every election the returning officer, if it appears to him expedient, may cause booths to be erected, or rooms to be hired and used as booths, at each polling place ; and the booths shall be divided into compartments as the returning officer thinks most convenient. The returning officer shall before the day fixed for taking votes, cause a copy of the assessment book or a list of the persons entitled to vote, to be furnished for use at each polling place.

Right to vote

75. (1) At every election every person who on the eighth day preceding the election was shown in an assessment book kept pursuant to the Local Government Act, 1934-1948, as a ratepayer under that Act in respect of property owned or occupied by him in a ward shall be entitled to one vote in that ward.

(2) A person shall not vote at an election unless he is at least twenty-one years of age on the day of that election.

(3) Any such ratepayer who at the time of the holding of the election is distant more than twenty miles from the polling place, or is unable to attend owing to illness, may, subject to the proviso hereinafter contained, vote by his attorney under power, such power to be produced to the returning officer at the election : Provided that a statutory declaration by the ratepayer as to his absence or intended absence, or as to such illness, is produced.

(4) A joint tenant or tenant in common or joint occupier shall have the same voting rights as if he were the sole owner or occupier, as the case may be, of land.

Issue of voting papers.

76. (1) Every person entitled to vote shall present himself personally or by attorney, to the returning officer or his deputy, at the polling place, and state his Christian name and surname, abode, profession or occupation, whether he is an owner or occupier of land and the place where his land is situate.

(2) The returning officer or deputy shall thereupon place a mark against the name of the voter or of his principal on the copy of the assessment book, and hand the voter a voting-paper which voting-paper shall bear the initials of the returning officer or deputy.

Contents of voting papers.

77. (1) The voting-paper shall contain the Christian names and surnames of the candidates arranged in alphabetical order, according to the surnames, and if there are several candidates of the same surname, then according to the Christian names of the candidates, and if there are several candidates of the same Christian names and surname, then the names of those candidates shall be arranged in such order as the returning officer thinks proper. Every such voting-paper shall have a square printed opposite to the name of each candidate.

(2) At the foot of the voting-paper there may be inserted a direction that a vote is to be indicated by a cross within a square on the voting-paper.

(3) At the head of the voting-paper there may be inserted the name of the trust, the ward in which the election is being held and the number of members to be elected in that ward.

(4) Except as above provided, nothing shall be inserted in or placed on any voting-paper.

Mode of voting.

78. (1) The returning officer shall provide one or more separate apartments in each polling booth.

(2) The voter shall, on receiving his voting-paper, immediately retire to such an apartment, and there alone and in private, without interruption, indicate his vote or votes by making a cross within the square on his voting-paper which is opposite the name of the candidate for whom he intends to vote, and shall then fold the paper and immediately deliver it so folded to the returning officer or his deputy, who shall forthwith publicly, and without opening the paper, deposit it in a box to be provided for that purpose.

(3) No voting-paper so deposited in any box shall be taken therefrom unless in the presence of the scrutineers after the close of the poll.

(4) No voting-paper shall be received unless it is so folded as to render it impossible for the returning officer, his deputy, or any other person, to see how the vote is given.

Assistance to voters.

79. Any voter may signify to the returning officer or his deputy that by reason of blindness or defective eyesight he is unable to vote without assistance ; and thereupon the returning officer or deputy, if satisfied of such inability, shall permit any person named by the voter to accompany him into the voting apartment and to mark fold and deposit his voting paper for him.

Persons entitled to be in polling place.

80. The only persons who shall be allowed to remain in the polling place or room shall be the persons about to vote, the returning officer, the deputy returning officers, and the scrutineers.

Questions to voters.

81. No inquiry shall be permitted at any election as to the right of any person to vote, except as follows, that is to say :— The returning officer or his deputy may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other :—

(i.) Are you the person whose name appears as..... and as a ratepayer in the assessment book of the .....[*here name the council*]; or (in case of a person claiming to vote as attorney for a ratepayer). Are you the person mentioned as attorney for.....in the power of attorney under which you claim to vote, and is the person appointing you the person whose name appears as.....and as a ratepayer in the assessment book of the..... [*here name the council*] ?

(ii.) Have you already voted at the present election except in a different capacity from that in which you now claim to vote ?

No person shall be entitled to vote unless his answer to the first question, if put, is in the affirmative, and to the second, if put, is in the negative. Any person who wilfully makes a false answer to either of such questions shall be guilty of an offence.

Voting twice and personation.

82. Any person who in the same capacity votes a second time in a ward for which he has already voted, or offers to vote a second time in such a ward, at any election, or who personates any other person for the purpose of voting at any such election, shall be guilty of a misdemeanour, and liable on conviction in the Supreme Court to be imprisoned for any term not exceeding six months.

Duty of returning officer as to ballot-box.

83. (1) Immediately before taking the votes the returning officer or deputy returning officer shall exhibit the ballot-box empty.

(2) Immediately upon the close of the voting, the returning officer or deputy returning officer shall publicly close and seal the box containing the voting-papers.

(3) Any returning officer or deputy returning officer who unlawfully tampers with any ballot-box or voting-paper shall be guilty of a misdeameanour, and liable to be imprisoned for any term not exceeding six months.

Count of votes and result of poll.

84. (1) At the close of the election the returning officer shall—

(*a*) fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the election :

(*b*) in the presence of such of the scrutineers as choose to be present, open all the boxes containing voting-papers delivered in at the election :

(*c*) examine the voting-papers, and reject all such as contain crosses against the names of a larger number of persons than are required to be elected, or contain anything other than the matters prescribed by this Act :

(*d*) openly declare the general state of the votes at the close of the election, as the same is made up by him from the voting-papers :

(*e*) declare the name or names of the person or persons who have been duly elected, and in the event of the number of votes being found to have been equal for any two or more candidates, shall, by his casting-vote, decide which candidate shall be elected.

(2) A returning officer shall not vote at any election at which he is returning officer, except in case of an equality of votes as aforesaid ; but this provision shall not apply to a deputy returning officer.

Destruction of voting papers.

85. The returning officer shall destroy all voting-papers upon the expiration of two months after the declaration of the result of the election: Provided that if upon such expiration any legal proceedings are pending as a result of the election, the voting-papers shall be kept until the proceedings have been completed.

Payment of rates before nominating or voting.

86. (1) A person shall not be entitled to nominate a candidate for election unless, before the day of nomination, all sums then due in respect of any rates which have been declared six months prior to the nomination, and payable on property of which he is the owner or occupier, have been paid.

(2) A person shall not be entitled to vote at an election unless at least eight days before the election all rates declared at least twelve months before the day of the election and payable on property of which he is the owner or occupier have been paid.

(3) The secretary shall cause a list of all persons whose rates have not been paid in accordance with this section to be prepared for use at every polling-place.

Powers of returning officer.

87. (1) Every returning officer and his deputy shall have authority—

(*a*) to maintain and enforce order and keep the peace at any election held by him:

(*b*) without any other warrant than this Act, to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions put to him under this Act or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once at the same election, or of leaving or attempting to leave the polling-place after having received a voting-paper and before having deposited the same in the box, or of causing a disturbance at any election:

(*c*) to cause any person to be removed who obstructs the approaches to any polling-place or conducts himself in a disorderly manner there.

(2) All members of the police force and special constables shall aid the returning officer, his deputy, or other person so appointed as aforesaid in the performance of his duty.

Bribery and corruption.

88. The following acts shall, if done with a view to influencing the elector's vote, be acts of bribery and corruption on the part of any person:—

I. Giving money or any other article whatsoever to any elector :

II. Holding out to any elector any promise or expectation of profit, advancement, or enrichment in any shape or making use of any threat to an elector, or otherwise intimidating him :

III. Treating any elector or supplying him with meat, drink, lodging, horse or carriage hire, or conveyance to or from a polling booth :

IV. Paying to any elector any sum of money for acting or joining in any procession during the election, or before or after the election :

V. Giving any dinner, supper, breakfast or other entertainment at any place whatsoever to any elector.

Disqualification for bribery and corruption.

89. The commission of any one of the acts mentioned in the preceding section shall, on proof thereof, be held to render void the election of the person committing the act, and to disqualify him from being elected for the same office during the whole period that may intervene between the commission of the act and the time of the next periodical election.

Acts of agents.

90. The acts of an authorized agent of a candidate shall, in matters connected with elections, be held to be acts of his principal, if it is proved that the acts were committed with the knowledge or consent of the principal.

Bribery and corruption by unauthorized persons.

91. If any act declared by this Act to be an act of bribery and corruption, is committed by any person not the authorized agent of any candidate, that person shall be guilty of an offence, and liable to a fine not exceeding two hundred pounds.

Rewards for voting or withholding vote.

92. If any person who has, or claims to have, any right to vote in any election directly or indirectly asks, receives, or takes any money or other valuable consideration or reward whatsoever, for himself or for any of his family or kindred, to give his vote or to abstain from giving his vote in any such election, he shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

Offences by voters.

93. Any voter who obstructs the voting by any unnecessary delay in performing any act within a polling booth or room, shall be guilty of an offence.

No action for election expenses.

94. No action, suit, or other proceeding shall be maintainable against any person who is a candidate at any election for or in respect of any costs or expenses whatsoever in or about or relating to the election.

Provision as to formal defects and impediments in election.

95. (1) No election shall be held to be void in consequence solely of any delay in holding it at the time appointed, or the absence of the returning officer or any deputy returning officer, or any error or defect, which does not affect the result of the election.

(2) Within the period of twenty days before or after the day appointed for the holding of any election, the Governor may by proclamation extend the time allowed for the holding of the election, and may adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle by which the due course of any election may be impeded, and may supply any deficiency that may otherwise affect the election.

PART VIII.

PART VIII.

MISCELLANEOUS PROVISIONS.

Obstructing trust, officers etc.

96. Any person who obstructs any person in the performance of anything which he is empowered to do by this Act shall be guilty of an offence.

Summary procedure.

97. All proceedings for any offence against this Act shall, except where otherwise provided, be disposed of summarily.

General penalty.

98. The penalty for any offence against this Act which is punishable summarily and for which no other penalty is specially provided shall be a fine not exceeding fifty pounds.

Conviction not to bar action.

99. The imposition of a penalty for any offence under this Act shall not affect any action or other remedy available by law to an aggrieved person in respect of the act or conduct constituting the offence.

Services of notices.

100. (1) Subject to subsection (2) of this section any notice or other document required or permitted by this Act or any by-law under this Act to be served on any person may be served—

(*a*) by post ; or

(*b*) by serving it personally on that person ; or

(*c*) by leaving it with some adult inmate at the place of residence of that person ; or

(*d*) if it relates to land which is unoccupied and the owner whereof is unknown to the trust, by putting it up on some conspicuous part of the land in which case it shall not be necessary in the notice to name the person to be served.

(2) Every notice or other document required or permitted by this Act or any by-law made under this Act to be served on the trust, may be served—

(*a*) by being given personally to the chairman or the secretary of the trust ; or

(*b*) by post, by letter addressed to the said chairman or secretary.

(3) This section shall not render invalid any mode of service otherwise permitted by law.

Provision for cases of doubt or difficulty.

101. If any doubt or difficulty arises in connection with the appointment or election of the chairman or any member or officer of the trust or as the result of any alteration in the district of the trust or in any ward, or in connection with the management, work, or operations of the trust, or otherwise in connection with the administration of this Act, the Governor may by proclamation make any order or declaration for the purpose of removing the doubt or difficulty or determining what is to be done in the circumstances, and the provisions of the proclamation shall be as valid and effectual as if they were enacted in this Act : Provided that no such proclamation shall be inconsistent with any express provision of this Act or shall diminish or take away any proprietary right of any person.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 52 of 1949.

An Act to authorise the State to enter into an arrangement with the Commonwealth respecting tuberculosis, to provide for carrying out any such arrangement, and for purposes incidental thereto.

[*Assented to 1st December,* 1949.]

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 " Tuberculosis (Commonwealth Arrangement) Act, 1949 ".

Power to enter into arrangement.

2. The Governor may enter into an arrangement with the Governor-General of the Commonwealth substantially in the form of the arrangement set out in the schedule to this Act.

Power of Minister of Health.

3. The Governor shall do or execute or cause to be done or executed all such acts, matters and things as are necessary or convenient to be done for the purpose of carrying into effect any arrangement made under this Act.

Regulations.

4. The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for carrying into effect any arrangement made under this Act, and may by any such regulation prescribe penalties recoverable summarily and not exceeding fifty pounds for breach of any such regulation.

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

C. W. M. NORRIE, Governor.

THE SCHEDULE.

ARRANGEMENT made pursuant to section 5 of the Tuberculosis Act, 1948, of the Commonwealth of Australia between His Excellency the Governor-General, acting with the advice of the Federal Executive Council and His Excellency the Governor of the State of acting with the advice of the Executive Council of the State :

WHEREAS at a conference of Commonwealth and State Ministers held at Canberra in August, 1948, it was agreed that the Commonwealth and the several States should participate in a campaign to reduce as soon and as far as possible the incidence of tuberculosis in Australia, and to provide adequate facilities for the diagnosis, treatment and control of that disease :

NOW IT IS HEREBY ARRANGED as follows :—

1. The Commonwealth and the State will forthwith participate in a campaign to reduce as soon and as far as possible the incidence of tuberculosis in Australia and to provide adequate facilities for the diagnosis, treatment and control of tuberculosis.

2. For the purposes of the campaign the Commonwealth will reimburse to the State such of the expenditure by the State hereafter in this clause mentioned as shall be approved by the Minister of State for Health of the Commonwealth (in this Arrangement called the "Minister", which expression shall be deemed to include any Minister of State of the Commonwealth acting for or on behalf of the Minister) namely—

(*a*) capital expenditure by the State on or after the first day of July, one thousand nine hundred and forty-eight, in the provision by the State of land and buildings for use in the diagnosis, treatment and control of tuberculosis and in the erection and improvement of buildings and the provision of furnishings, equipment, and plant for such use ; and

(*b*) the net maintenance expenditure by the State in relation to the diagnosis, treatment and control of tuberculosis in institutions (or part of any institution) or on services or facilities which, in the opinion of the Minister, are conducted by the State or by any authority of the State primarily and principally for the diagnosis, treatment and control of tuberculosis in any financial year after the year which ended on the thirtieth day of June, one thousand nine hundred and forty-eight, to an extent not exceeding the amount by which that expenditure is in excess of the net maintenance expenditure in relation to the diagnosis, treatment and control of tuberculosis incurred by the State in such institutions or part of any such institution and on such services or facilities during that last-mentioned year.

3. For the purposes of this Arrangement, net maintenance expenditure by the State in any financial year shall not include any payment by the State by way of allowances to, or in respect of, sufferers from tuberculosis and their dependants, and the amount of any net maintenance expenditure shall be arrived at after taking into account—

(*a*) payments for that year by the Commonwealth to the State, under the agreement entered into under the Hospital Benefits Act, 1945-1947, at the Commonwealth Hospital Benefits Expenditure Rate for Public Wards in respect of beds occupied by sufferers from tuberculosis in the institutions or part of any institution mentioned in paragraph (*b*), clause 2, of this Arrangement ;

(*b*) payments for that year by the Commonwealth to the State under sections 4 and 5 of the Tuberculosis Act, 1945-1946 ;

(*c*) payments by the Commonwealth to the State, on behalf of approved hospital authorities, under section 14 of the Pharmaceutical Benefits Act, 1947, in respect of the supply during that year of pharmaceutical benefits for the treatment of sufferers from tuberculosis in the institutions or part of any institution mentioned in paragraph (*b*) of clause 2 of this Arrangement ; and

(*d*) any other amounts received during that year by the State, or by any such institution upon the maintenance of which any part of that expenditure has been incurred, from, or in respect of, patients treated for tuberculosis.

4. The amount of any gift, donation or bequest received in any financial year by the State or by any institution mentioned in paragraph (*b*) of clause 2 of this Arrangement

upon the maintenance of which any part of the net maintenance expenditure during that year has been incurred shall also be taken into account in arriving at the amount of the net maintenance expenditure.

5. In order to enable the Minister to determine whether any of the expenditure mentioned in clause 2 of this Arrangement should be approved by him the State shall ensure that—

(*a*) any proposal which will involve the reimbursement of capital expenditure under paragraph (*a*) of clause 2 of this Arrangement, excepting payments made after 1st July, 1948, and up to the date of this Arrangement, shall be submitted in writing to the Commonwealth before any expenditure is incurred or any commitment made in respect of that proposal.

(*b*) the Minister shall be supplied with such information by such persons at such times and in such manner and form as he shall from time to time require.

6. Any assets acquired or services or facilities provided by the State the cost, or part of the cost, of which has been reimbursed to the State under this Arrangement shall not, without the prior written approval of the Minister, be used otherwise than for the diagnosis, treatment and control of tuberculosis.

7. The State shall indemnify and keep indemnified the Commonwealth—

(*a*) against payment by way of compensation for property the cost of which has been reimbursed to the State by the Commonwealth under this Arrangement in the event of the acquisition of that property by the Commonwealth; and

(*b*) where the cost of the property was reimbursed in part to the State by the Commonwealth under this Arrangement—against payment by way of compensation proportionate to the cost so reimbursed to the State in the event of the acquisition of that property by the Commonwealth.

8. The State shall ensure that no means test is imposed on, and that no charge is made for accommodation and treatment in respect of, persons occupying beds in public wards in an institution or part of an institution mentioned in paragraph (*b*) of clause 2 of this Arrangement.

9. The State shall, as soon as practicable, appoint a Director of Tuberculosis, who shall devote the whole of his time to the duties of his office and shall not engage in private practice.

10. This Arrangement shall be in force for a period of ten years computed as from the first day of July, one thousand nine hundred and forty-eight, and prior to the date of its expiration the Commonwealth and the State shall confer with a view to a further Arrangement being entered into.

11. The Prime Minister of the Commonwealth and the Premier of the State shall confer from time to time on the means whereby the said campaign shall be effectively carried out.

12. It is a condition of this Arrangement that the State shall before the first day of January, one thousand nine hundred and fifty enact and bring into force legislation to give effect to this Arrangement and for the effective carrying out of the said campaign. If such legislation is not enacted and brought into force before that date the Commonwealth will not make any further reimbursements to the State under this Arrangement except only in respect of or on account of expenditure actually paid by the State prior to that date.

Dated this day of , 1949.

By His Excellency's command,

Prime Minister.

By His Excellency's command,

Premier.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 53 of 1949.

An Act to amend the Land Settlement Act, 1944-1948.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Land Settlement Act Amendment Act, 1949 ".

(2) The Land Settlement Act, 1944-1948, as amended by this Act, may be cited as the " Land Settlement Act, 1944-1949 ".

(3) The Land Settlement Act, 1944-1948, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 5 of principal Act—Term of office.

3. Section 5 of the principal Act is amended—

(*a*) by adding after the word " Committee " in the first line the words " holding office at the time of the passing of the Land Settlement Act Amendment Act, 1949 ": and

(*b*) by inserting after subsection (1) thereof the following subsection :—

(1a) The Governor may, in accordance with section 4 of this Act, appoint seven persons to be members of the Committee,

subject to this Act, for three years commencing on the first day of January, nineteen hundred and fifty.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 54 of 1949.

An Act to amend the Agent-General Act, 1901-1948.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Agent-General Act Amendment Act, 1949 ".

(2) The Agent-General Act, 1901-1948, as amended by this Act, may be cited as the " Agent-General Act, 1901-1949 ".

(3) The Agent-General Act, 1901-1948, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 6 of principal Act— Term of office.

3. Section 6 of the principal Act is amended by striking out the word " forty-nine " at the end of subsection (2) thereof and inserting in lieu thereof the word " fifty-two ".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 55 of 1949.

An Act to amend the Alsatian Dogs Act, 1934.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Alsatian Dogs Act Amendment Act, 1949 ".

(2) The Alsatian Dogs Act, 1934, as amended by this Act, may be cited as the " Alsatian Dogs Act, 1934-1949 ".

(3) The Alsatian Dogs Act, 1934, is hereinafter referred to as " the principal Act ".

Amendment of principal Act, s. 3—Prohibition of keeping Alsatian dogs in certain parts of the State.

2. Section 3 of the principal Act is amended—

(*a*) by striking out the word " and " in the last line of paragraph (*b*) of subsection (4), thereof ;

(*b*) by inserting after the word " apply " in the last line of paragraph (*c*) of subsection (4) thereof the word " ; and " ;

(*c*) by adding at the end of subsection (4) thereof the following paragraph :—

(*d*) within any part of Kangaroo Island to which the Governor by regulation declares that this Act shall apply.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 56 of 1949.

An Act to amend Part XII. of the Local Government Act, 1934-1948.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the "Local Government Act Amendment Act, 1949".

(2) The Local Government Act, 1934-1948, as amended by this Act, may be cited as the "Local Government Act, 1934-1949".

(3) The Local Government Act, 1934-1948, is hereinafter referred to as "the principal Act".

Consequential amendment of s. 234 of principal Act.

2. Section 234 of the principal Act is amended by striking out the words "five pence one farthing" in the eighteenth line thereof and by inserting in lieu thereof the words "one shilling and eight pence".

Amendment of principal Act, s. 243—General rate.

3. Section 243 of the principal Act is amended by inserting after the word "shilling" in the second line thereof the words "and four pence".

Amendment of principal Act, s. 244—Special rate.

4. Section 244 of the principal Act is amended by striking out the word "three" in the third line thereof and by inserting in lieu thereof the word "eight".

Consequential amendment of s. 245 of principal Act.

5. Section 245 of the principal Act is amended by striking out the word "three" in the penultimate line thereof and by inserting in lieu thereof the word "four".

Amendment of principal Act, s. 246—General rate.

6. Section 246 of the principal Act is amended by striking out the words "four pence one halfpenny" in the third line thereof and by inserting in lieu thereof the words "one shilling and fourpence".

Amendment of principal Act, s. 247—Special rate.

7. Section 247 of the principal Act is amended by striking out the words "five pence one farthing" in the fourth line thereof and by inserting in lieu thereof the words "one shilling and eight pence".

Consequential amendment of s. 248 of principal Act.

8. Section 248 of the principal Act is amended by striking out the words "one penny one halfpenny" in the seventh and eighth lines thereof and by inserting in lieu thereof the words "four pence".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 57 of 1949.

An Act to amend the Nurses Registration Act, 1920-1938.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Nurses Registration Act Amendment Act, 1949 ".

(2) The Nurses Registration Act, 1920-1938, as amended by this Act, may be cited as the " Nurses Registration Act, 1920-1949 ".

(3) The Nurses Registration Act, 1920-1938, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 21 of the principal Act—Registration of persons trained outside the State.

3. Section 21 of the principal Act is amended by adding at the end thereof the following subsection, the previous part of section 21 being read as subsection (1) :—

(2) Where a person has undergone outside the State training in nursing or midwifery but is not entitled to be registered under the preceding provisions of this section the Board may—

(*a*) order that that person shall be entitled to be registered as a nurse, mental nurse, or midwife

after undergoing such supplementary training, if any, and passing such examinations, if any, as the Board directs ;

(*b*) register any such person as a nurse, mental nurse or midwife upon compliance with the requirements of any order made under paragraph (*a*) of this subsection.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

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No. 58 of 1949.

An Act to amend the Acts Interpretation Act, 1915-1945.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the "Acts Interpretation Act Amendment Act, 1949".

(2) The Acts Interpretation Act, 1915-1945, as amended by this Act, may be cited as the "Acts Interpretation Act, 1915-1949".

(3) The Acts Interpretation Act, 1915-1945, is hereinafter called "the principal Act".

Incorporation.

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

Amendment of s. 4 of principal Act.

3. Section 4 of the principal Act is amended—

(*a*) by inserting after the definition of "Act" the following definition:—

> "Australian citizen" means a person who is an Australian citizen under the provisions of the Act of the Commonwealth Parliament entitled the Nationality and Citizenship Act, 1948:

(*b*) by inserting after the definition of "bank holiday" the following definition:—

"British subject" means a person who is a British subject under the provisions of the Act of the Commonwealth Parliament entitled the Nationality and Citizenship Act, 1948:

(*c*) by inserting after the definition of "month" the following definition:—

"naturalised British subject" means a person who is a British subject under the provisions of the Act of the Commonwealth Parliament entitled the Nationality and Citizenship Act, 1948 and who became a British subject by naturalisation either within the Commonwealth or elsewhere.

Enactment of s. 33b of principal Act—

4. The following section is enacted and inserted in the principal Act after section 33a:—

Effect of Acts in relation to British subjects.

33b. All Acts in force on 26th January, 1949, shall continue to have effect in relation to Irish citizens who are not British subjects in like manner as they have effect in relation to British subjects.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 59 of 1949.

An Act to amend the Bread Act, 1936.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Bread Act Amendment Act, 1949 ".

(2) The Bread Act, 1936, as amended by this Act, may be cited as the " Bread Act, 1936-1949 ".

(3) The Bread Act, 1936, is hereinafter called " the principal Act ".

Incorporation.

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

Enactment of s. 11a of principal Act—

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

Wrapping of bread.

11a. (1) A municipal or district council may make by-laws relating to the compulsory wrapping of bread by sellers thereof, and prescribing any matters incidental to such wrapping.

(2) Any such by-laws shall be made in the manner prescribed by the Local Government Act, 1934-1948, and that Act shall apply to by-laws made under this Act to the same extent as they apply to by-laws made under section 667 of the said Local Government Act, 1934-1948.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 60 of 1949.

An Act to amend the Prevention of Cruelty to Animals Act, 1936.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the "Prevention of Cruelty to Animals Act Amendment Act, 1949".

(2) The Prevention of Cruelty to Animals Act, 1936, as amended by this Act, may be cited as the "Prevention of Cruelty to Animals Act, 1936-1949".

(3) The Prevention of Cruelty to Animals Act, 1936, is hereinafter referred to as "the principal Act".

Repeal of s. 18 of principal Act.

2. Section 18 of the principal Act is repealed.

Amendment of principal Act, s. 26—

Power to deprive convicted person of ownership of animals.

3. Section 26 of the principal Act is amended—

(*a*) by striking out the word "section" in the seventh line thereof and by inserting in lieu thereof the word "subsection";

(*b*) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) If any person is guilty of an offence under this Act in respect of any animal, the court, upon his conviction therefor, may, if the court thinks

fit, in addition to any other punishment or order, order that the said person shall, during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever or, as the court thinks fit, of any animal of any kind specified in the order: Provided that no order shall be made under the preceding provisions of this subsection unless it is shown by evidence as to a previous conviction, or as to the character of the said person or otherwise, that an animal in the custody of the said person is likely to be exposed to cruelty. Provided further that no order shall be made under the preceding provisions of this subsection unless it is stated in the complaint upon which the conviction aforesaid was made that it is the intention of the complainant upon the conviction of the defendant to request that an order be made as aforesaid and unless the court making such order consists solely of a special magistrate.

If any person in respect of whom an order is made as aforesaid has the custody of any animal contrary to the provisions of the order, he shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds and the court may make such order as to the disposal of the animal as the court thinks fit under the circumstances.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 61 of 1949.

An Act to authorize the making of payments in respect of the injury or death of volunteer fire fighters incurred whilst combating fires, and for incidental purposes.

[*Assented to 8th December,* 1949.]

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

1. This Act may be cited as the " Volunteer Fire Fighters Fund Act, 1949 ". Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

" financial year " means the period of twelve months ending on the thirtieth day of June in any year :

" fire control officer " means any person holding the office of fire control officer pursuant to the Bush Fires Act, 1933-1946 :

" fund " means the Volunteer Fire Fighters Fund established pursuant to this Act :

" insurer " means any corporate body, company, person, or firm of persons required by the provisions of the Stamp Duties Act, 1923-1947, to take out an annual licence under that Act :

" the trustees " means the trustees of the fund :

" trustee " means a trustee of the fund :

" volunteer fire fighter " means any person who assists in combating or extinguishing any fire or preventing the spread thereof or does any act incidental thereto.

The Trustees and the Fund.

Trustees of the fund.

3. (1) There shall be a body to be called " The Trustees of the Volunteer Fire Fighters Fund ".

(2) There shall be three trustees who shall be appointed by the Governor. One of the trustees shall be a special magistrate and shall be the chairman of the trustees, and one of the other trustees shall be appointed by the Governor from a panel nominated by the Fire and Accident Underwriters' Association of South Australia.

(3) Subject to subsection (4), every trustee shall hold office for five years.

(4) The Governor may remove any trustee from his office for insanity, neglect of duty, incapacity, dishonourable conduct, or other cause deemed sufficient by the Governor.

(5) The trustees shall be a body corporate with perpetual succession and a common seal and shall have power to hold property of all kinds for the purposes of this Act.

(6) Meetings of the trustees shall be conducted in accordance with such procedure as the trustees determine, and the decision of any two trustees shall be binding.

(7) The trustees shall be entitled to such fees, to be paid from the fund, as are from time to time fixed by the Governor.

Establishment of the fund.

4. (1) There shall be established a fund to be called " The Volunteer Fire Fighters Fund ".

(2) The fund shall consist of—

(*a*) contributions paid by the Treasurer and insurers pursuant to this Act ;

(*b*) all interest and other income earned by the investment of the fund or any part thereof.

(3) The fund shall be vested in and managed by the trustees.

Investment of fund.

5. The trustees may invest the fund or any part thereof in such investments as the trustees think proper.

Accounts and audit.

6. (1) The trustees shall keep complete and proper accounts of all their financial transactions.

(2) The accounts of the trustees for each financial year shall be audited by the Auditor-General and copies of the accounts shall be laid before both Houses of Parliament.

Exemption from State tax.

7. The income of the fund shall not be subject to any tax imposed by any law of the State.

Officers to assist trustees.

8. The Treasurer may make available to the trustees the services of any public officer for the purpose of assisting the trustees in the administration of this Act.

Contributions to the Fund.

Contributions by the Treasurer and insurers.

9. At such time in every financial year as is fixed by the trustees, the trustees shall be entitled to receive the following contributions :—

(*a*) A contribution not exceeding one thousand pounds to be paid to the trustees by the Treasurer :

(*b*) Contributions to be paid by each insurer but so that the total of such contributions payable in any financial year shall not exceed one thousand pounds :

Provided that the contribution to be paid by the Treasurer and the total contributions to be paid by insurers in any financial year shall be equal.

Computation of contributions by insurers.

10. (1) The contributions to be made by insurers shall be calculated as follows :—

I. There shall be ascertained the amount payable by each insurer as stamp duty (other than stamp duty attributable to life assurance business of the insurer) in respect of the annual licence last taken out by the insurer under section 33 of the Stamp Duties Act, 1923-1947 :

II. There shall be ascertained the total of all such stamp duty payable by all such insurers :

III. The contribution payable by any insurer shall bear the same proportion to the total contributions payable by all insurers in that financial year as the stamp duty payable as aforesaid by that insurer bears to the total of the stamp duty payable as aforesaid by all such insurers.

(2) The Commissioner of Stamp Duties is hereby authorized to supply to the trustees any information necessary to enable the amount of stamp duty payable as aforesaid to be ascertained.

(3) The trustees shall determine the amount of the contribution of each insurer and any such determination shall be final and conclusive and binding on the insurer.

(4) Every insurer shall supply to the trustees such information as the trustees may require in order to assist the trustees in determining the amount of the insurer's contribution.

Provision where fund exceeds £10,000.

11. The trustees shall not be entitled to require any contribution to be paid so long as the amount in the fund exceeds ten thousand pounds.

Power of Treasurer to advance money to the fund.

12. (1) If at any time the moneys in the fund are insufficient for the purposes of this Act, the Treasurer may advance to the trustees such amount as he considers necessary.

(2) If any amount is advanced as aforesaid, the advance shall be set off against any future contributions which would otherwise be made by the Treasurer to the trustees under this Act.

Payments to Volunteer Fire Fighters.

Powers of trustees to make payments to volunteer fire fighters.

13. (1) If any volunteer fire fighter suffers injury to his person or is killed whilst combating or extinguishing any fire or preventing the spread thereof, or whilst engaged in any act, matter or thing in any way (either directly or indirectly) connected therewith or arising therefrom, the trustees may pay to the volunteer fire fighter or, in the case of his death, to any of his dependants, such amount by way of compensation with respect to the injury or death as the trustees think fit.

(2) Whether or not any payment as aforesaid shall be made and the amount to be paid as aforesaid shall be in the complete discretion of the trustees.

(3) No payment shall be made under this section in respect of—

(*a*) the injury to or death of any person in respect of which compensation is payable under the Workmen's Compensation Act, 1932-1947 ; or

(*b*) any injury to or death of any person incurred whilst combating or extinguishing any fire or preventing the spread thereof in any part of the State to which the Fire Brigades Act, 1936-1944, applies unless the trustees are of opinion that, notwithstanding the provisions of this paragraph, special circumstances exist which justify the making of the payment ; or

(*c*) any injury or death which occurs by reason of the volunteer fire fighter wilfully and knowingly acting contrary to the directions of a fire control officer.

(4) In deciding as to what payments are to be made to any person under this section, the trustees may have regard to payments which would be made under the Workmen's Compensation Act, 1932-1947, as compensation for injury or death.

(5) The trustees may—

(*a*) make any payment under this section by way of a lump sum or by periodical payments ;

(*b*) determine, suspend, or review any periodical payments ;

(*c*) apply any payment for the benefit of any person to whom any such payment may be made in such manner as the trustees think fit ;

(*d*) from time to time increase or diminish the amount of any periodical payment ;

(*e*) attach any conditions to any payment.

General.

Financial provision.

14. (1) The money which the Treasurer is required or authorized by this Act to contribute to the trustees shall be paid by him out of the general revenue of the State.

(2) The costs of the administration of this Act shall be paid out of the fund.

(3) This section, without further appropriation, shall be sufficient authority for making the payments mentioned in this section.

Protection of trustees.

15. No act, matter, or thing *bona fide* done by the trustees in the execution of this Act shall subject them, or any of them, personally to any action, liability, claim or demand whatsoever.

Power to obtain information.

16. (1) For the purposes of this Act the trustees may—

(*a*) by summons under the hand of any trustee, require any person to attend before the trustees ;

(*b*) require any person to give oral or written answers to any question relating to any matter before the trustees, and to produce any relevant documents ;

(*c*) examine witnesses on oath or affirmation which may be administered by any trustee ;

(*d*) require any information given to the trustees to be verified by statutory declaration.

(2) If any person—

(*a*) who has been duly served with a summons to attend before the trustees, neglects to attend in obedience to such summons ; or

(*b*) wilfully insults the trustees or any of them or misbehaves before the trustees ; or

(*c*) being called or examined as a witness before the trustees, refuses to be sworn or to affirm, or being so called or examined, refuses to answer any question or prevaricates in his evidence or refuses to produce any document mentioned in the summons served on him,

he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty pounds.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 62 of 1949.

An Act to amend the Superannuation Act, 1926-1948.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Superannuation Act Amendment Act, 1949 ".

(2) The Superannuation Act, 1926-1948, as amended by this Act, may be cited as the " Superannuation Act, 1926-1949 ".

(3) The Superannuation Act, 1926-1948, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 23 of the principal Act—

Commencement and cessation of contributions.

3. Subsection (2) of section 23 of the principal Act is repealed and the following subsection is substituted in its place :—

(2) The contributions of a contributor for any unit shall cease to be paid—

(*a*) when he ceases to be employed in the service ; or

(*b*) immediately after the last payment of contributions before the anniversary of his initial contribution for that unit next preceding the attainment by him of the age for retirement,

whichever first happens.

Provided that where a contributor's initial payment for any unit is made within twelve months before he attains the age of retirement, a sum equal to one year's contributions for that unit shall be paid before that unit of pension shall become payable.

Enactment of ss. 66a and 66b of principal Act—

4. The following sections are enacted and inserted in the principal Act after section 66 thereof :—

Transfer of Teachers Superannuation Fund.

66a. (1) The board may make an arrangement with The Board of Management of the Public School Teachers Superannuation Fund providing for the following matters :—

(*a*) The transfer to the board of the assets and liabilities of The Public School Teachers Superannuation Fund ;

(*b*) The payment by the board to the persons entitled, of the benefits prescribed by the Teachers Superannuation Acts, 1890 to 1928 ;

(*c*) The distribution of any surplus which the Public Actuary certifies to exist in The Public School Teachers Superannuation Fund ;

(*d*) The payment to the board by persons who are subscribers to The Public School Teachers Superannuation Fund of the subscriptions which under the Teachers Superannuation Acts, 1890 to 1928, are payable by them to the said fund ;

(*e*) The payment by The Board of Management of the Public School Teachers Superannuation Fund of the costs and expenses of the transfer of the assets under the arrangement ;

(*f*) The date as from which the arrangement will take effect ;

(*g*) Any other matters incidental to those mentioned in paragraphs (*a*) to (*e*) (inclusive) of this subsection.

(3) Any such arrangement shall be submitted to the Governor for approval and if approved by him shall be published in the *Gazette* and shall be binding upon the two boards concerned and upon the members and annuitants of the Public School Teachers Superannuation Fund.

66b. (1) When the arrangement mentioned in section 66a has come into operation the Governor may by proclamation fix a day on which The Teachers Superannuation Acts, 1890 to 1928, shall be repealed. Repeal of Teachers Superannuation Acts.

(2) As from the day so fixed the said Acts shall be repealed.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 63 of 1949.

An Act to amend the Landlord and Tenant (Control of Rents) Act, 1942-1949.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1949 ".

(2) The Landlord and Tenant (Control of Rents) Act, 1942-1949, as amended by this Act, may be cited as the " Landlord and Tenant (Control of Rents) Act, 1942-1949 ".

(3) The Landlord and Tenant (Control of Rents) Act, 1942-1949, is hereinafter referred to as " the principal Act ".

Incorporation.

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

Amendment of s. 26ao of principal Act—

Letting of unoccupied house to protected person.

3. Section 26ao of the principal Act is amended by adding at the end thereof the following subsections :—

(5) Where the owner of a dwellinghouse or his agent has advertised the proposed sale by auction of the dwellinghouse no person shall make an application under this section in respect of that dwellinghouse until the expiration of three months after the day on which the advertisement is first published ; and an application made in contravention of this subsection shall not be heard or determined by the court.

(6) In this section and the subsequent sections of this Part, the term "dwellinghouse" includes any building which has been constructed or adapted for use as a place of habitation and whether or not the building is so used at the time an application is made under this section in respect thereof.

Amendment of s. 26ap of principal Act—Dwellinghouse is to be deemed to be unoccupied in certain cases.

4. Section 26ap of the principal Act is amended by inserting therein after paragraph (*c*) the following paragraph :—

(*c*1) a dwellinghouse shall not be deemed to be occupied, by reason only of the fact that it is used as a warehouse, store, office, shop, factory or other business premises, unless the whole or a substantial part of it was so used at the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1949, and was so used continuously from that time until the day on which the application was made ;

Amendment of s. 26aq of principal Act—Hearing of application.

5. Section 26aq of the principal Act is amended by striking out in paragraph (*a*) of subsection (1) the words "(not being a person who has entered into occupation of the dwellinghouse in contravention of section 26ao)".

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 64 of 1949.

An Act to amend the Licensing Act, 1932-1945.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Licensing Act Amendment Act, 1949 ".

(2) The Licensing Act, 1932-1945, as amended by this Act, may be cited as the " Licensing Act, 1932-1949 ".

(3) The Licensing Act, 1932-1945, is hereinafter called " the principal Act ".

Incorporation.

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

Repeal and re-enactment of s. 200 of the principal Act—

3. Section 200 of the principal Act is repealed and the following section is inserted in its place :—

Duty to supply food and lodging.

200. (1) The holder of a publican's licence if requested to supply any person with meals or lodging shall comply with that request :

Provided that the holder of a publican's licence shall not be required by this subsection to supply meals or lodging—

(*a*) to a person of bad reputation or an intoxicated person ;

(*b*) if he has reasonable cause to believe that the person to be supplied is unable to pay, or will not pay for any meals or lodging supplied ;

(*c*) if at the time when the request is made the holder of the licence has already entered into engagements or arrangements with other persons by reason of which his premises are or will be so fully occupied as to render it impossible to comply with the request;

(*d*) if for any other cause, not due to want of diligence on the part of the holder of the licence or to his failure to comply with this Act, he is unable to comply with the request:

Provided also that the holder of a publican's licence shall not be required by this subsection to supply any meal except between the hours of eight o'clock and nine thirty o'clock in the morning, twelve thirty o'clock and two o'clock in the afternoon, and six o'clock and seven thirty o'clock in the evening.

(2) A request shall be deemed to be made to a holder of a licence if it was made to him personally, or to any person apparently in charge of his licensed premises, or to any person on the licensed premises who appears to have authority to receive requests for the supply of meals or lodging.

(3) A person who contravenes this section shall be guilty of an offence and liable for a first offence to a fine not exceeding twenty-five pounds, and for a second or subsequent offence to a fine not exceeding fifty pounds.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 65 of 1949.

An Act to amend the Industrial Code, 1920-1948.

[*Assented to 8th December*, 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Industrial Code Amendment Act, 1949 ".

(2) The Industrial Code, 1920-1948, as amended by this Act, may be cited as the " Industrial Code, 1920-1949 ".

(3) The Industrial Code, 1920-1948, is hereinafter called " the principal Act ".

Incorporation.

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

Amendment of s. 30 of principal Act—Power to enter and inspect premises.

3. (1) Subsection (1) of section 30 of the principal Act is amended by striking out in the first three lines the words " The President and, upon being authorized in writing by the President, any inspector, or any officer of the court or any other person " and inserting in their place the following words :—" The President or any officer of the Court or any person authorized by the President, or any inspector ".

(2) Subsection (2) of section 30 of the principal Act is amended by inserting after the word " President " in the second line and after the word " aforesaid " in the sixth line, in each case the words " or any inspector ".

4. Section 43 of the principal Act is amended— Amendment of s. 43 of principal Act—Consequential amendment.

(*a*) by substituting for the words " a living wage " at the end of subsection (1) the words " the living wage for the time being in force for those employees " ;

(*b*) by striking out subsection (2) thereof.

5. (1) Section 45 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :— Amendment of s. 45 of the principal Act—Variation of awards and orders on variations in living wage.

(1) When an increase or decrease occurs in the living wage for adult male employees (whether by reason of a determination of the Board of Industry or a quarterly computation under this Act), and the living wage as so increased or decreased applies in the whole or a substantial part of any area in which an award or order of the court based on such living wage as last previously declared is in force, the following consequences shall ensue :—

(*a*) Every weekly wages price or rate prescribed by or pursuant to that award or order for adult male employees shall be increased or decreased by the amount of the increase or decrease in the weekly living wage ; and every wages price or rate so prescribed for any other period shall be increased or decreased by an amount which bears the same proportion to the amount of the increase or decrease in the weekly living wage as the period for which such wages price or rate is prescribed bears to the normal working week in the particular industry or calling : Provided that every annual salary so prescribed shall be increased or decreased by fifty-two and one-sixth times the amount of the increase or decrease in the weekly living wage :

(*b*) Every wages price or rate prescribed by or pursuant to that award or order for male apprentices, male improvers, or male juvenile workers, shall be increased or decreased as nearly as practicable by an amount bearing the same ratio to that wages price or rate as the amount of the increase or decrease in the living wage bears to the living wage prior to the increase or decrease, or by the amount by which that wages price or rate would be increased or decreased if increased or decreased in accordance with paragraph (*a*) of this subsection, whichever of such amounts is less :

(*c*) Notwithstanding any other provision of this subsection, where an annual salary if increased or decreased in accordance with a preceding paragraph of this subsection, would be an amount ending with a fraction of a shilling such salary shall be increased or decreased to that amount omitting that fraction, and where a weekly wages price or rate if so increased or decreased would be an amount other than a multiple of threepence, that wages price or rate shall be increased or decreased to the nearest multiple of three pence:

(*d*) That award or order shall be read and construed for all purposes as if it had been altered by the court in accordance with the preceding paragraphs of this subsection and the increased or decreased rates shall be payable as from the day when the increase or decrease comes into force until a different living wage comes into force, or until the award or order is otherwise altered or ceases to operate:

(*e*) The provisions of this section shall operate notwithstanding any other provision of this Act.

(2) Subsection (3) of section 45 of the principal Act is repealed.

Amendment of s. 46 of the principal Act—Consequential amendments.

6. Section 46 of the principal Act is amended—

(*a*) by striking out the words "When the Board of Industry by a determination increases or decreases" in the first and second lines and inserting in lieu thereof the words "When an increase or decrease occurs (whether by reason of a determination of the Board of Industry or a quarterly computation under this Act) in":

(*b*) by striking out the words "and piecework prices or rates" in the fourth line:

(*c*) by striking out the words "or piecework" in the fourteenth line.

Amendment of s. 46c of principal Act—Interpretation of term "based on".

7. Section 46c of the principal Act is amended by adding at the end thereof the following subsection, the previous part of section 46c being read as subsection (1) thereof:—

(2) A living wage as computed by any quarterly computation under this Act shall be deemed to be current within the meaning of this section as from the first day of the second month of the quarter in which it comes into operation.

8. Section 169 of the principal Act is amended—

Amendment of s. 169 of principal Act—Consequential amendment.

(*a*) by substituting for the words " a living wage " at the end of subsection (1) the words " the living wage for the time being in force for those employees " :

(*b*) by striking out subsection (2) thereof.

9. (1) Section 194 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

Amendment of s. 194 of the principal Act—Variation of determinations in accordance with variations in living wage.

(1) When an increase or decrease occurs in the living wage for adult male employees (whether by reason of a determination of the Board of Industry or a quarterly computation under this Act), and the living wage as so increased or decreased applies in the whole or a substantial part of any area in which a determination of an industrial board based on such living wage as last previously declared is in force the following consequences shall ensue :—

(*a*) Every weekly wages price or rate prescribed by or pursuant to that determination of an industrial board for adult male employees shall be increased or decreased by the amount of the increase or decrease in the weekly living wage ; and every wages price or rate so prescribed for any other period shall be increased or decreased by an amount which bears the same proportion to the amount of the increase or decrease in the weekly living wage as the period for which such wages price or rate is prescribed bears to the normal working week in the particular industry or calling : Provided that every annual salary so prescribed shall be increased or decreased by fifty-two and one-sixth times the amount of the increase or decrease in the weekly living wage :

(*b*) Every wages price or rate prescribed by or pursuant to that determination of an industrial board for male apprentices, male improvers or male juvenile workers shall be increased or decreased as nearly as practicable by an amount bearing the same ratio to that wages price or rate as the amount of the increase or decrease in the living wage bears to the living wage prior to the increase or decrease, or by the amount by which such wages price or rate

would be increased or decreased if increased or decreased in accordance with paragraph (*a*) of this subsection, whichever of such amounts is less :

(*c*) Notwithstanding any other provision of this subsection, where an annual salary, if increased or decreased in accordance with a preceding paragraph of this subsection, would be an amount ending with a fraction of a shilling such salary shall be increased or decreased to that amount omitting that fraction, and where a weekly wages price or rate if so increased or decreased would be an amount other than a multiple of three pence, that wages price or rate shall be increased or decreased to the nearest multiple of three pence :

(*d*) That determination of an industrial board shall be read and construed for all purposes as if it had been altered by the industrial board in accordance with the preceding paragraphs of this subsection and the increased or decreased rates shall be payable as from the day when the increase or decrease comes into force until a different living wage comes into force or until the determination of the industrial board is otherwise altered, or ceases to operate :

(*e*) The provisions of this section shall have effect notwithstanding any other provision of this Act.

(2) Subsection (3) of section 194 of the principal Act is repealed.

Consequential amendment of s. 195 of principal Act.

10. Section 195 of the principal Act is amended—

(*a*) by striking out the words " When the Board of Industry by a determination increases or decreases " in the first and second lines and inserting in lieu thereof the words " When an increase or decrease occurs (whether by reason of a determination of the Board of Industry or a quarterly computation under this Act) in " :

(*b*) by striking out the words " and piecework prices or rates " in the fourth line :

(*c*) by striking out the words " or piecework " in the thirteenth and fourteenth lines.

Amendment of s. 195b of the principal Act—

Interpretation of term "based on".

11. (1) Section 195b of the principal Act is amended by adding at the end thereof the following subsection, the previous part of section 195b being read as subsection (1) thereof:—

(2) A living wage as computed by any quarterly computation under this Act shall be deemed to be current within the meaning of this section as from the first day of the second month of the quarter in which it comes into operation.

Enactment of s. 264a of principal Act—

Weekly living wages to be declared.

12. The following section is enacted and inserted in the principal Act after section 264 thereof:—

264a. (1) Every living wage declared by the Board of Industry after the passing of the Industrial Code Amendment Act, 1949, shall be a weekly living wage.

(2) For purposes of this Act, a weekly living wage of six pounds five shillings for adult male employees in the metropolitan area shall be deemed to have been declared by a determination of the Board of Industry and to be in force at the time of the passing of the Industrial Code Amendment Act, 1949.

Enactment of s. 269a of principal Act—

Quarterly computation of living wage.

13. The following section is enacted and inserted in the principal Act after section 269 thereof:—

269a. (1) In this section—

"quarter" means period of three calendar months commencing on the first day of January, the first day of April, the first day of July or the first day of October.

"the amount of the automatic increase or decrease in the Commonwealth basic wage" means—

(*a*) for the purpose of computing a living wage for adult male employees—the amount certified by the President of the Board of Industry pursuant to this section to be the amount by which the Commonwealth basic wage per week for males for Adelaide is generally automatically increased or decreased on index numbers in the particular quarter in accordance with awards applying in Adelaide and made under the Commonwealth Conciliation and Arbitration Act, 1904-1949;

(*b*) for the purpose of computing a living wage for adult female employees—seven-twelfths of the amount referred to in paragraph (*a*) of this definition.

(2) In the quarter commencing on the first day of January, nineteen hundred and fifty and in each subsequent quarter the living wages to come into operation during that quarter as hereinafter provided in this section shall be computed by increasing or decreasing the corresponding living wages for the previous quarter by the amount (if any), of the automatic increase or decrease in the Commonwealth basic wage.

For the purposes of this section only, the weekly living wage for adult male employees for the quarter ended on the thirty-first of December, nineteen hundred and forty-nine, shall be deemed to be six pound six shillings ".

(3) A living wage, as computed under the preceding subsection, shall come into operation as regards any employees covered by awards and determinations thereby affected on and from the first day of the first pay period of those employees commencing in the second month of the quarter in which the computation is made.

(4) The President of the Board of Industry shall as soon as is practicable in each quarter prepare and publish in the *Gazette* a certificate stating the amount by which the Commonwealth basic wage per week for males for Adelaide is generally automatically increased or decreased on index numbers in that quarter in accordance with awards applying in Adelaide and made under the Commonwealth Conciliation and Arbitration Act, 1904-1949. If there is no such increase or decrease the certificate shall state that fact.

(5) The provisions of this Act (other than sections 46b and 195a) as to the consequences which ensue upon an increase or decrease in a living wage shall apply when a living wage is increased or decreased by the operation of this section.

(6) This section shall not affect the power of the Board of Industry to declare any living wage at any time in accordance with the other provisions of this Part, but every living wage so declared shall be subject to quarterly adjustment (if any) under this section.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 66 of 1949.

An Act to provide for the establishment of an Advisory Council on Health and Medical Services, for the appointment of a Director-General of Public Health and a Director of Tuberculosis, and for other purposes.

[*Assented to 8th December,* 1949.]

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 "Health and Medical Services Act, 1949".

Interpretation.

2. In this Act, unless the context otherwise requires—

"appointed member" means a member of the council appointed as such by the Governor :

"the council" means the Advisory Council on Health and Medical Services established by this Act :

"the Minister" means the Minister of Health or any Minister for the time being acting in the office of Minister of Health :

"the chairman" means the chairman of the council :

"member" means member of the council.

Establishment of council.

3. (1) There shall be established a body to be called "The Advisory Council on Health and Medical Services".

(2) The council shall consist of seven members, one of whom shall be appointed by the Governor to be chairman of the council.

Members of council.

4. The members of the council shall be—

(*a*) the Director-General of Public Health;

(*b*) the Director-General of Medical Services;

(*c*) the Principal Medical Officer of the Education Department;

(*d*) the Superintendent of Mental Institutions;

(*e*) the Director of Tuberculosis;

(*f*) a medical practitioner appointed by the Governor on the nomination of the South Australian branch of the British Medical Association;

(*g*) a woman medical practitioner appointed by the Governor.

Term of office.

5. (1) The Director-General of Public Health, the Director-General of Medical Services, the Principal Medical Officer of the Education Department; the Superintendent of Mental Institutions and the Director of Tuberculosis shall be members of the council so long as they respectively hold the offices indicated by their official titles.

(2) Each member of the council appointed by the Governor shall hold office until the thirtieth day of June in the fourth year after the year in which he was appointed.

(3) If at the expiration of the term of office of an appointed member his successor has not been appointed that member shall remain in office until his successor is appointed.

(4) A person appointed to a casual vacancy on the council shall hold office for the balance only of the term of the person in whose place he was appointed.

Casual vacancies.

6. If an appointed member—

(*a*) dies;

(*b*) resigns by written notice given to the Minister;

(*c*) ceases to reside in South Australia;

(*d*) becomes bankrupt, makes an assignment of his property, or executes a deed of arrangement for the benefit of his creditors, or makes a composition with his creditors for less than twenty shillings in the pound;

(*e*) absents himself without permission of the council from four consecutive meetings of the council and is declared by resolution of the council to have forfeited his seat;

(*f*) is removed from the council by the Governor pursuant to this Act,

his seat shall become vacant.

Temporary appointments.

7. The Governor may appoint a person to act temporarily as chairman or as a member of the council—

(*a*) in the place of the chairman or a member who is temporarily unable to act as such ;

(*b*) if a casual vacancy occurs on the council and the Governor considers it inexpedient to make a permanent appointment thereto forthwith.

Removal of members.

8. The Governor may remove any appointed member of the council from his office for insanity, neglect of duty, incapacity, dishonourable conduct, or other cause deemed sufficient by the Governor.

Remuneration of members.

9. The members of the council shall be entitled to receive out of money voted by Parliament for the purposes of this Act, payment for their services and travelling allowances at rates approved by the Governor.

Validity of acts of council.

10. An act or proceeding of the council shall not be invalid or illegal solely because—

(*a*) at the time of the act or proceeding the office of any member was vacant ; or

(*b*) it is subsequently discovered that there was a defect in the appointment or qualification of any member.

Quorum and procedure.

11. (1) Four members of the council shall constitute a quorum for the transaction of business.

(2) The decision of a majority of the members at a duly convened meeting of the council shall be deemed to be a decision of the whole council.

(3) The practice and procedure at meetings of the council shall be such as the council determines by resolution.

(4) Subject to any resolution of the council all points of order arising at a meeting shall be decided by the chairman.

Functions of the council.

12. (1) The Minister may refer to the council for investigation and report—

(*a*) any question relating to health, hospitals, medical services, the training and employment of any

classes of persons whose work relates to the promotion of health or to the treatment of disease or abnormality of the human body ;

(*b*) any proposals for new legislation relating to any of the matters hereinbefore referred to ;

(*c*) any matter incidental to any matter hereinbefore referred to.

(2) It shall be the duty of the council to inquire into all matters referred to it pursuant to this Act and to report thereon to the Minister.

(3) In this section " medical services " includes treatment by medical practitioners, dentists, opticians, and physiotherapists, and the facilities for such treatment, and any other treatment for remedying disease or abnormality of the human body, and any measures for safeguarding public health.

Power of the council.

13. For the purpose of conducting any investigation and preparing any report pursuant to this Act the council shall be deemed to be a royal commission within the meaning of the Royal Commissions Act, 1917, and the chairman of the council and the members of the council shall respectively be deemed to be the chairman and members of a Royal Commission, and the Royal Commissions Act, 1917, shall apply in relation to the commission and its inquiries.

The Director-General of Public Health.

14. (1) The Governor may appoint a Director-General of Public Health.

(2) The Director-General of Public Health—

(*a*) may be a full-time officer of the public service, or a part-time officer ;

(*b*) shall hold office for such period and on such terms and conditions as are fixed by the Governor.

(3) The person holding office as chairman of the Central Board of Health at the time of the passing of this Act shall be the first Director-General of Public Health and shall be deemed to have been appointed to that office by the Governor pursuant to this section.

(4) The Director-General of Public Health shall exercise and perform such functions and duties relating to the safeguarding and promotion of public health as are directed by the Minister or required by law.

Director of Tuberculosis.

15. (1) The Governor shall appoint a Director of Tuberculosis, and shall from time to time make such appointments as are necessary to fill vacancies occurring in the office of Director of Tuberculosis.

(2) The Director of Tuberculosis shall be a full-time officer of the public service and shall be subject to the Public Service Act, 1936-1949, and shall not engage in private practice as a medical practitioner.

(3) The Director of Tuberculosis shall exercise and perform such functions and duties relating to the prevention, diagnosis, treatment and control of tuberculosis as are directed by the Minister or prescribed by law.

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

C. W. M. NORRIE, Governor.

ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

****

No. 67 of 1949.

An Act to amend the Food and Drugs Act, 1908-1943.

[*Assented to 8th December,* 1949.]

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

Short titles.

1. (1) This Act may be cited as the "Food and Drugs Act Amendment Act, 1949".

(2) The Food and Drugs Act, 1908-1943, as amended by this act, may be cited as the "Food and Drugs Act, 1908-1949".

(3) The Food and Drugs Act, 1908-1943, is hereinafter referred to as to "the principal Act".

Amendment of principal Act, s. 15—Contributions to county board.

2. Section 15 of the principal Act is amended by striking out the word "farthing" in the fifth line of paragraph (*c*) of subsection (8) thereof and by inserting in lieu thereof the word "halfpenny".

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

C. W. M. NORRIE, Governor.

Acts reprinted pursuant to the Amendments Incorporation Act, 1937

CONSTITUTION ACT, 1934-1949

LANDLORD AND TENANT (CONTROL OF RENTS) ACT, 1942-1949

PUBLIC SERVICE ACT, 1936-1949

With notes of judicial decisions affecting sections of the reprinted Acts

The Constitution Act, 1934-1961, including all amendments passed to the end of 1961 and notes of judicial decisions, is reprinted in the Annual Volume, 1961, at page 305.

CONSTITUTION ACT, 1934-1949.

BEING

CONSTITUTION ACT, 1934, No. 2151 OF 1934
[ASSENTED TO 18TH OCTOBER, 1934.]

AS AMENDED BY

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935
[ASSENTED TO 19TH DECEMBER, 1935.]

CONSTITUTION ACT AMENDMENT ACT, 1936, No. 2336 OF 1936
[ROYAL ASSENT PROCLAIMED 25TH MARCH, 1937.]

CONSTITUTION ACT AMENDMENT ACT, 1937, No. 2381 OF 1937
[ROYAL ASSENT PROCLAIMED 30TH MARCH, 1938.]

CONSTITUTION ACT AMENDMENT ACT, 1939, No. 48 OF 1939
[ROYAL ASSENT PROCLAIMED 28TH MARCH, 1940.]

CONSTITUTION ACT AMENDMENT ACT (No. 2), 1939, No. 49 OF 1939
[ROYAL ASSENT PROCLAIMED 28TH MARCH, 1940.]

CONSTITUTION ACT AMENDMENT ACT, 1940, No. 31 OF 1940
[ASSENTED TO 21ST NOVEMBER, 1940.]

CONSTITUTION ACT AMENDMENT ACT, 1942, No. 8 OF 1942
[ASSENTED TO 22ND OCTOBER, 1942.]

CONSTITUTION ACT AMENDMENT ACT, 1943, No. 41 OF 1943
[ROYAL ASSENT PROCLAIMED 27TH MARCH, 1944.]

CONSTITUTION ACT AMENDMENT ACT, 1947, No. 19 OF 1947
[ASSENTED TO 6TH NOVEMBER, 1947.]

AND

PUBLIC FINANCE ACT, 1949, No. 48 OF 1949
[ASSENTED TO 1ST DECEMBER, 1949.]

An Act to consolidate certain laws relating to the Constitution of the State, and for other purposes incidental thereto.

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. This Act may be cited as the "Constitution Act, 1934-1949," and shall come into operation on a day to be fixed by proclamation.

Short title and commencement.

s. 1. This Act was proclaimed to commence on 1st January, 1935: *Gazette* 20th December, 1934, p. 1217.

Repeal.

2. The Acts set out in the first schedule are repealed to the extent shown in that schedule.

Division of Act.

3. This Act is divided into Parts as follows:—

PART I.—Preliminary: sections 1-3.

PART II.—The Legislature: sections 4-64.

PART III.—The Executive: sections 65-73.

PART IV.—The Judiciary: sections 74 and 75.

PART II.

PART II.

THE LEGISLATURE.

General Provisions.

Constitution of the Parliament.
2, 1855-6, s. 1.

4. There shall be a Legislative Council and a House of Assembly which shall be called the Parliament of South Australia, and shall be constituted in the manner provided by this Act.

Powers of the Parliament.
2, 1855-6, s. 1.

5. The Legislative Council and House of Assembly shall have and exercise all the powers and functions formerly exercised by the Legislative Council constituted pursuant to section 7 of the Act of the Imperial Parliament, 13 and 14 Victoria, Chapter 59, entitled "An Act for the better Government of Her Majesty's Australian Colonies."

Place and time for holding Sessions of Parliament.
2, 1855-6, s. 2.

6. (1) The Governor may—

(*a*) fix such places and times for holding every session of the Parliament as he thinks fit:

(*b*) from time to time change any such place or time as he judges advisable and most consistent with general convenience and the public welfare:

(*c*) prorogue the Parliament from time to time:

(*d*) dissolve the House of Assembly by proclamation or otherwise whenever he deems it expedient:

Provided that this section shall not authorise the Governor to dissolve the Legislative Council.

(2) The Governor shall give sufficient notice of the time and place fixed for holding every session of Parliament, and of any change thereof.

Sessions of Parliament.
2, 1855-6, s. 3.

7. There shall be a session of the Parliament once at least in every year; so that a period of twelve calendar months

shall not intervene between the last sitting of the Parliament in one session and the first sitting of the Parliament in the next session.

Power of Parliament to alter this Act. 2, 1855-6, s. 34.

8. The Parliament may, from time to time, by any Act, repeal, alter, or vary all or any of the provisions of this Act, and substitute others in lieu thereof: Provided that—

(*a*) it shall not be lawful to present to the Governor, for His Majesty's assent, any Bill by which an alteration in the constitution of the Legislative Council or House of Assembly is made, unless the second and third readings of that Bill have been passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Council and of the House of Assembly respectively:

(*b*) every such Bill which has been so passed shall be reserved for the signification of His Majesty's pleasure thereon.

Privileges of Parliament. 2, 1855-6, s. 35.

9. The Parliament may, by any Act, define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and House of Assembly, and by the members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those held, enjoyed, and exercised on the twenty-fourth day of October, eighteen hundred and fifty-six, by the House of Commons, or the members thereof.

Relative powers of Houses of Parliament. 1148, 1913, s. 26.

10. Except as provided in the sections of this Act relating to money Bills, the Legislative Council shall have equal power with the House of Assembly in respect of all Bills.

The Legislative Council.

Number of members of Legislative Council. 1148, 1913, s. 7 (2).

11. The Legislative Council shall consist of twenty members, who shall be elected by the inhabitants of the State legally qualified to vote.

Qualification of member of Legislative Council. 2, 1855-6, s. 5.

12. No person shall be capable of being elected a member of the Legislative Council unless—

(*a*) he is at least thirty years of age; and

(*b*) he is a British subject or legally made a denizen of the State; and

(*c*) he has resided in the State for at least three years.

Term of service of Legislative Councillors. 959, 1908, s. 10.

13. Subject to the provisions contained in this Act as to the dissolution of the Legislative Council, every member of the Council, except a member elected to fill a casual vacancy, shall occupy his seat for the term of six years at least, calculated as from the first day of March of the year in which he was last elected, and for such further period as is provided for in the next succeeding section: Provided that—

(*a*) if the seat of any member of the Council becomes vacant by death, resignation, or otherwise before the expiration of his term of service, and a member is returned for the district in which the vacancy occurred, he shall hold office only for the unexpired term of the member whose seat has been vacated, and shall, for the purpose of retirement, be deemed to have been elected at the time when the last-mentioned member was elected or deemed to be elected:

(*b*) where two or more members are so returned at the same time to fill vacated seats of unequal terms he who at the count of votes first received an absolute majority of votes shall hold the seat which has the longest term to run, and so on, and in the event of a tie the matter shall be determined by lot.

Periodical retirement of Legislative Councillors. 959, 1908, s. 11. 1148, 1913, s. 13.

14. Whenever the House of Assembly is dissolved by the Governor, or expires by effluxion of time, those members of the Legislative Council, not exceeding two for any Council district, who have completed the minimum term of service provided by the preceding section shall retire and vacate their seats, and, subject to the provisions of this Act as to deadlocks, an election to supply the vacancies so created shall take place on the day of the next general election of the House of Assembly.

Order of retirement. 959, 1908, s. 12. 1148, 1913, s. 14.

15. The periodical retirement of members of the Legislative Council under the provisions of the last preceding section shall be determined as follows:—

1. The members retiring in each Council district shall be those who have represented the district for the longest time, calculated from the date of their last election, and if, in accordance with the last preceding section, two members are to retire and there are not two who have represented the district for such longest time, then the two members to retire shall be the one who has represented the district for the longest time, calculated as aforesaid, and the

member or one of the members who has or have represented the district for the next longest time, calculated as aforesaid:

II. If two or more members have represented the same Council district for an equal time, calculated as aforesaid, the order of retirement as between them shall be determined by the order in which at the count of votes at their election they respectively received an absolute majority of votes, so that he who last received an absolute majority of votes shall retire first and so on. If their position is equal in this respect, or if no poll was taken, the order of retirement between them shall be determined by lot:

III. The Legislative Council shall keep a roll of its members, containing all particulars necessary for the application of the foregoing rules as to their periodical retirement.

Resignation of Legislative Councillors. 2, 1855-6, s. 11. 659, 1908, s. 24.

16. (1) Any member of the Legislative Council may resign his seat in the Council by writing under his hand, addressed to the President of the Council, and delivered to the President forthwith after the signing thereof, and upon the receipt of such resignation by the President the seat of the member shall become vacant.

(2) If there is a vacancy in the office of the President of the Legislative Council, or if the President is absent from the State or incapacitated from performing the duties of his office the resignation may be delivered to the Governor, and when so delivered, shall have the same effect as if delivered to the President.

Vacation of seat in Council. 2, 1855-6, s. 12. 959, 1908, s. 19. **Amended by 19, 1947, s. 3.**

17. If any member of the Legislative Council—

(*a*) without permission of the Council fails for twelve sitting days consecutively of any session of the Council to give his attendance therein; or

(*b*) takes any oath or makes any declaration or act of acknowledgment or allegiance to any foreign prince or power; or

(*c*) does, concurs in, or adopts any act whereby he may become a subject or citizen of any foreign state or power; or

Cf. U.K., 52, Geo. 3, c. 144.

(*d*) becomes bankrupt; or

(*e*) takes the benefit of any law relating to insolvent debtors; or

(*f*) becomes a public defaulter; or

(*g*) is attainted of treason; or

(*h*) is convicted of a felony or any infamous crime; or

Cf. U.K., 49 & 50, Vict., s. 16.

(*i*) becomes of insane mind,

his seat in the Council shall thereby become vacant.

Concurrent writs of Governor and President. 1959, 1908, s. 22.

18. (1) Whenever a casual vacancy occurs in the Legislative Council at or near the time when the Governor is issuing, or is about to issue, a writ or writs for periodical or other elections of members of the Council, and the casual vacancy is to be filled, the President shall in his writ for filling that vacancy fix, if practicable, the same days for nomination and polling respectively as are fixed by the Governor in the writ or writs issued by him.

(2) The elections so ordered for the same day shall in each district be conducted as one election for all the members to be so elected therein, one and the same form of voting paper being used for all voters; and the Returning Officer shall indorse upon the writ issued by the Governor the names of the elected candidates who, being the number therein required, first obtained an absolute majority of votes, and the names of the remaining elected candidate or candidates he shall indorse upon the writ issued by the President. If two or more elected candidates obtain an absolute majority of votes at the same time the Returning Officer shall, by drawing lots, decide which of such candidates is to be deemed, for the purpose of this section, to have first obtained an absolute majority and which next, and so on as the case requires.

Council districts. 1148, 1913, s. 9.

19. The State is hereby divided for the purpose of electing members of the Legislative Council into five Council districts, which shall respectively—

(*a*) be distinguished by the names, and

(*b*) return the number of members, and

(*c*) comprise the Assembly districts,

set forth in the second schedule to this Act.

Qualifications of electors for Council elections. 1148, 1913, s. 17. 1335, 1918, s. 3. Amended by 31, 1940, s. 3, and 41, 1943, s. 3.

20. (1) Subject to the next three succeeding sections, the following persons, and no others, shall be entitled to vote at the election of members of the Legislative Council, namely:—

1. Any person who has a freehold estate in possession, either legal or equitable, in any land situate within the State, which estate is of the clear value of at least fifty pounds above all charges and encumbrances affecting the same:

II. Any person who has a leasehold estate in possession, in any land situate within the State, which estate is of the clear annual value of at least twenty pounds:

Provided that the lease thereof—

(*a*) has been registered in the Lands Titles Registration Office or the General Registry Office for the registration of deeds, and

(*b*) was, when granted, for a term of not less than three years, or contains a clause authorising the lessee to become the purchaser of the land thereby demised;

III. Any person who is registered, in the Lands Titles Registration Office or the General Registry Office for the registration of deeds, as the proprietor of a lease from the Crown of land situate within the State, upon which land there are improvements to the value of at least fifty pounds, which improvements are the property of such person; and

IV. any person who is an inhabitant occupier, as owner or tenant, of any dwelling-house: Provided that no person shall be entitled to vote by reason of being a joint occupier of any dwelling-house.

(2) When a person inhabits any dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom the first-mentioned person serves in such office, service, or employment, the first-mentioned person shall be deemed, for the purposes of subdivision IV. of subsection (1) hereof to be an inhabitant occupier of such dwelling-house as a tenant.

(3) A person shall not be deemed to be an inhabitant occupier of a dwelling-house unless he, or some member of his family, ordinarily sleeps and has meals therein; and he shall not necessarily be deemed to be an inhabitant occupier thereof by reason only of the fact that he, or some member of his family, ordinarily sleeps and has his meals therein.

(4) In this section the term "dwelling-house" means any structure of a permanent character, being a fixture to the soil, which is ordinarily capable of being used for human habitation and includes part of a building when that part is separately occupied as a dwelling: Provided that when a dwelling-house is only part of a building and any other part thereof is in the occupation as a dwelling of some person

other than the occupier of the first-mentioned part, the first-mentioned part shall not be a dwelling-house within the meaning of this section, unless it is structurally severed from such other part of the building, and there is no direct means of access between such parts.

(5) For the purposes of this section, the following persons only shall be deemed to be members of a family:—Husband, wife, father, mother, grand-father, grand-mother, step-father, step-mother, son, daughter, grand-son, grand-daughter, step-son, step-daughter, brother, sister, half-brother, half-sister.

(6) In this section the term "improvements" means substantial and permanent improvements, consisting of buildings, fencing, dams, tanks, wells, or reservoirs, or clearing, or drainage, or irrigation works.

Legislative Council franchise based on war service.
Inserted by 41, 1943, s. 4.

20a. (1) Subject to the next two succeeding sections, the following persons shall also be entitled to vote at the election of members of the Legislative Council, namely:—

I. Any person who is or has been a member of a naval, military, or air force of the Commonwealth during any war in which the Commonwealth is or has been engaged and who—

(*a*) voluntarily enlisted in that force; or

(*b*) whether he voluntarily enlisted or not, served in that force outside the Commonwealth, or in an evacuated area:

II. Any person who is or has been a member of a naval, military, or air force of any other part of His Majesty's Dominions during a war in which His Majesty is or has been engaged and who during that war served in that force outside the part of His Majesty's Dominions in which the force was raised:

III. Any person who during a war in which the Commonwealth is or has been engaged was domiciled in any State of the Commonwealth and whilst so domiciled is or has been employed in any capacity in sea-going service on a ship other than a ship belonging to a Navy.

(2) A person shall not be entitled to vote by virtue of this section—

(*a*) if he has been discharged from service in the naval, military, or air force, or from his employment on a ship because of his own default or misconduct;

(*b*) unless he is enrolled on the roll for a subdivision of a council district;

(*c*) unless he is a British subject.

(3) A person who, if enrolled, would be entitled to vote by virtue of this section, shall be entitled to be enrolled on the roll for a subdivision of a council district—

(*a*) if he has lived in that subdivision continuously for at least one month immediately before his claim for enrolment; or

(*b*) in the case of a person who at the time of his claim for enrolment is on service as a member of a naval, military, or air force, if he had lived in that subdivision continuously for at least one month immediately before commencing service in that force.

(4) The expression "evacuated area" when used in this section in relation to any service shall mean an area from which at the time of the service the civil population was evacuated pursuant to the order of a Minister of the Crown or an officer of a naval, military, or air force.

Disqualifications for voting for Council.

1148, 1913, s. 17 (Pt) and s. 18. 1929, 1929, s. 192. Cf. U.K., 7 & 8, Will. 3, c. 25, s. 7.

Amended by 41, 1943, s. 5.

21. No person shall be entitled to vote at an election for a member or members of the Legislative Council unless—

(*a*) he is at least twenty-one years of age:

(*b*) he is a British subject:

(*c*) he is an inhabitant of the State:

(*d*) he has resided in the State at least six months prior to the registration of his electoral claim:

(*e*) he is at the time of the election registered on the electoral roll for the Council district in which the election is held:

Provided that the requirements as to age and six months' residence in the State shall not apply to any person entitled to vote by reason of war service or service in a ship as provided in the preceding section.

Disqualifications for voting for Council.

Substituted by 41, 1943, s. 6.

22. No person who is of unsound mind and no person attainted of treason, or who has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's Dominions by imprisonment for one year or longer shall be entitled to vote at any election for a member or members of the Legislative Council.

Election of President of Legislative Council.
2, 1855-6, s. 7.

23. (1) The Legislative Council shall, at its first meeting, and before proceeding to the dispatch of any other business, elect some member of the Council to be the President thereof, and as often as the place of the President becomes vacant by death, resignation, vacation of seat, or removal by a vote of the Council, the Council shall again elect some other member to be the President thereof.

(2) The President so elected shall preside at all meetings of the Council.

(3) The election of the President of the Council shall be notified to the Governor by a deputation of the Council.

Absence of President.
2, 1855-6, s. 9.

24. If the President of the Legislative Council is absent in consequence of leave of absence granted to him by the Council, or of illness, or other unavoidable cause, the Council may choose some other member of the Council to fill temporarily the office and perform the duties of the President during his absence.

Continuance of President in office after dissolution or retirement.
496, 1890, ss. 1 and 3. Cf. U.K., 9 & 10, Vict., c. 77, s. 5.

25. (1) If the President of the Legislative Council vacates his seat by periodical retirement, or by reason of the dissolution of the Council, he shall nevertheless be and be deemed to be, the President of the Council until the next meeting of Parliament, unless he is not re-elected a member of the Council.

(2) This section shall not enable any person continued in the office of President by this section to preside at any meeting of the Legislative Council.

Quorum of Council.
2, 1855-6, s. 10.
959, 1908, s. 13.

26. (1) The Legislative Council shall not be competent to proceed with the dispatch of business unless there are present, including the President, or the person chosen to preside in his absence, at least ten members of the Council.

(2) All questions which arise shall be decided by a majority of the votes of those members of the Council who are present exclusive of the President, or the person chosen as aforesaid, who shall be allowed a casting vote.

The House of Assembly.

Number of members of House of Assembly.
1148, 1913, s. 8 (2).
Amended by 2236, 1936, s. 5.

27. The House of Assembly shall consist of thirty-nine members who shall be elected by the inhabitants of the State legally qualified to vote.

Term of House of Assembly.
2, 1855-6, s. 3.
959, 1908, s. 15.
2141, 1933, s. 3.
Cf. U.K., 6 & 7, Will. & Mar., c. 2, s. 1; 1, Geo. 1, Stat. 2. c. 38; 1 & 2, Geo. 5, c. 13, s. 7.
Amended by 2381, 1937, s. 3, and by 49, 1939, s. 3.

28. (1) Every House of Assembly shall continue for three years from the day on which it first meets for the dispatch of business, subject nevertheless to be sooner prorogued or dissolved by the Governor and subject to the following provisions:—

(*a*) if the said period of three years would expire between the thirtieth day of September and the first day of March next thereafter, the House of Assembly shall continue up to and including the day preceding the said first day of March and no longer:

(*b*) if the said period of three years would expire between the last day of February and the first day of October next thereafter, the House of Assembly shall cease and determine on the said last day of February.

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Subsec (2) repealed by 2381, 1937, s. 3.

Qualification of Member of House of Assembly.
2, 1855-6, s. 14.

29. Any person qualified and entitled to be registered as an elector in and for any electoral district shall be qualified and entitled to be elected a member of the House of Assembly for any electoral district.

Resignation of seats in the Assembly.
2, 1855-6, s. 23.

30. (1) Any member of the House of Assembly may resign his seat in the House by writing under his hand, addressed to the Speaker of the House, and delivered to the Speaker forthwith after the signing thereof, and upon the receipt of such resignation by the Speaker, the seat of the member shall become vacant.

(2) If there is a vacancy in the office of Speaker or if the Speaker is absent from the State or incapacitated from performing the duties of his office, the resignation may be delivered to the Governor and when so delivered shall have the same effect as if delivered to the Speaker.

Vacation of seats in the Assembly.
2, 1855-6, s. 25.
959, 1908, s. 19.
Cf. U.K., 15, Geo. 2, c. 22, s. 1.
Amended by 19, 1947, s. 4.

31. If any member of the House of Assembly—

(*a*) for twelve sitting days consecutively of any session of the House of Assembly without the permission of the House entered upon its journals fails to give his attendance in the House; or

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s. 28. The repeal of subsection (2) of section 28 took effect as from 1st March, 1938.

s. 31. STOTT v. PARKER (1939) S.A.S.R. 98. A member of the House of Assembly called meetings of his creditors under Part XI. of the Commonwealth Bankruptcy Act and those meetings resolved to accept a composition in satisfaction of claims and also resolved that the holding of the meetings should not be an act of bankruptcy. The Speaker, who had been advised that the member's seat had become vacant, withheld the salary of the member. Held, upon a petition of

(*b*) takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power; or

(*c*) does, concurs in, or adopts any act whereby he may become a subject or citizen of any foreign state or power; or

(*d*) becomes entitled to the rights, privileges, or immunities of a subject or citizen of any foreign state or power; or

Cf. U.K., 52, Geo. 3, c. 144.

(*e*) becomes bankrupt or an insolvent debtor within the meaning of the laws in force in the State relating to bankrupts or insolvent debtors; or

(*f*) becomes a public defaulter; or

(*g*) is attainted of treason; or

(*h*) is convicted of a felony or any infamous crime; or

Cf. U.K., 49 & 50, Vict., c. 16.

(*i*) becomes of unsound mind,

his seat in the House of Assembly shall thereby become vacant.

Assembly Districts. 1148, 1913, s. 10 (2) 11. Amended by 2236, 1936, s. 6.

32. (1) For the purpose of electing members of the House of Assembly, the State shall be divided into thirty-nine electoral districts, which shall respectively be distinguished by the names and comprise the portions of the State set forth in the third schedule to this Act. Each such electoral district shall return one member.

(2) Every Assembly District shall also be an electoral division of the Council District within which it is comprised.

Qualification of electors for House of Assembly. 876, 1904, s. 4. 1446, 1920, s. 53. Cf. U.K., 7 & 8, Will. 3, c. 25, s. 7. Subsection (1) substituted by 31, 1940, s. 4, and amended by 41, 1943, s. 7.

33. (1) Subject to the disqualifications set out in subsection (2) of this section, each of the following persons shall be entitled to vote at an election for a member or members of the House of Assembly if at the time of the election he is enrolled on the electoral roll for a subdivision of the Assembly district in which the election is held:

Every person who—

(*a*) is at least twenty-one years of age; and

(*b*) is a British subject; and

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s. 31. (*contd.*) right by the member for payment of his Parliamentary salary, that the petition was cognizable by the Court, but that the court had no jurisdiction to determine the matter upon which the salary depended and accordingly, that until the House of Assembly had determined whether the member was entitled to sit and vote, the Court could not adjudicate on his claim to be paid his salary.

Semble, the Commonwealth Bankruptcy Act is a law in force in South Australia relating to bankruptcy and insolvent debtors and a debtor who takes the benefit of that law is an insolvent debtor within the meaning of section 31.

(*c*) has lived continuously in the Commonwealth for at least six months and in the State for at least three months and in an Assembly sub-division for at least one month immedately preceding the date of his claim for enrolment; and

* * * * * * * * * * *

(2) No person who is of unsound mind, and no person attainted of treason, or who has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's Dominions by imprisonment for one year or longer, shall be entitled to vote at any election of members of the House of Assembly.

Assembly franchise based on war service. Inserted by 41, 1943, s. 8.

33a. (1) Subject to the disqualifications set out in subsection (2) of section 33 of this Act, the following persons shall also be entitled to vote at the election of members of the House of Assembly, namely:—

I. Any person who is or has been a member of a naval, military, or air force of the Commonwealth during any war in which the Commonwealth is or has been engaged and who—

(*a*) voluntarily enlisted in that force; or

(*b*) whether he voluntarily enlisted or not, served in that force outside the Commonwealth or in an evacuated area;

II. Any person who is or has been a member of a naval, military, or air force of any other part of His Majesty's Dominions during the war in which His Majesty is or has been engaged and who during that war served in that force outside the part of His Majesty's Dominions in which the force was raised;

III. Any person who during a war in which the Commonwealth is or has been engaged was domiciled in any State of the Commonwealth and whilst so domiciled is or has been employed in any capacity in seagoing service on a ship other than a ship belonging to a Navy.

(2) A person shall not be entitled to vote by virtue of this section—

(*a*) if he has been discharged from service in the naval, military, or air force or from his employment on a ship because of his own default or misconduct;

(*b*) unless he is a British subject;

(*c*) unless he is enrolled on the roll for a subdivision of an Assembly district.

(3) A person who, if enrolled would be entitled to vote by virtue of this section shall be entitled to be enrolled on the roll for a subdivision of an Assembly district:—

(*a*) if he has lived in that subdivision continuously for at least one month immediately before his claim for enrolment; or

(*b*) in the case of a person who at the time of his claim for enrolment is on service as a member of a naval, military, or air force, if he had lived in that subdivision continuously for at least one month immediately before commencing service in that force.

(4) The expression "evacuated area" when used in this section in relation to any service shall mean an area from which, at the time of the service, the civil population was evacuated pursuant to the order of a Minister of the Crown or an officer of a naval, military, or air force.

Election of the Speaker.
2, 1855-6, s. 19.

34. (1) The members of the House of Assembly shall, upon the first assembling after every general election, proceed forthwith to elect one of their number to be Speaker, and in case of his death, resignation, or removal by a vote of the House, the said members shall forthwith proceed to elect another of their number to be Speaker.

(2) The Speaker so elected shall preside at all meetings of the House of Assembly.

(3) The election of the Speaker shall be forthwith notified to the Governor by a deputation of the House.

Absence of Speaker.
2, 1855-6, s. 20.
Cf. U.K. 18 & 19, Vict., c. 84.

35. If the Speaker of the House of Assembly is absent in consequence of leave of absence granted to him by the House, or of illness or other unavoidable cause, the House may choose some other member of the House to fill temporarily the office and perform the duties of the Speaker during his absence.

Continuance in office of Speaker and Chairman of Committees after dissolution.
496, 1890, ss. 2, 3.
Cf. U.K. 9 & 10, Vict., c. 77, s. 5.

36. (1) In case of any dissolution of Parliament the Speaker of the House of Assembly at the time of the dissolution shall be, and shall be deemed to be, the Speaker of the House until the first meeting of the new Parliament, unless he is not re-elected a member of the House; and the Chairman of Committees at the time of the dissolution shall be, and shall be deemed to be, the Chairman of Committees until

the first meeting of the new Parliament, unless he is not re-elected a member of the House.

(2) This section shall not enable any person continued in the office of Speaker by this section to preside at any meeting of the House of Assembly.

Quorum; division; casting vote.
2, 1855-6, s. 21.
959, 1908, s. 14.
1029, 1910, s. 9.

37. (1) The House of Assembly shall not be competent to proceed with the dispatch of business unless there are present, including the Speaker or the person chosen to preside in his absence, at least fifteen members of the House.

(2) All questions which arise in the House of Assembly shall be decided by the majority of votes of the members present, other than the Speaker or person aforesaid.

(3) When the votes are equal the Speaker or person aforesaid shall have the casting vote.

Both Houses of Parliament.

Privileges, powers, etc., of Council and Assembly.
14, 1872, s. 1.
Stat. 1603, 1, Jac. 1, s. 13.

38. The privileges, immunities, and powers of the Legislative Council and House of Assembly respectively, and of the committees and members thereof respectively, shall be the same as but no greater than those which on the twenty-fourth day of October, eighteen hundred and fifty-six, were held, enjoyed, and exercised by the House of Commons and by the committees and members thereof, whether such privileges, immunities, or powers were so held, possessed, or enjoyed by custom, statute, or otherwise.

Privilege against legal proceedings abolished.
430, 1888.
Cf. U.K. 10, Geo. 3, c. 50, ss. 1, 2.

39. No member of the Parliament shall be entitled to set up or claim any of the privileges, immunities, or powers to which he may be entitled by virtue of the last preceding section, as against any summons, subpoena, writ, order, process, or proceeding whatsoever issued by any court of law within the said province: Provided that—

(*a*) no writ of *capias ad satisfaciendum* shall be executed or put into effect against any such member during any session of Parliament or within ten days prior to the meeting thereof; and

(*b*) no member shall be liable to any penalty or process for non-attendance as a witness in any court when such non-attendance is occasioned by his attendance in his place in Parliament.

S. 38. WICKLEIN v. WARD, SWINDEN v. WARD (1880) 14 S.A.L.R. 21. Held (before the enactment of Act 430, 1888, now section 39 of this Act), that a member of Parliament was privileged from arrest for 40 days after prorogation, and for a like period before the re-assembling of Parliament.

Evidence of privileges.
14,1872, s. 2.

40. Any copy of the journals of the House of Commons printed, or purporting to be printed, by the order or printer of the House of Commons shall be received as *prima facie* evidence, without proof of its being such copy, upon any inquiry touching the privileges, immunities, and powers of the Legislative Council or House of Assembly, or of any committee or member thereof, respectively.

Settlement of deadlocks.
959, 1908, s. 21.

41. (1) Whenever—

(*a*) any bill has been passed by the House of Assembly during any session of Parliament; and

(*b*) the same bill or a similar bill with substantially the same objects and having the same title has been passed by the House of Assembly during the next ensuing Parliament; and

(*c*) a general election of the House of Assembly has taken place between the two Parliaments; and

(*d*) the second and third readings of the bill were passed in the second instance by an absolute majority of the whole number of members of the House of Assembly; and

(*e*) both such bills have been rejected by the Legislative Council or failed to become law in consequence of any amendments made therein by the Legislative Council,

it shall be lawful for but not obligatory upon the Governor within six months after the last rejection or failure—

(i.) to dissolve the Legislative Council and House of Assembly by proclamation to be published in the *Gazette*; or

(ii.) to issue writs for the election of two additonal members for each Council district.

(2) If the Legislative Council and House of Assembly are so dissolved—

(*a*) all the members of both Houses of Parliament shall thereupon vacate their seats and members shall be elected to supply the vacancies so created; and

(*b*) the order of retirement as between members of the Legislative Council elected after such dissolution shall be as provided in section 15 of this Act and one-half of such members shall retire after three years' service calculated from the first day of March of the year of their election or after such further period as is provided for in section 14.

(3) If writs for the election of additional members of the Council are issued, after the issue of such writs no vacancy whether arising before or after the issue thereof shall be filled except as may be necessary to bring the representation of the district in which the vacancy occurs to its proper number as set forth in the second schedule of this Act. Whenever there are more seats vacated by members returned for the same district than there are seats to be filled and such members' seats were of unequal tenure the seats of those members the unexpired portions of whose terms are the shorter shall be first filled.

Oath of allegiance. 959, 1908, s. 23. Cf. U.K. 29 & 30, Vict., c. 19, s. 1.

42. (1) No member of Parliament shall be permitted to sit or vote therein until he has taken and subscribed the following oath before the Governor, or before some person or persons authorised by the Governor to administer such oath:—

"I do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King GEORGE THE FIFTH as lawful Sovereign of Great Britain and Ireland, and of this State of South Australia and its Dependencies in the Commonwealth of Australia, dependent on and belonging to the said Great Britain; and that I will defend him to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against His person, crown, and dignity; and that I will do my utmost endeavour to disclose and make known to His Majesty, His heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Him, or any of them: And all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary. So HELP ME GOD !"

(2) It shall not be necessary for any member of Parliament who has taken the oath prescribed herein to take the said oath again in the event of the demise of the Crown; such oath shall be deemed to relate to the Sovereign, His heirs, and successors according to law, and the name of the Sovereign for the time being shall be substituted as occasion requires.

(3) Nothing in this section shall be deemed to affect the operation of "The Affirmations Act, 1896," which entitles

s. 42 (3). The Affirmations Act, 1896, has been repealed and superseded by the Oaths Act, 1936.

any person to make an affirmation in lieu of taking any oath required by this Act.

Determination of questions of vacancy.
2, 1855-6, s. 13.

43. Whenever any question arises respecting any vacancy in either House of Parliament it shall be heard and determined by the House in which the vacancy occurred.

Disqualification of Judges and ministers of religion.
2, 1855-6, s. 36.
Cf. U.K. 7, Geo. 2. c. 16, s. 4; 41, Geo. 3, c. 63, s. 1.

44. No Judge of any court of the State, and no clergyman or officiating minister shall be capable of being elected a member of the Parliament.

Disqualification of members holding offices of profit.
2, 1855-6, s. 17.
Cf. U.K. 5, Will. and Mar., c. 7, s. 59; 12 & 13, Will. 3, c. 10, s. 87.

45. If any member of the Parliament accepts any office of profit or pension from the Crown, during pleasure, excepting those offices which are required by this Act to be held by members of Parliament, his seat shall be thereupon and is hereby declared to be vacant.

Effect of election of disqualified person.
2, 1855-6, s. 18.
19, 1869-70, s. 6.
Cf. U.K. 15, Geo. 2, c. 22, s. 2

46. (1) If any person by this Act disabled from or declared to be incapable of voting or sitting in Parliament is, nevertheless, elected and returned as a member to serve in Parliament for any electoral district, his election and return shall be void to all intents and purposes whatsoever.

(2) If any person so elected and returned, contrary to the provisions of this Act, sits or votes as an elected member of Parliament he shall forfeit the sum of five hundred pounds, to be recovered by any person who sues for it in the Supreme Court or in any other court of record in the State having competent jurisdiction.

Crown pensioners qualified for election.
Inserted by 48, 1939, s. 3.

46a. Notwithstanding any other provision of this Act a person who has been in the employment of the Crown and has retired from that employment, and has by virtue of that employment become entitled to a pension wholly or partly paid by the Crown, shall not, by reason only of the receipt of that pension—

(*a*) be disabled from or incapable of being elected as a member of the Parliament or of sitting and voting therein; or

(*b*) be liable to any forfeiture, fine, or other disability for so sitting and voting.

Prevention of membership of both Commonwealth and State Parliaments.
790, 1902, s. 2.
731, 1899, s. 3.

47. (1) No member of either House of the Parliament of the Commonwealth shall be a member of either House of the Parliament of the State.

(2) If any member of either House of the Parliament of the State is elected a member of either House of the Parliament of the Commonwealth he shall vacate his seat in the Parliament of the State on taking his seat in the Parliament of the Commonwealth.

Franchise for women.
613, 1894, ss. 1 & 2.

48. Women shall possess and may exercise the right to vote at parliamentary elections subject to the same qualifications and in the same manner as men.

Disqualification of persons holding contracts for the Public Service.
19, 1869-70, s. 1.
Cf. U.K., 22, Geo. 3, c. 45, s. 1.

49. Any person who—

(*a*) directly or indirectly, himself or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertakes, executes, holds, or enjoys in the whole or in part any contract, agreement, or commission made or entered into with, under, or from any person or persons whatsoever, for or on account of the Government of the State; or

(*b*) knowingly and willingly furnishes or provides in pursuance of any such agreement, contract, or commission made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandise to be used or employed in the service of the public; or

(*c*) is a member of any company, or holds any office or position in any company formed for the construction of any railway, or other public work, the payment for which, or the interest on the cost of which has been guaranteed by the State,

shall be incapable of being elected, or of sitting or voting as a member of the Parliament during the time he executes, holds, or enjoys any such contract, agreement, or commission, or office, or position, or any part or share thereof, or any benefit or emolument arising from the same.

Avoidance of seat of members accepting or holding certain contracts.
19, 1869-70, s. 2.

50. If any person, being a member of the Parliament—

(*a*) directly or indirectly, himself or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enters into, accepts, agrees for, undertakes or executes in the whole or in part, any such contract, agreement, or commission as aforesaid; or

(*b*) having already entered into any such agreement or commission, or part or share of any such contract, agreement, or commission, by himself, or by any other person whatsoever in trust for him, or for his use or benefit, or upon his account, continues to hold, execute, or enjoy the same, or any part thereof,

his seat in the Parliament shall be and is hereby declared to be void.

Exemptions. 19, 1868-70, ss. 3 & 4.

51. Nothing contained in the preceding two sections shall extend—

(*a*) to persons contributing towards any loan raised for public purposes under the authority of Parliament; nor

(*b*) to the holders of any bonds issued under any Act authorising any such loan; nor

Cf. U.K., 22, Geo. 3, c. 45, s. 3.

(*c*) to any contract, agreement, or commission made, entered into, or accepted by any incorporated trading company in its corporate capacity, if that incorporated company consists of more than twenty persons, and the contract, agreement, or commission is made, entered into, or accepted for the general benefit of such incorporated company; nor

(*d*) to any contract or agreement in respect of any lease, licence, or agreement in respect to the sale or occupation of any waste lands of the Crown, or Crown lands; nor

Cf. U.K., 22, Geo. 3, c. 45, s. 6.

(*e*) to any person on whom the completion of any contract, agreement, or commission devolves by descent, or limitation, or by marriage, or as devisee, or legatee, until twelve calendar months after he has been in possession of the same; nor

(*f*) to any executor, or administrator, until three years after he has been in possession of the contract, agreement, or commission; nor

Inserted by 48, 1939, s. 4.

(*g*) to the supply or provision or any contract for the supply or provision by or to the Government or by or to any person on behalf of the Government, of any goods, chattels or services where such goods, chattels or services are supplied or provided on no better terms than those on which they are ordinarily supplied or provided to members of the public; nor

(*h*) to any loan made under any Act by the Government or by any person on behalf of the Government to any person who was not a member of the Parliament at the time when the loan was made. Inserted by 48, 1939, s. 4.

52. (1) In every such contract, agreement, or commission made, entered into, or accepted as aforesaid, there shall be inserted an express condition that no member of the Parliament be admitted to any share or part of such contract, agreement, or commission, or to any benefit to arise therefrom. Conditions to be inserted in all public contracts. 19, 1869-70, s. 5. Cf. U.K., 22, Geo. 3. c. 45, s. 10. Cf. U.K., 1, Geo. 1, Stat. 2, c. 56, s. 2.

(2) If any person who has entered into or accepted any such contract, agreement, or commission, admits any member of Parliament to any part or share thereof, or to receive any benefit thereby, he shall forfeit and pay the sum of five hundred pounds, to be recovered, with full costs of suit, by any person who sues for it in the Supreme Court, or in any other court of competent jurisdiction.

53. If any person disabled or declared by section 49 or 50 incapable of being elected, sits or votes as a member of either House of the Parliament, he shall forfeit the sum of five hundred pounds, to be recovered, with full costs of suit, by any person who sues for it in the Supreme Court or any other court of competent jurisdiction. Sitting in Parliament whilst disqualified. 19, 1869-70, s. 6. Cf. U.K., 1, Geo. 1, Stat. 2, c. 56, s. 2; 22, Geo. 3, c. 45, s. 9.

54. No person shall be liable to any forfeiture or penalty imposed by section 52 or 53 unless a prosecution is commenced within twelve calendar months after the forfeiture or penalty has been incurred. Limitations of actions. 19, 1869-70, s. 7. Cf. U.K., 22, Geo. 3, c. 45, s. 11.

54a. (1) Notwithstanding any other provision of this Act, the seat of a member of Parliament shall not be or become vacant and a member of Parliament shall not be liable to any forfeiture, fine, or other disability by reason only of the fact that— Provisions as to members of Parliamentary committees and royal commissions. Inserted by 48, 1939, s. 5.

(*a*) he accepts or holds office as the chairman or a member of any committee appointed by either House of Parliament or by both Houses of Parliament, or of any royal commission:

(*b*) as such chairman or member, he receives or is entitled to receive any salary, fees, allowances, or other emoluments.

(2) The election of any person as a member of Parliament shall not be affected by reason only of the fact that he holds any such office or receives or is entitled to receive any such salary, fees, or other emoluments.

Standing Rules and Orders.
2, 1855-6, s. 27.

55. (1) The Legislative Council and House of Assembly from time to time as there shall be occasion, shall prepare and adopt such Standing Rules and Orders as appear to the Council and Assembly respectively best adapted for—

(*a*) the orderly conduct of the Council and Assembly respectively:

(*b*) the regulation of the proceedings thereof and the dispatch of business therein:

(*c*) the manner in which the Council and Assembly shall be presided over in case of the absence of the President or Speaker:

(*d*) the mode in which the Council and Assembly shall confer, correspond, and communicate with each other relative to votes or Bills passed by or pending in the Council and Assembly respectively:

(*e*) the proper passing, intituling, and numbering of the Bills to be introduced into and passed by the Council and Assembly:

(*f*) the proper presentation of the same to the Governor for the time being, for His Majesty's assent:

Inserted by 2381, 1937, s. 4.

(*g*) the establishment of a Joint Standing Committee of both Houses to examine and report to the Council and the Assembly upon all regulations, rules, by-laws and orders (not being orders made in judicial proceedings) made pursuant to any Act of Parliament.

(2) All such rules and orders shall, by the Council and Assembly respectively, be laid before the Governor, and, being by him approved, shall become binding and of force.

Inserted by 48, 1939, s. 6.

(3) The Chairman of the Committee constituted by Standing Orders under paragraph (*g*) of subsection (1) of this section shall receive for his services as chairman, a salary at the rate of one hundred pounds a year, and each other member of the said committee shall receive for his services as member, a salary at the rate of fifty pounds a year.

The said salaries shall be in addition to any other sums payable to the chairman and members in respect of their parliamentary duties and shall be payable as from the first day of January, nineteen hundred and thirty-nine.

Inserted by 48, 1939, s. 6.

(4) The Treasurer shall by virtue of this section and without any further appropriation pay the said salaries to the person entitled thereto in twelve equal monthly payments in each year.

Governor's Message. 2, 1855-6, s. 28.

56. It shall be lawful for the Governor to transmit, by message, to the Council or Assembly, for their consideration, any amendment which he desires to be made in any Bill presented to him for His Majesty's assent, and all such amendments shall be taken into consideration, in such convenient manner, as is provided in that behalf by the standing rules and orders.

Restoration of lapsed bills. 579, 1893, ss. 1 & 2.

57. (1) When any bill has passed its second reading in either House of Parliament, but has not been finally disposed of at the close of the session, the bill shall not necessarily lapse by prorogation, but may, in the next session of the same Parliament, be restored to the stage reached in the previous session, and thereinafter proceeded with as if no prorogation had intervened.

(2) The restoration provided for in this section shall be effected by carrying a motion that the bill be restored to the notice paper; and every such motion shall be put to the vote without debate, unless otherwise provided by the standing orders of the House in which the motion is made.

Provision as to President, Speaker, and officers. 2, 1855-6, s. 37. Cf. U.K., 2 & 3, Will. 4, c. 105, s. 1.

58. (1) The salary of the President of the Legislative Council shall be at least equal to the salary of the Speaker of the House of Assembly; and the salaries and allowances of the officers of the Legislative Council shall be the same as those of the corresponding officers of the House of Assembly.

(2) The Chief Clerk for the time being of the Legislative Council, and of the House of Assembly shall respectively be removable from office only in accordance with a vote of the House in which he is an officer.

Governor's recommendation for money votes. 2, 1855-6, s. 40.

59. It shall not be lawful for either House of the Parliament to pass any vote, resolution, or bill for the appropriation of any part of the Revenue, or of any tax, rate, duty, or impost, for any purpose which has not been first recommended by the Governor to the House of Assembly during the session in which such vote, resolution, or bill is passed.

Money Bills.

Interpretation of secs. 60-63. 1148, 1913, s. 21. Cf. U.K., 1 & 2, Geo. 5, c. 13.

60. (1) In this and the next three sections the expressions "revenue," "public money," "taxation," and "loan" respectively do not include any revenue, money, taxation, or loan raised by local authorities or bodies for local purposes.

(2) For the purposes of this and the next three sections a bill, or a clause of a bill, shall not be taken to appropriate

revenue or public money, or to deal with taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences or fees for services under the proposed Act.

(3) For the purposes of the said sections a bill, or a clause of a bill, shall be taken to deal with taxation if it provides for the imposition, repeal, remission, alteration, or regulation of taxation.

(4) In the said sections—

"appropriation bill" means a bill for appropriating revenue or other public money:

"money bill" means a bill for appropriating revenue or other public money, or for dealing with taxation, or for raising or guaranteeing any loan, or for providing for the repayment of any loan:

"money clause" means a clause of a bill, which clause appropriates revenue or other public money, or deals with taxation, or provides for raising or guaranteeing any loan or for the repayment of any loan:

"previously authorised purpose" means—

(*a*) a purpose which has been previously authorised by Act of Parliament or by resolution passed by both Houses of Parliament; or

(*b*) a purpose for which any provision has been made in the votes of the Committee of Supply whereon an appropriation bill previously passed was founded.

Origin of money bills and money clauses.
1148, 1913, s. 23.

61. A money bill, or a money clause, shall originate only in the House of Assembly.

Power of Council as to money clauses.
1148, 1913, s. 24.

62. (1) The Legislative Council may not amend any money clause.

(2) Subject to subsection (3) of this section, the Council may return to the House of Assembly any bill containing a money clause with a suggestion to omit or amend such clause or to insert additional money clauses, or may send to the Assembly a bill containing suggested money clauses requesting, by message, that effect be given to the suggestion; and the Assembly may, if it thinks fit, make any omission or amendment, or insertion so suggested, with or without modifications.

(3) Subsection (2) of this section applies to a money clause contained in an appropriation bill only when such clause contains some provision appropriating revenue or other public money for some purpose other than a previously authorised purpose or dealing with some matter other than the appropriation of revenue or other public money.

(4) When, under subsection (2) of this section, the Council sends to the Assembly a bill containing suggested money clauses, such clauses shall be printed in erased type, and shall not be deemed to form part of the bill.

Restriction on contents of ordinary appropriation bill.
1148, 1913, s. 25.

63. A bill for appropriating revenue or other public money for any previously authorised purpose shall not contain any provision appropriating revenue or other public money for any purpose other than a previously authorised purpose.

Validity of Acts assented to.
1148, 1913, s. 27.

64. No infringement or non-observance of any provision of the preceding three sections shall be held to affect the validity of any Act assented to by the Governor.

PART III.

PART III.

THE EXECUTIVE.

Number of Ministers, and salaries payable.
959, 1908, s. 20.
1492, 1921, s. 3.
Amended by 19, 1947, s. 5.

65. (1) The number of Ministers of the Crown shall not exceed six.

(2) The Ministers of the Crown shall respectively bear such titles and fill such ministerial offices as the Governor from time to time appoints, and not more than four of the Ministers shall at one time be members of the House of Assembly.

(3) The total salaries to be paid to the Ministers of the Crown shall not exceed ten thousand seven hundred and fifty pounds per annum.

Ministerial officers.
2, 1855-6, s. 32.
5, 1873.
Cf. U.K., 27 & 28, Vict., c. 34.

66. (1) No person shall hold any of the offices following—that is to say, Chief Secretary, Treasurer, Commissioner of Crown Lands and Immigration, and Commissioner of Public Works, for any longer period than three calendar months, unless he is a member of Parliament.

(2) If any person who is not a member of Parliament is appointed to the office of Attorney-General, he shall hold office only so long as the ministry of which he is a member continues.

s. 66. In *re* F. W. HOLDER, 3rd June, 1897; S.A. *Register* (newspr.); 6 Austn. Digest 62. Held that a person appointed as Acting Attorney-General need not be a legal practitioner.

(3) The persons for the time being holding the offices of Chief Secretary, Attorney-General, Treasurer, Commissioner of Crown Lands and Immigration, and Commissioner of Public Works, shall *ex officio* be members of the Executive Council.

Appointment of Acting Ministers.
16, 1873, s. 1.

67. (1) Whenever any Minister of the Crown, through ill health, temporary absence from the seat of government or from the State, or other like cause, is unable to perform the duties of his office, the Governor in Council may issue a Commission under his hand and the public seal of the State nominating and appointing one of the Ministers as Acting Minister in the place of the Minister unable to perform the duties of his office, during such inability.

(2) From and after the issue of the Commission, and during the continuance thereof, the Minister therein nominated and appointed shall have, exercise, possess, and enjoy all the powers, authorities, and discretions, and shall do and fulfil the acts and functions of the Minister in whose place and office he has been so nominated and appointed in as full, complete, and effectual a manner as the Minister in whose place and office he has been so appointed could have exercised, done, or fulfilled the same.

(3) No Minister who accepts the office conferred by any such Commission shall thereby accept, or be deemed to have thereby accepted, an office of profit within the meaning of this Act.

Appointment of officers.
2, 1855-6, s. 29.

68. The appointment to all public offices under the Government of the State, whether such offices be salaried or not, shall be vested in the Governor, with the advice and consent of the Executive Council, except the appointment of the officers required by this Act to be members of Parliament, the appointment and dismissal of which officers shall be vested in the Governor alone: Provided that this section shall not extend to minor appointments, which by statute or by order of the Governor in Council are vested in Heads of Departments, or other officers or persons within the State.

Powers of Governor's Deputy.
1072, 1910, ss. 2 & 3.
Amended by 8, 1942, s. 3.

69. (1) During the temporary absence of the Governor from the seat of Government or from the State or during the illness of the Governor all the powers and authorities conferred upon or vested in him by any statutory or other law or usage of the State, as well as the powers and authorities conferred upon or vested in him by the Letters Patent,

S. 69. The amendments to this section took effect as from 1st January, 1938.

shall and may be exercised, performed, and executed by the person appointed by him to be his Deputy during such absence or illness, subject, nevertheless, to anything expressed in the instrument appointing such Deputy.

(2) In this and the next succeeding section—

"the Letters Patent" means the Letters Patent passed under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the twenty-ninth day of October, one thousand nine hundred, whereby permanent provision was made for the office of Governor in and for the State of South Australia and its dependencies in the Commonwealth of Australia.

Power of deputy of Lieutenant-Governor or Administrator.
1072, 1910, s. 4.
Amended by 8, 1942, s. 4.

70. During such time as the powers and authorities granted to the Governor by the Letters Patent are vested in the Lieutenant-Governor, or any other person who is appointed to administer the Government of the State, the provisions of the preceding section shall apply to the person appointed to be the Deputy of the Lieutenant-Governor, or of the person appointed to administer the Government as aforesaid, during his temporary absence from the seat of Government or from the State or during his illness, subject nevertheless to anything expressed in the instrument appointing such Deputy.

Signature and counter-signature of certain orders, warrants, etc.
2, 1855-6, s. 33.

71. No officer of the Government shall be bound to obey any order of the Governor involving any expenditure of public money, nor shall any warrant for the payment of money, or any appointment to or dismissal from office be valid, except as provided in this Act, unless the order, warrant, appointment, or dismissal is signed by the Governor, and countersigned by the Chief Secretary.

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s. 72 repealed by 48, 1949, s. 2.

Salary of the Governor.
1548, 1922, ss. 2, 3, 5.

73. (1) The salary payable to the Governor shall be at the rate of five thousand pounds a year.

(2) There shall be payable to His Majesty every financial year out of the general revenue of the State for payment of the salary of the Governor, the sum of five thousand pounds.

(3) Notwithstanding the Taxation Act, 1927, the salary of the Governor provided for by this section shall be exempt from taxation under that Act.

s. 70. The amendment to this section took effect as from 1st January, 1938.

s. 73 (3). The Taxation Act, 1927, has been repealed and superseded by the Income Tax Assessment Act, 1936, section 24 of which exempts the salary of the Governor from State income tax.

PART IV.

THE JUDICIARY.

Tenure of office of Judges.
2, 1855-6, s. 30.

74. The Commissions of all Judges of the Supreme Court shall be and remain in full force during their good behaviour, notwithstanding the demise of the King or of His heirs and successors, and notwithstanding any law, usage, or practice to the contrary.

Removal from office of Judges.
2, 1855-6, s. 31.

75. It shall be lawful for the King, His heirs and successors to remove any Judge of the Supreme Court upon the address of both Houses of the Parliament.

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s. 75. MEMORANDUM OF LORDS OF COUNCIL ON REMOVAL OF COLONIAL JUDGES (1869) 6 Moo. P.C. (N.S.) app. IX.-XX.; 5 Austn. Digest 14. *Semble*, there should be a hearing before the Privy Council before the Crown exercises the power of removal.

SCHEDULES

THE FIRST SCHEDULE.

ACTS REPEALED.

Number of Act.	Title of Act.	Extent of Repeal.
No. 2 of 1855-6 .	The Constitution Act	The whole
No. 19 of 1869-70	An Act to prevent Public Contractors being returned to or sitting or voting in Parliament	Do.
No. 14 of 1872 . .	An Act to repeal The Parliamentary Privilege Act and to make other provisions in lieu thereof	Do.
No. 5 of 1873 . .	The Constitution Amendment Act, 1873 . .	Do.
No. 16 of 1873 .	An Act to enable His Excellency the Governor to appoint Acting Ministers of the Crown in certain cases	Do.
No. 28 of 1873 .	An Act to increase the salaries of the Judges of the Supreme Court and of certain Officers of the Civil Service of the Province of South Australia	Do.
No. 430 of 1888 .	An Act to amend an Act No. 14 of 1872, intituled "An Act to Repeal the Parliamentary Privilege Act, and to make other provisions in lieu thereof"	Do.
No. 453 of 1889 .	An Act to amend the Civil List	Do.
No. 462 of 1889 .	An Act to alter the Boundaries of certain Electoral Districts and Divisions, and for other purposes	Do.
No. 496 of 1890 .	The Officers of Parliament Act	Do.
No. 579 of 1893 .	The Lapsed Bills Continuance Act	Do.
No. 581 of 1893 .	An Act to alter the Boundaries of the Electoral Districts and Divisions of Albert and Onkaparinga	Do.
No. 613 of 1894 .	The Constitution Amendment Act, 1894	Do.
No. 636 of 1895	An Act to alter the Boundaries of the Electoral Districts and Divisions of Burra and Stanley	Do.
No. 637 of 1895 .	An Act to alter the Boundaries of the Electoral Districts and Divisions of Gumeracha and Albert	Do.
No. 731 of 1899 .	The Constitution Amendment Act, 1899 . .	Do.
No. 790 of 1902 .	An Act to amend "The Constitution Amendment Act, 1899"	Do.
No. 876 of 1904 .	The Electoral Laws Amendment Act, 1904 . .	s. 4 (2)
No. 959 of 1908 .	The Constitution Amendment Act, 1908 . .	The whole
No. 1029 of 1910	The Constitution Amendment Act, 1910 . .	Do.
No. 1065 of 1911	The Governor's Appropriation Act, 1911 . .	Do.
No. 1072 of 1911-12	The Deputy Governor's Powers Act, 1910 . .	Do.
No. 1087 of 1912	The Governor's Appropriation Act Amendment Act, 1912	Do.
No. 1148 of 1913	The Constitution Further Amendment Act, 1913	Do.
No. 1167 of 1914	The Governor's Appropriation Act Further Amendment Act, 1914	Do.
No. 1210 of 1915	Governor's Appropriation Act Further Amendment Act, 1915	Do.
No. 1335 of 1918	Constitution Amendment (War Service Franchise) Act, 1918	Do.
No. 1446 of 1920	Electoral Code Further Amendment Act, 1920	ss. 53, 54
No. 1492 of 1921	Constitution Amendment (Ministers' Salaries) Act, 1921	The whole **Amended by S. L. R. Act, 1935.**
No. 1548 of 1922	Governor's Salary Act, 1922	Do.
No. 1929 of 1929	Electoral Act, 1929	s. 192
No. 2141 of 1933	Constitution (Quinquennial Parliament) Act, 1933	The whole

Substituted by 2236, 1936, s. 7.

THE SECOND SCHEDULE.

LEGISLATIVE COUNCIL ELECTORAL DISTRICTS.

CENTRAL DISTRICT No. 1 (Four Members).

Comprising the Electoral Divisions of Adelaide, Hindmarsh, Port Adelaide, Prospect, Semaphore, Thebarton, and Torrens.

CENTRAL DISTRICT No. 2 (Four Members).

Comprising the Electoral Divisions of Burnside, Glenelg, Goodwood, Mitcham, Norwood, and Unley.

SOUTHERN DISTRICT (Four Members).

Comprising the Electoral Divisions of Albert, Alexandra, Gumeracha, Mount Gambier, Murray, Onkaparinga, Ridley, Stirling, and Victoria.

MIDLAND DISTRICT (Four Members).

Comprising the Electoral Divisions of Angas, Gouger, Chaffey, Gawler, Light, Stanley, Wallaroo, and Yorke Peninsula.

NORTHERN DISTRICT (Four Members).

Comprising the Electoral Divisions of Burra, Flinders, Newcastle, Frome, Stuart, Port Pirie, Rocky River, Eyre, and Young.

Substituted by 2236, 1936, s. 8.

THE THIRD SCHEDULE.

HOUSE OF ASSEMBLY ELECTORAL DISTRICTS.

ELECTORAL DISTRICT OF ADELAIDE.

Comprising that portion of the City of Adelaide south of centre of River Torrens.

ELECTORAL DISTRICT OF TORRENS.

Commencing on the western boundary of the City of Adelaide at its intersection with centre of River Torrens; thence north-easterly and easterly along the north-western and northern boundaries of the city to the Main North Road, north-west of preliminary section 460, Hundred of Yatala; thence north-easterly and easterly along main road north-west and north of said section, and north-easterly through preliminary section 474, and along its south-eastern boundary to Burlington Street, Walkerville; thence south-easterly along said street to centre of River Torrens; thence easterly along centre of said river to the western corner of section 498, Hundred of Adelaide, thence south-easterly along road north-east of preliminary section 282, north-easterly along main road south-east of preliminary section 283 to the intersection of the road east of preliminary section 279, southerly along road east of preliminary sections 279 and 278, westerly and south-westerly along main road north of preliminary sections 277, 260, and 255 to the eastern boundary of the City of Adelaide; thence north-north-westerly along said boundary to centre of River Torrens; thence in a generally westerly direction along centre of said river to point of commencement.

ELECTORAL DISTRICT OF PROSPECT.

Commencing at a point on the north-western boundary of the City of Adelaide, south-east of the eastern corner of preliminary section 354, Hundred of Yatala; thence north-westerly to the said corner and along portion of the north-eastern boundary of the said section; thence northerly along the eastern boundaries of preliminary section 2066 and section 374, westerly along the northern boundary of the latter section, northerly along the western boundary of section 375, westerly along the southern boundary of section 395, northerly along the eastern boundaries of sections 2068 and 396, easterly along the northern boundaries of sections 394 and 377, northerly along the eastern boundaries of sections 378 and 379, easterly along the northern boundaries of sections 367 and 354, northerly along main road east of sections 355 and 360, and along portion of the eastern boundary of Hundred of Port Adelaide to road opened 13th November, 1924, intersecting section 2245, Hundred of Yatala; thence easterly along said road, north-easterly along main road intersecting part section 97, Hundreds of Port Adelaide and Yatala, generally easterly along the northern boundaries of sections 690 and 685 of latter hundred, sections 3028, 3033, and 1570, southerly along the eastern boundaries of section 1570 and part section 1566 to intersect centre of Dry Creek;

thence south-westerly and north-westerly along centre of said creek to the eastern boundary of section 313; thence southerly along the eastern boundaries of said section and part preliminary section 504, easterly along portion of the northern boundary of part preliminary section 508, southerly along portion of its eastern boundary and its production, through section 719 to centre of River Torrens; thence generally south-westerly along centre of said river to Burlington Street, Walkerville; thence north-westerly along said street to the main road, south-east of preliminary section 474; thence south-westerly along said main road along the south-eastern boundary of and intersecting said section, westerly and south-westerly along the northern and north-western boundaries of preliminary section 460 to the northern boundary of the City of Adelaide; and thence westerly along said boundary to point of commencement.

ELECTORAL DISTRICT OF THEBARTON.

Commencing at the intersection of the centre of River Torrens with the western boundary of the City of Adelaide; thence southerly along said western boundary to a point being the production easterly of the southern boundary of preliminary section 5, Hundred of Adelaide; thence westerly along the southern boundary of said section and southern boundaries of sections 94 and 158, and along the northern side of road opened 21st July, 1870, intersecting sections 166 and 217 and production of said side of road to the eastern shore of Gulf St. Vincent; thence northerly along said shore to the production westerly of main road north of preliminary section 523; thence easterly along said main road to the River Torrens; thence generally easterly along the centre of the River Torrens to the point of commencement, together with the jetties along the sea coast.

ELECTORAL DISTRICT OF HINDMARSH.

Commencing at the intersection of the River Torrens with the western boundary of the City of Adelaide; thence westerly by the River Torrens to the southern boundary of section 445, Hundred of Yatala, and westerly along the main road south of said section and its production to the sea coast; thence northerly along the sea coast to a point opposite the north-western corner of section 1006; thence easterly to said corner and along the northern boundary of said section to the south-western corner of section 452; thence northerly to its north-western corner, and across the road to the south-western corner of part section 902; thence easterly to the south-eastern corner of part section 424 and across the road; thence southerly to the northern corner of part preliminary section 410; thence south-easterly to the south-western corner of preliminary section 396; thence northerly to its north-west corner and across the road to the south-western boundary of preliminiary section 398; thence south-easterly to the western corner of preliminary section 376; thence north-easterly to its northern corner and across the road to the south-western boundary of section 396; thence south-easterly to the southern corner of section 2068, easterly along southern boundary of section 395, southerly and easterly along the western and southern boundaries of section 375, southerly along eastern boundaries of section 374 and preliminary section 2066, across road to north-eastern boundary of preliminary section 354, south-easterly along said boundary to the north-western boundary of City of Adelaide; thence south-westerly along said boundary to the point of commencement, together with the jetties along the sea coast.

ELECTORAL DISTRICT OF SEMAPHORE.

Commencing at a point on the sea coast opposite the north-western corner of section 1006, Hundred of Yatala; thence easterly to said corner and along the northern boundary of said section to the south-western corner of section 452; thence northerly to its north-western corner, and across the road to the south-western corner of part section 902; thence easterly to the south-eastern corner of part section 424, and across the road; thence southerly to the northern corner of part preliminary section 410; thence south-easterly to the south-western corner of preliminary section 396; thence northerly to its north-western corner, and across the road to the south-western boundary of preliminary section 398; thence north-westerly along the south-western boundaries of preliminary sections 405, 419, and 443 to the Old Port Reach, and north-westerly across said Old Port Reach to the south-eastern corner of section 78; thence in a generally northerly direction following the western side of Old Port Reach, easterly along the northern side of Gawler Reach, northerly along the western sides of Hindmarsh Reach and Lipson Reach to the north-eastern corner of LeFevre's Peninsula; thence westerly along the northern shore of said peninsula; thence southerly following the eastern shore of Gulf St. Vincent (including reclaimed area block 30) to the point of commencement, together with the jetties along the sea coast.

ELECTORAL DISTRICT OF PORT ADELAIDE.

Commencing at the western corner of preliminary section 376, Hundred of Yatala; thence north-easterly to its northern corner and across the road to the south-western boundary of section 396; thence south-easterly to the southern corner of section 2068; thence northerly along the eastern boundaries of sections 2068 and 396, easterly along northern boundaries of sections 394 and 377, northerly along the eastern boundaries of sections 378 and 379, easterly along the northern boundaries of sections 367 and 354; thence northerly along the western side of the main road to the centre of the Dry Creek and Northfield railway line; thence in a westerly, south-westerly, and westerly direction, following said railway line passing through section 989, Hundred of Port Adelaide, along centre of Adelaide and Gawler railway line and the centre of Port Adelaide loop line to the south-western side of the North Arm Road; thence north-westerly along said side of road to the south-eastern side of the creek north-west of part preliminary section 2019; thence in a north-easterly and northerly direction along the south-eastern and eastern sides of the creek east of Garden and Torrens Islands to a point west of the western corner of section 3502; thence westerly to the eastern side of Torrens Island; thence north-westerly along the north-eastern side of said island to its northern extremity; thence in a south-westerly direction to Point Grey; thence southerly to Snapper Point; thence southerly along the western sides of Lipson Reach and Hindmarsh Reach, westerly along the northern side of Gawler Reach, and southerly along the western side of Old Port Reach to the south-eastern corner of section 78, Hundred of Yatala; thence south-easterly across Old Port Reach to the western corner of harbour allotment 13; thence south-easterly along the south-western boundaries of said allotment and preliminary sections 443, 419, 405, and 388 to the point of commencement, together with the jetties along the sea coast.

ELECTORAL DISTRICT OF NORWOOD.

Commencing at a point on the eastern boundary of the City of Adelaide, being the intersection of the Payneham Main Road, north-west of Kent Town, Hundred of Adelaide; thence north-easterly along said road and easterly along Magill Main Road to the north-eastern corner of preliminary section 277; thence northerly along main road east of preliminary sections 278 and 279, south-westerly along main road south-east of part preliminary section 283, north-westerly along road north-east of preliminary section 282 to the centre of the River Torrens; thence in a north-easterly direction along centre of River Torrens to main road intersecting part preliminary section 335; thence south-westerly along said main road intersecting preliminary sections part 335 and 334, and north-west of preliminary section 312, southerly along road east of preliminary sections part 305, 302, and 300; thence westerly along Kensington Road and its production to the eastern boundary of City of Adelaide; thence in a north-westerly direction along said boundary to the point of commencement.

ELECTORAL DISTRICT OF BURNSIDE.

Commencing at a point on the eastern boundary of the City of Adelaide, being the intersection of a line being the production westerly of the southern side of road north of preliminary section 262, Hundred of Adelaide; thence easterly along said line and road to the north-western corner of preliminary section 319; thence northerly along the eastern boundaries of preliminary sections 300, 303, and part 305; thence north-easterly along main road north-west of preliminary sections 312, through part preliminary section 335 to the northern boundary of the Hundred of Adelaide; thence easterly and southerly along portions of the northern and eastern boundaries of the Hundred of Adelaide to a point north-east of the northern corner of section 997 of said hundred; thence south-westerly to said corner and along the north-western boundary of said section, easterly along portion of its southern boundary, southerly along the western boundaries of sections 827 and 826, south-easterly along the south-western boundary of the latter section, south-westerly along the north-western boundary of section 991; east-south-easterly along portion of the northern boundary of section 855, south-westerly along its south-eastern boundary, and north-westerly along portion of its south-western boundary, southerly and westerly along the eastern and southern boundaries of section 1104, southerly along the western boundaries of sections 484 and 1107, westerly along portion of the southern boundary of section 1109, southerly along the western boundary of section 1180, westerly along the southern boundaries of sections 919, 917, 916, and 906, southerly along the eastern boundaries of section 1057, 1056, and 1054, westerly along southern boundaries of sections 1054 and portion of 1053; thence northerly, westerly, and southerly along portion of the eastern, northern, and western

boundaries of section 1001, south-easterly and south-westerly along the north-eastern and south-eastern boundaries of section 1284; thence generally in a westerly and north-westerly direction along main road to the north-western corner of section 254, and said road produced to the southern boundary of the City of Adelaide; thence easterly and northerly, following the southern and eastern boundaries of said city to the point of commencement.

ELECTORAL DISTRICT OF UNLEY.

Commencing at the intersection of Goodwood Road with the southern boundary of the City of Adelaide; thence easterly along portion of the southern boundary of said city to the Adelaide and Mount Barker Main Road; thence south-easterly along said main road to Fisher Street, Fullarton; thence westerly along said street to Unley Road; thence southerly along said road to Northgate Street, Unley Park; thence westerly along said street to the Adelaide and Nairne railway; thence north-westerly along said railway to Goodwood Road; thence northerly along said road to the point of commencement.

ELECTORAL DISTRICT OF MITCHAM.

Commencing at a point being the intersection of Adelaide and Nairne Railway with Goodwood Road; thence south-easterly along said railway to Northgate Street, Millswood; thence easterly along said street to Unley Road; thence northerly along said road to Fisher Street, Malvern; thence easterly along Fisher Street to the Adelaide and Mount Barker Main Road; thence in a generally south-easterly direction along said Adelaide and Mount Barker Road, along the western and south-western boundaries of section 1286, Hundred of Adelaide, along said Adelaide and Mount Barker Main Road to the eastern boundary of the Hundred of Adelaide; thence generally southerly and westerly, following the boundaries of said hundred to the eastern boundary of section 22, Hundreds of Adelaide and Noarlunga; thence northerly along the eastern boundary of said section 22, sections 20 and portion of 18, Hundred of Adelaide, to the Adelaide and Nairne railway; thence northerly along said railway to the eastern boundary of section 14; thence northerly along the eastern boundaries of said section, sections 12, 7, 1, and preliminary section 9, to the point of commencement.

ELECTORAL DISTRICT OF GOODWOOD.

Commencing at a point being the intersection of Goodwood Road with the southern boundary of City of Adelaide; thence southerly along the eastern boundaries of part preliminary section 6, Hundred of Adelaide, sections 1, 4, 8, and 14, to the Adelaide and Nairne Railway, southerly along said railway and along the eastern boundaries of sections 18 and 20 to the south-western boundary of the hundred (centre of River Sturt); thence generally north-westerly and north-north-westerly along said hundred boundary to Anzac Highway; thence easterly and north-easterly along said highway to the south-western corner of the City of Adelaide; thence easterly along the southern boundary of said city to the point of commencement.

ELECTORAL DISTRICT OF GLENELG.

Commencing at a point on the sea coast opposite the south-western corner of section 569, Hundred of Noarlunga; thence easterly along the southern boundaries of sections 569, 506, and 510, the Main South Road; thence north-easterly along said road to south-western boundary of Hundred of Adelaide (centre of River Sturt); thence north-north-westerly along said boundary to the northern side of Anzac Highway; thence easterly and north-easterly along said highway to the south-western corner of City of Adelaide; thence northerly along the western boundary of said city to the production easterly of the southern boundary of preliminary section 5, Hundred of Adelaide; thence westerly along southern boundary of said section and sections 94 and 158, and along the northern side of road opened 21st July, 1870, intersecting sections 166 and 217, and production of said side of road to the sea coast; thence southerly along said sea coast to the point of commencement, together with the jetties along the sea coast.

ELECTORAL DISTRICT OF MOUNT GAMBIER.

Commencing at the north-eastern corner of Hundred of Mingbool; thence westerly along the northern boundaries of the Hundreds of Mingbool, Young, and Hindmarsh, to the north-eastern corner of section 361, Hundred of Hindmarsh; thence in a south-easterly, westerly, and southerly direction along road

north-east of sections 361, 363, north of section 470, and west of sections 470, part 77; thence southerly by a straight line to the north-eastern corner of section 198; thence by road east of sections 198, 163, and 169 to the northern boundary of the Hundred of Benara; thence westerly along its northern boundary to the sea coast; thence south-easterly and easterly along the sea coast to the south-eastern corner of the Hundred of Caroline; and thence northerly to the point of commencement, together with the jetties along the sea coast.

ELECTORAL DISTRICT OF VICTORIA.

Commencing at the south-eastern corner of the Hundred of Nangwarry; thence westerly along the southern boundaries of said hundred and Hundreds of Grey and Riddoch to the north-eastern corner of section 361, Hundred of Hindmarsh; thence in a south-easterly, westerly, and southerly direction, along road north-east of sections 361, 363, north of section 470, and west of sections 470 and part 77; thence southerly by a straight line to the north-eastern corner of section 198; thence by road east of sections 198, 163, and 169 to the northern boundary of the Hundred of Benara; thence westerly along its northern boundary to the sea coast; thence northerly along sea coast to the northern boundary of the Hundred of Santo; thence easterly along said boundary; thence generally south-easterly along the boundaries of the Hundreds of Santo and Neville to the northern boundary of the Hundred of Duffield; and thence easterly along the northern boundaries of the Hundreds of Duffield, Landseer, and Peacock, southerly and easterly along the western and southern boundaries of the Hundred of Marcollat, northerly, easterly, and southerly following the boundaries of the Hundred of Glen Roy to the north-western corner of the Hundred of Hynam; thence easterly along the northern boundaries of the Hundreds of Hynam and Binnum to the eastern boundary of the State; thence southerly along said State boundary to the point of commencement, including Penguin Island and Cape Jaffa Lighthouse and the jetties along the sea coast.

ELECTORAL DISTRICT OF ALBERT.

Commencing at the north-eastern corner of the Hundred of Binnum; thence westerly, northerly, westerly, and southerly, following the boundaries of the Hundreds of Binnum, Hynam, and Glen Roy to the south-eastern corner of Hundred of Marcollat; thence westerly and northerly along the boundaries of said hundred, and westerly to the south-eastern corner of Hundred of Neville; thence in a north-westerly direction following the boundaries of the Hundreds of Neville and Santo to the north-eastern corner of the Hundred of Santo; thence westerly along the northern boundary of said hundred to the sea coast; thence north-westerly along sea coast to the southern corner of the Hundred of Nangkita; thence north-easterly along the south-eastern boundaries of Hundreds of Nangkita, Alexandrina, Freeling, and Brinkley, to the south-western corner of the Hundred of Seymour; thence easterly and northerly along the southern and eastern boundaries of the said hundred to the north-western corner of the Hundred of Sherlock; thence easterly and southerly, following the boundaries of said hundred to the north-western corner of the Hundred of Peake, easterly along the northern boundaries of the Hundreds of Peake and Price, northerly along the eastern boundaries of the Hundreds of Molineux and McPherson, easterly along the northern boundary of County of Chandos to the eastern boundary of the State; thence southerly along said boundary to the point of commencement, together with the jetties along the sea coast.

ELECTORAL DISTRICT OF RIDLEY.

Commencing at the north-eastern corner of County of Chandos; thence westerly along its northern boundary; thence southerly along its western boundary to the north-eastern corner of the Hundred of Price; thence westerly to the north-western corner of the Hundred of Peake; thence northerly to the north-western corner of the Hundred of Sherlock; thence westerly and northerly along the southern and western boundaries of the Hundred of Hooper to the south-western corner of the Hundred of Bowhill; thence easterly to the south-western corner of the Hundred of Vincent; thence northerly to the south-western corner of the Hundred of Bakara; thence westerly and northerly along southern and western boundaries of the Hundred of Nildottie to the south-eastern corner of the Hundred of Skurray; thence generally northerly along the western boundaries of the Hundreds of Paisley and Murbko, easterly and northerly along the southern and eastern boundaries of Hundred of Cadell to the centre of the River Murray; thence in an easterly, south-easterly, and north-easterly direction along centre of said river to the eastern boundary of the State; thence southerly along said boundary to the point of commencement.

ELECTORAL DISTRICT OF CHAFFEY.

Comprising the whole of County Hamley and that portion of County Young, east of portion of the Hundred of Stuart, and south of the following boundary:—Commencing at the south-western corner of section 26, Hundred of Markaranka; thence easterly and northerly along the southern and eastern boundaries of said section to the north-western corner of block L; thence south-easterly along the north-eastern boundaries of block L and sections 11 and 14; thence easterly along the northern boundaries of sections 17, 6, and 4, and sections 13, 7, 10, and 12, Hundred of Pooginook, and sections 30 and 31, Hundred of Parcoola, and said boundary produced to the western boundary of County Hamley.

ELECTORAL DISTRICT OF ALEXANDRA.

(1) Commencing at a point on the sea coast opposite the south-western corner of section 569, Hundred of Noarlunga; thence easterly along the southern boundaries of section 569, 506, and 510 to the Main South Road; thence north-easterly along said road to the south-western boundary of the Hundred of Adelaide; thence south-easterly, north-easterly, and easterly, following the southern boundary of said hundred to the north-eastern corner of section 373, Hundred of Noarlunga; thence in a southerly direction by road east of sections part 413, 1448, 412, 354, along road opened 4th November, 1897, and following road east of sections 1426 and 107 to the southern corner of section 223; thence southerly by a straight line to the north-eastern corner of section 4164, Hundred of Kuitpo, easterly along road through section 22, and north-west of sections 321, 817, and part 332, 357, and 372, generally easterly along road north of sections 372 and 370, north-easterly between sections 156 and 174, easterly along road south of sections 3888 and 3817, north-easterly along the south-eastern boundary of latter section, generally south-easterly along road north-east of part section 3883 and north of section 181 to the eastern boundary of the hundred; south-westerly along the south-eastern boundaries of the Hundreds of Kuitpo and Myponga to the south-western corner of section 51, Hundred of Encounter Bay; thence south-easterly along road south-west of said section and southerly along roads west of sections 614, 61, and 62, through section 85, and portion of section 404, west of section 147, and through section 189 to the south-western corner of section 258; thence westerly along road to road east of section 71; thence southerly and south-westerly through sections 315 and 314, north-west of section 418, to the western corner of section 564; thence south-easterly along road south-west of sections 564, 405, and 402 to the northern boundary of the hundred of Waitpinga, and south-westerly along road north-west of block 20 and section 301, to the northern corner of section 286; thence southerly along road west of sections 286, 288, and 1333, to the sea coast; thence westerly and north-easterly along the sea coast to the point of commencement, together with the jetties along the sea coast.

(2) Comprising the whole of Kangaroo Island, together with the jetties along the sea coast.

ELECTORAL DISTRICT OF STIRLING.

Commencing at the eastern corner of the Hundred of Nangkita; thence south-westerly along the south-eastern boundary of said hundred to the sea coast; thence in a generally westerly direction along the sea coast to road west of section 1333, Hundred of Waitpinga; thence northerly along road west of sections 1333, 288, and 286; thence north-easterly along road north-west of section 301 and portion of block 20 to road south-west of section 402, Hundred of Encounter Bay; thence north-westerly along road south-west of section 402, 405, 564, north-easterly and northerly along road north-west of sections 564 and 418, through sections 314 and 315, easterly to south-western corner of section 258, northerly through section 189, west of section 147, through sections 404 and 85, west of sections 62, 61, and 614, north-westerly along road south of section 51 to the north-western boundary of the hundred; thence generally north-easterly along the north-western boundaries of Hundreds of Encounter Bay, Nangkita, Kondoparinga, and Macclesfield, to the southern corner of section 8, Hundred of Macclesfield; thence easterly along roads south of sections 8, 4, 3006, 3008, and 2212, along the south-western boundary of section 2884, along road south of sections 2880 and 2876, in said hundred, south of sections 2877 and 2878, Hundred of Strathalbyn, and south-easterly along road through sections 2873 and 2872, along road south-west of section 1401 and 1396, to the southern corner of the latter section; thence north-easterly along road south-east of sections 1396, 1378, and through sections 2202 and 2201, to the northern boundary of the hundred; thence in an easterly direction along the southern boundaries of Hundreds of Kanmantoo, Monarto, and Mobilong, to the north-eastern corner of the Hundred of Brinkley; thence south-easterly and south-westerly along the north-eastern and south-eastern boundaries of said hundred,

and along the south-eastern boundaries of the Hundreds of Freeling and Alexandrina, to the point of commencement, together with Granite Island and all other islands adjacent to the district, and the jetties along the sea coast.

ELECTORAL DISTRICT OF MURRAY.

Commencing at the north-western corner of the Hundred of Forster; thence in a south-westerly and south-easterly direction, following its western boundary to a point north-east of the eastern corner of section 365, Hundred of Ridley; thence south-westerly to said corner and along its eastern boundary and the eastern boundary of section 55, and westerly along road south of sections 55, 164, 160, and 158 to the eastern boundary of the Hundred of Angas; thence southerly to its south-eastern corner; thence westerly along the northern boundaries of the Hundreds of Finniss and Tungkillo, and southerly along portion of the western boundary of the Hundred of Tungkillo to the north-eastern corner of section 262, and westerly along the northern boundaries of sections 262 and 261 to road through the latter section; thence generally southerly and south-westerly along road through sections 261, 260, 258, 256, 179, part 182, along the north-western and western boundaries of sections 477 and 478, along the western boundaries of sections 479, 482, 483, and portion of 484, westerly along the northern boundaries of sections 244 and 236, south-westerly along the north-western boundary of latter section, southerly along the western boundaries of sections 237, 238, 239, and 240, easterly along the southern boundary of section 252, southerly along the western boundaries of section 309 and portion of 321, south-easterly along north-eastern side of road intersecting the latter section, and easterly along its southern boundary, southerly along the western boundary of section 331, south-easterly along south-western boundaries of sections 416, 415, and 421, along the south-western boundary of the Hundred of Tungkillo to the north-western corner of section 370, Hundred of Monarto; thence south-easterly along road south-west of sections 370, 368, and 365; thence south-westerly along road north-west and north of sections 349, 446, and 441, generally westerly along road south of sections 424, 421, and 419; thence south-westerly through section 2001, Hundreds of Monarto and Kanmantoo to road opened 21st October, 1869, southerly along said opened road; thence south-westerly through said section to the western boundary of the Hundred of Monarto; thence westerly and north-westerly in the Hundred of Kanmantoo along roads opened 26th August, 1869, and 21st October, 1869, for about 1½ miles; thence south-south-westerly through said section 2001 to its southern boundary; thence east-south-easterly along northern boundary of section 1296, Hundreds of Strathalbyn and Kanmantoo, southerly along the eastern boundary of section 1297 of said hundreds to the southern boundary of the latter hundred; thence south-easterly and easterly, following the boundaries of the Hundreds of Kanmantoo, Monarto, and Mobilong; thence in a generally southerly direction along the western boundary of the Hundred of Seymour; easterly and northerly along the southern and eastern boundaries of said hundred; northerly along portion of the eastern boundary of the Hundred of Ettrick to the south-western corner of the Hundred of Bowhill, easterly and northerly along the southern and eastern boundaries of the said hundred, northerly and westerly along the eastern and northern boundaries of the Hundred of Forster to the point of commencement.

ELECTORAL DISTRICT OF ONKAPARINGA.

Commencing at the north-east corner of section 373, Hundred of Noarlunga; thence in a southerly direction by road east of sections part 413, 1448, 412, 354, along road opened 4th November, 1897, and following road east of sections 1426 and 107 to the southern corner of section 223; thence southerly by a straight line to the north-eastern corner of section 4164, Hundred of Kuitpo, easterly along road through section 22 and north-west of sections 321, 817, part 332, 357, and 372, generally easterly along road north of sections 372 and 370, north-easterly between sections 156 and 174, easterly along road south of sections 3888 and 3817, north-easterly along the south-eastern boundary of latter section, generally south-easterly along road north-east of part section 3883, and north of section 181 to the eastern boundary of the Hundred of Kuitpo; thence southerly along said boundary to southern corner of section 8, Hundred of Macclesfield; thence easterly along roads south of sections 8, 4, 3006, 3008, 2212, along the south-western boundary of section 2884, along road south of sections 2880 and 2876 in said hundred, south of sections 2877, 2878, Hundred of Strathalbyn, and south-easterly along road through sections 2873 and 2872 along road south-west of sections 1401 and 1396 to the southern corner of the latter section; thence north-easterly along road south-east of sections 1396 and 1378, and through sections 2202 and 2201 to the northern boundary of the hundred; thence easterly along the southern boundary of the Hundred of Kanmantoo to the eastern boundary of section 1297, Hundreds of Strathalbyn

and Kanmantoo; thence in a north-westerly and northerly direction along roads east of said section, north-east of section 1296 along roads opened 21st October, 1869, and 26th August, 1869, through section 2001, Hundreds of Kanmantoo and Monartoo, to the main road near the township of Kanmantoo; thence generally easterly for about 2½ miles, along main road and roads opened 21st October, 1869, and 26th August, 1869, and generally in a northerly direction in the Hundred of Monarto, along roads opened 21st October, 1869, for about 4½ miles, and easterly along road south of section 419 of said hundred, and north of sections 455, 423, and 444, north-easterly along road north-west of sections 446, 361, 360, and 349, north-westerly along road west of section 365 and south-west of sections 368, 369, and 370, to the northern corner of the latter section; thence north-westerly along the south-western boundary of the Hundred of Tungkillo, to the southern corner of section 419, Hundred of Tungkillo; thence north-westerly along road north-east of sections 419 and 417 of said hundred, northerly along road west of sections 331, westerly along the southern boundary of section 321, northerly along the western boundaries of said section and section 309, westerly along the southern boundary of section 252, generally northerly along the western boundaries of sections 239 and 237, north-easterly along the north-western boundary of section 236; westerly along the northern boundaries of sections 235, 126, 123, and 122, southerly along road west of sections 122, 135, and 156 to the south-western boundary of the hundred; thence north-westerly, following said hundred boundary, and generally westerly, following the northern boundary of the Hundred of Onkaparinga to road intersecting section 55 of said hundred; thence southerly along road through sections 55 and 5146, and along road east of section 28, road through sections 5149 and 5153, along road east of sections 92 and 97, road through sections 98 and 4000, along road east of sections 3936, 4048; thence in a generally south-westerly direction along road south-east of section 4028, road through sections 3934 and 3929 to the centre of the railway line; thence in a westerly and south-westerly direction along the centre of said railway line to the road north-west of part section 86, Hundred of Noarlunga; thence south-westerly along said road to the Adelaide and Mount Barker Main Road; thence south-westerly and north-westerly along northern side of said main road to the eastern boundary of the Hundred of Adelaide; thence southerly along said boundary to the point of commencement.

ELECTORAL DISTRICT OF GUMERACHA.

Commencing at the intersection of the production southerly of the eastern boundary of part section 508, Hundred of Yatala, with the centre of the River Torrens; thence in a northerly and westerly direction along said production and the eastern and northern boundaries of said part section, the eastern boundaries of sections part 504 and 313, to intersect the centre of the Dry Creek; thence south-easterly and north-easterly by centre of said creek to the eastern boundaries of sections 715 and part 1566; thence northerly to the north-eastern corner of section 3002; thence northerly by a straight line to the southern corner of section 521, north-easterly along road south-east of sections 521, 3052, and 2136 to the southern boundary of the Hundred of Munno Para; thence easterly and northerly along the southern and eastern boundaries of said hundred, and easterly along the southern boundary of the Hundred of Barossa to the Williamstown and Birdwood Main Road; thence south-easterly and southerly along said road to the northern boundary of the Hundred of Talunga; thence easterly along said boundary to the road east of section 8, Hundred of Talunga, and southerly along said road and south-easterly along road north-east of sections 126 and 7117; thence southerly along the western boundaries of sections 7116 and 1303 to the road on the western boundary of the latter section; thence north-easterly along main road through said section and south-easterly along the main road to Mannum, to the western boundary of the Hundred of Tungkillo; thence in a south-westerly and southerly direction along said boundary to the road west of section 55 of said hundred; thence southerly and easterly by road west and south of said section to the road east of section 52, and southerly by said road to the southern corner of section 153; thence north-westerly along north-eastern boundary of the Hundred of Kanmantoo to the southern boundary of the Hundred of Talunga; thence in a westerly direction along the southern boundary of the Hundred of Talunga to the road intersecting section 55, Hundred of Onkaparinga; thence southerly along road through sections 55 and 5146, and along road east of section 28, road through sections 5149 and 5153, along road east of sections 92 and 97, road through sections 98 and 4000, along road east of sections 3936, 4048; thence in a generally south-westerly direction along road south-east of section 4028, road through sections 3934 and 3929 to the centre of the railway line; thence in a westerly and south-westerly direction, along the centre of said railway line, to the road north-west of part section 86, Hundred

of Noarlunga; thence south-westerly along said road to the Adelaide and Mount Barker Main Road; thence south-westerly and north-westerly along northern side of said main road to the southern corner of section 1286, Hundred of Adelaide, along the south-western boundary of said section, northerly along its western boundary, easterly along south-eastern boundary of section 1284, north-westerly along its north-eastern boundary, northerly, easterly, and southerly along the western, northern, and portion of eastern boundaries of section 1001, easterly along southern boundaries of sections 1053 and 1054, northerly along eastern boundaries of sections 1054, 1056, and 1057, easterly along southern boundaries of sections 906, 916, 917, and 919, northerly along western boundary of section 1180, easterly along portion of southern boundary of section 1109, northerly along western boundaries of section 1107 and 484, easterly and northerly along the southern and eastern boundaries of section 1104, south-easterly, north-easterly, and north-westerly along portion of the south-western, south-eastern, and portion of the north-eastern boundaries of section 855, north-easterly along the north-western boundary of section 991; north-westerly along south-western boundary of section 826, northerly along western boundaries of sections 826 and 827, westerly and north-easterly along the southern and north-western boundaries of section 997, and northerly along the eastern boundary of said Hundred of Adelaide; thence westerly along the southern boundary of the Hundred of Yatala to the point of commencement.

ELECTORAL DISTRICT OF ANGAS.

Commencing at the north-eastern corner of the Hundred of Skurray; thence generally southerly along the eastern boundaries of the Hundreds of Skurray, Fisher, and Ridley to a point north-east of the eastern corner of section 365, Hundred of Ridley; thence south-westerly to said corner of section 365, and along the eastern boundary of said section and section 55, westerly along road south of sections 55, 160, and 158 to the eastern boundary of Hundred of Angas; thence southerly to its south-eastern corner; thence westerly along the northern boundaries of the Hundreds of Finniss and Tungkillo, and southerly along portion of the western boundary of the Hundred of Tungkillo to the north-eastern corner of section 262, and westerly along the northern boundaries of sections 262 and 261 to the road through the latter section; thence generally southerly and south-westerly along road through sections 261, 260, 258, 256, 179, and part 182, along the north-western and western boundaries of sections 477 and 478, along the western boundaries of sections 479, 482, 483, and portion of 484, westerly along the northern boundaries of sections 244, 236, and 122 to the north-east corner of section 121; thence northerly along road east of sections 55 and 52 to the southern boundary of section 50, westerly and northerly along road south and west of section 55 to the western boundary of the Hundred of Tungkillo; thence in a northerly and north-easterly direction along said boundary, and westerly along main road in section 7075, Hundreds of Tungkillo and Talunga, to the southern corner of section 1300, Hundred of Talunga; thence north-westerly along main road through sections 6294 and 1303, southwesterly along main road to western boundary of section 1303, and northerly along the western boundaries of sections 1303 and 7116, and north-westerly along the road north-east of sections 7117 and 126, northerly along road east of section 8, and westerly along the north boundary of the Hundred of Talunga to the Williamstown and Birdwood Main Road; thence northerly and north-westerly along the main road to the southern boundary of the Hundred of Barossa; thence generally in a north-easterly and westerly direction, following the boundaries of said hundred to the south-western corner of section 934, Hundred of Moorooroo; thence north-westerly along road south-west of said section to the eastern boundary of the Hundred of Barossa; thence generally north-westerly along said hundred boundary to road east of section 455 of said hundred; thence generally north-easterly in the Hundred of Nuriootpa along portion of the eastern boundary of section 37, the southern and eastern boundaries of sections 804, 1697, 1680, 626, the south-eastern boundaries of sections 561, 516, 84, and 289, the eastern boundaries of sections 283 and 79, the southern boundaries of sections 200 and 125, the western boundaries of sections 196, 197, 175, and 139, the southern and eastern boundaries of section 757, the western and northern boundaries of sections 158 and 48; thence along the south-eastern boundary of the Hundred of Belvidere, northerly along the western boundary of the Hundred of Jellicoe, easterly along the northern boundary of said hundred, northerly along the western boundary of the Hundred of Anna; thence easterly along the northern boundaries of Hundreds of Anna and Skurray to the point of commencement.

ELECTORAL DISTRICT OF GAWLER.

Commencing at the intersection of the centre of the North Para River with the eastern boundary of the Hundred of Mudla Wirra; thence in an easterly direction by said river to the southern corner of section 37, Hundred of Nuriootpa;

thence south-easterly by the north-eastern boundary of the Hundred of Barossa to the road south-west of section 1975, Hundreds of Barossa and Moorooroo; thence in Hundred of Moorooroo and by said road to the south-western corner of section 934; thence easterly along the southern boundary of the Hundred of Moorooroo, and southerly and westerly along the eastern and southern boundaries of the Hundred of Barossa to the eastern boundary of the Hundred of Munno Para; thence southerly and westerly along the eastern and southern boundaries of said hundred to the road west of section 2021, Hundreds of Yatala and Munno Para; thence northerly by said road to the southern corner of section 3135 in the latter hundred; thence north-westerly along road to the southern corner of section 3067; thence north-easterly along road to the eastern corner of section 3883; thence easterly along road to the north-western corner of section 3888, and northerly along road to the south-eastern corner of the Hundred of Port Gawler; thence northerly along eastern boundaries of the Hundreds of Port Gawler and Grace to the north-western corner of the Hundred of Mudla Wirra; thence in an easterly and southerly direction along the northern and eastern boundaries of said hundred to the point of commencement.

ELECTORAL DISTRICT OF LIGHT.

Commencing at the north-western corner of the Hundred of Anna; thence southerly and westerly along the eastern and southern boundaries of the Hundred of Dutton to the north-western corner of the Hundred of Jellicoe; thence southerly along portion of the western boundary of said hundred; thence south-westerly along the north-western boundary of the Hundred of Moorooroo to the north-eastern corner of the Hundred of Nuriootpa (section 48); thence to the north-eastern corner of section 212; thence generally in a south-westerly direction along the eastern and southern boundaries of section 212, the eastern boundaries of sections 756, 757, 138, and 213 to the south-eastern corner of the latter section; thence along the northern boundary of section 197, the western boundaries of sections 197 and 196, and the southern boundaries of section 125 and 200, to the south-eastern corner of section 115; thence by the road east of section 79 and 289, along road south of section 289, through section 515, and south of section 561, the road east of sections 614 and 626, and the roads south of section 626 and eastern and southern boundaries of section 1680 to the south-eastern corner of section 1681; thence along eastern boundaries of sections 1690 and 1697, the northern and western boundaries of section 1698, the southern boundary of section 804, and the eastern boundary of section 37, to the centre of the North Para River; thence in a westerly direction by said river to the eastern boundary of the Hundred of Mudla Wirra; thence northerly and westerly along the eastern and portion of northern boundaries of said hundred to the centre of the River Light; thence generally northerly and easterly along the centre of said river to its intersection with the western side of the Main North Road, near part section 592, hundred of Light; thence in a northerly direction along the western side of said road to the southern boundary of the Hundred of Gilbert; thence easterly along said boundary to the western boundary of the Hundred of Kapunda; thence north-north-easterly along said boundary to its intersection with northern boundary of section 96, Hundreds of Gilbert and Kapunda; thence westerly along said boundary to the eastern side of closed road east of section 335, Hundred of Gilbert; thence in a northerly, north-north-westerly, and northerly direction along eastern side of closed road east of sections 335 and 385; thence to the south-western corner of section 394; thence in a westerly and north-westerly direction along northern and eastern sides of road south of portion of section 706, through section 706, and south-west of section 374 to the north-western corner of the latter section; thence easterly along the northern boundary of said section to its intersection with the summit of the dividing range; thence in a northerly direction along the summit of said range to its intersection with the northern boundary of the Hundred of Gilbert; thence easterly along said boundary to the north-eastern corner of said hundred; thence easterly along the northern boundaries of sections 1090, 1091, and 1092, Hundred of Waterloo, to the north-eastern corner of latter section; thence southerly along the eastern boundary of said section; thence north-easterly along the north-western boundary of section 1093, through section 1076, to intersect the eastern boundary of said section; thence northerly to the south-eastern corner of section 1077; thence easterly along the southern boundaries of sections 1078, 240, 246, and 250 to the south-eastern corner of latter section; thence northerly along the eastern boundary of the Hundred of Waterloo to the north-western corner of the Hundred of English; thence easterly along the northern boundaries of Hundreds of English and Bower, northerly along the western boundary of the Hundred of Maude, easterly along the northern boundaries of Hundreds of Maude and Lindley, southerly along portion of the eastern boundary of the latter hundred, easterly along the northern boundary of the Hundred of Stuart; southerly along the

eastern boundaries of the Hundreds of Stuart and Cadell, westerly along the southern boundary of the latter hundred, southerly along the eastern boundary of the Hundred of Hay, westerly along the southern boundaries of the Hundreds of Hay and Brownlow to the point of commencement.

ELECTORAL DISTRICT OF STANLEY.

Commencing at the north-western corner of the Hundred of Upper Wakefield; thence generally southerly along the western boundaries of the Hundreds of Upper Wakefield and Alma; thence in an easterly direction, following the southern boundary of the latter hundred to near the north-eastern corner of section 311, Hundred of Mudla Wirra; thence generally northerly and easterly along the centre of River Light to its intersection with the western side of the Main North Road, near part section 592, Hundred of Light; thence in a northerly direction along the western side of said road to the southern boundary of the Hundred of Gilbert; thence easterly along said boundary to the western boundary of the Hundred of Kapunda; thence north-north-easterly along said boundary to its intersection with northern boundary of section 96, Hundreds of Gilbert and Kapunda; thence westerly along said boundary to the eastern side of closed road east of section 335, Hundred of Gilbert; thence in a northerly, north-north-westerly, and northerly direction along eastern side of closed road east of sections 335 and 385, to the south-western corner of section 394; thence in a westerly and north-westerly direction along northern and eastern sides of road south of portion of section 706, through section 706, and south-west of section 374 to the north-western corner of the latter section; thence easterly along the northern boundary of said section to its intersection with the summit of the dividing range; thence in a northerly direction along the summit of said range to its intersection with the northern boundary of the Hundred of Gilbert; thence easterly along said boundary and along the northern boundaries of sections 1090, 1091, and 1092, Hundred of Waterloo, to the north-eastern corner of latter section; thence southerly by the eastern boundary of said section; thence north-easterly along the north-western boundaries of section 1093, through section 1076; thence northerly to the south-eastern corner of section 1077; and thence easterly along the southern boundaries of sections 1078, 240, 246, and 250 to the south-eastern corner of latter section; thence northerly and westerly along the eastern and northern boundaries of the Hundred of Waterloo, westerly along portion of the northern boundary of the Hundred of Saddleworth to the south-western corner of section 235, Hundred of Stanley; thence northerly along road to the south-eastern corner of section 586; thence westerly along road to the south-western corner of section 587; thence northerly along road to the western corner of section 576, and north-easterly along the north-western boundaries of sections 576 and 575 to the southern boundary of the Hundred of Hanson; thence westerly and northerly along the southern and western boundaries of said hundred; thence westerly along the northern boundary of the Hundred of Milne, generally southerly along the western boundaries of the Hundreds of Milne and Clare, easterly along portion of the southern boundary of the latter hundred to the point of commencement.

ELECTORAL DISTRICT OF GOUGER.

Commencing at the north-western corner of the Hundred of Goyder; thence southerly along the western boundaries of the Hundreds of Goyder and Inkerman along the eastern shore of Gulf St. Vincent; thence generally in a southerly, south-easterly, and south-westerly direction along said shore and the creek east of Garden Island, and north-west of part preliminary section 2019 to the south-western side of North Arm Road, Hundred of Port Adelaide; thence south-easterly along said road to the centre of Port Adelaide loop line, easterly along said loop line, north-easterly along Adelaide and Gawler Railway Line, north-easterly and easterly through section 989, Hundred of Port Adelaide, along the centre of the Dry Creek and Northfield Railway Line to western boundary of the Hundred of Yatala; thence easterly in said hundred along road opened 13th November, 1924, intersecting section 2245, north-easterly along road intersecting part section 97, Hundreds of Port Adelaide and Yatala, generally easterly along the northern boundaries of sections 690 and 685 of latter hundreds, sections 3028, 3033, and 1570; thence northerly to the north-eastern corner of section 3002; thence northerly by a straight line to the southern corner of section 521, and along road south-east of sections 521 and 2136 to the southern boundary of the Hundred of Munno Para; thence westerly along said boundary to the road west of section 2021, Hundreds of Yatala and Munno Para; thence northerly by

said road to the southern corner of section 3153 in the latter hundred; thence north-westerly along road to the southern corner of section 3067; thence north-easterly along road to the eastern corner of section 3883; thence easterly along road to the north-western corner of section 3888, and northerly along road to the south-eastern corner of the Hundred of Port Gawler; thence generally northerly along the eastern boundaries of the Hundreds of Port Gawler, Grace, Dalkey, and Hall, generally westerly along the northern boundaries of the Hundreds of Hall, Stow, and Goyder to the point of commencement.

ELECTORAL DISTRICT OF YORKE PENINSULA.

Comprising the whole of the County of Fergusson, together with the Hundreds of Tiparra and Clinton, the Althorpe Islands, Troubridge Shoal, and including the jetties along the sea coast.

ELECTORAL DISTRICT OF WALLAROO.

Comprising the whole of the Hundred of Wallaroo and the lighthouse on the Tiparra Reef, also including the jetties along the sea coast.

ELECTORAL DISTRICT OF BURRA.

Commencing at the north-eastern corner of the County of Young; thence southerly along its eastern boundary to the southern boundary of section 69, Hundred of Parcoola; thence westerly along the northern boundaries of sections 31 and 30, sections 12, 10, 7, and 13, Hundred of Pooginook, sections 4, 6, and 17, Hundred of Markaranka, to the eastern corner of section 14; thence north-westerly along the north-eastern boundaries of sections 14 and 11, and block L, to the north-western corner of the latter block; thence southerly and westerly along the eastern and the southern boundaries of section 26 to its south-western corner; thence northerly and westerly along the eastern and northern boundaries of Hundred of Stuart; thence northerly and westerly along the eastern and northern boundaries of Hundred of Lindley; thence westerly and southerly along the northern and western boundaries of Hundred of Maude; and thence westerly along the northern boundaries of Hundreds of Bower, English, Waterloo, and Saddleworth, to the south-western corner of section 235, Hundred of Stanley; thence northerly along road to the south-eastern corner of section 586; thence westerly along road to the south-western corner of section 587; thence northerly along road to the western corner of section 576, and north-easterly along the north-western boundaries of sections 576 and 575, to the southern boundary of the Hundred of Hanson; thence westerly along said boundary and northerly along the western boundary of the Hundred of Hanson, westerly along the southern boundary of the Hundred of Andrews, northerly along the western boundaries of the Hundreds of Andrews, Reynolds, Belalie, and Mannanarie; easterly and southerly along the northern and eastern boundaries of latter hundred; easterly along portion of the northern boundary of the Hundred of Whyte to road west of section 477 of said hundred; thence in a southerly direction along road west of sections 477, 492, 124, 34, 23, 16 and 2 to the southern boundary of the hundred; thence easterly along the northern boundaries of the Hundred of Anne and Counties Burra and Young to the point of commencement.

ELECTORAL DISTRICT OF YOUNG.

Commencing at the north-western corner of the Hundred of Mundoora; thence easterly along the northern boundaries of the Hundreds of Mundoora, Redhill, Koolunga, and Yackamoorundie, southerly along the eastern boundaries of Yackamoorundie, Hundreds of Hart and Blyth, westerly along the southern boundary of the Hundred of Blyth, the northern boundaries of Hundreds of Stow and Goyder, southerly along the eastern boundary of the Hundred of Kulpara, westerly along the southern boundaries of the Hundreds of Kulpara and Kadina, northerly along the western boundary of the Hundred of Kadina, westerly along the southern boundary of the Hundred of Tickera to the sea coast, thence generally north-easterly along the sea coast to the point of commencement, together with all jetties along said sea coast.

ELECTORAL DISTRICT OF ROCKY RIVER.

Commencing at the north-western corner of the Hundred of Baroota; thence easterly and southerly along the northern and eastern boundaries of said hundred, easterly along the northern boundary of the Hundred of Darling, easterly, northerly, and easterly along the boundaries of the Hundred of Appila, easterly along the northern boundary of the Hundred of Tarcowie, southerly along the eastern boundaries of the Hundreds of Tarcowie, Caltowie, Yangya, and Bundaleer, westerly along the southern boundaries of the Hundreds of Bundaleer, Narridy, Crystal Brook, and Wandearah to the sea coast; thence northerly along the sea coast to a point west of the north-western corner of block L, Hundred of Pirie; thence easterly to said corner and along the southern side of road north of blocks L and K, sections 777, 293, 338, 325, 328N, and 330, to the eastern boundary of the hundred; thence northerly and westerly along the eastern and northern boundaries of said hundred to the sea coast; thence northerly along said sea coast to the point of commencement, including all jetties along said coast.

ELECTORAL DISTRICT OF PORT PIRIE.

Comprising that portion of the Hundred of Pirie north of the following boundary:—Commencing at a point on the sea coast west of the north-western corner of block L; thence easterly to said corner, and along the southern side of road north of blocks L and K, sections 777, 293, 338, 325, 328N, and 330 to the western boundary of the Hundred of Napperby, and including the wharves and jetties along the sea coast.

ELECTORAL DISTRICT OF STUART.

Commencing at the intersection of the thirty-first parallel of south latitude with the western boundary of the State; thence northerly by said boundary to the twenty-sixth parallel of south latitude; thence easterly by said latitude to the one hundred and thirty-fifth meridian of east longitude; thence southerly by said meredian the thirtieth parallel of south latitude; thence easterly by said latitude to a point true north of Yarra Wurta Cliff Trigonometrical Station; thence southerly by a true north and south line through said station to the shore of Lake Torrens; thence generally south-easterly and southerly along the north-eastern and eastern shores of Lake Torrens and the western boundaries of Counties Blachford and Newcastle to the north-western corner of the Hundred of Crozier; thence easterly along the northern boundaries of the Hundreds of Crozier and Pichi Richi, southerly along eastern boundaries of the Hundreds of Pichi Richi, Woolundunga, and Winninowie, westerly along the southern boundary of the Hundred of Winninowie; thence generally northerly and south-westerly following the shores of Spencer's Gulf to the south-eastern corner of County York; thence westerly along its southern boundary, northerly, and westerly along the eastern and northern boundaries of County Buxton, westerly along the northern boundary of County Le Hunte, northerly along the eastern boundaries of Counties Robinson and Dufferin, easterly along portion of the northern boundary of the latter county to a point true south of Nuckulla Hill; thence true north by a line through said hill to the shore of Lake Everard; thence northerly along the western shore of Lake Everard to a point being the production easterly of the northern boundary of County Way; thence westerly to the north-eastern corner of said county, along its northern boundary, and portion of County Kintore to the one hundred and thirty-third meridian of east longitude; thence northerly by said meridian to the thirty-first parallel of south latitude; and thence westerly by said latitude to the point of commencement, including all wharves and jetties along the said sea coast.

ELECTORAL DISTRICT OF FROME.

Commencing at the south-western corner of section 2, hundred of Whyte; thence generally in a northerly direction along road west of sections 2, 16, 23, 34, 124, 489, and 477 to the northern boundary of said hundred; thence westerly along the southern boundary of the Hundred of Yongala; thence northerly along the western boundaries of Hundreds of Yongala and Morgan, and easterly along the northern boundary of the Hundred of Morgan; thence northerly along the western boundary of County Herbert; thence easterly along the northern boundary of said county to a point on the northern boundary of the Hundred of Waroonee, being the south-western corner of pastoral block 928; thence northerly, north-westerly,

and north-easterly following the boundaries of said pastoral block to the southern boundary of pastoral block 923; thence westerly and northerly along the southern and western boundaries of said block, north-easterly and northerly along the south-eastern and eastern boundaries of pastoral block 847, and northerly along the western boundaries of pastoral blocks 927 and 945 to the north-western corner of the latter block; thence in a north-easterly direction, following the boundaries of said block to the south-western corner of pastoral block 292; thence northerly along the western boundary of said block, and easterly following its northern boundary to the eastern side of Lake Frome; thence in a northerly direction along the eastern side of Lake Frome to the northern boundary of pastoral block 476, easterly along the northern boundary of aforesaid block, easterly by a straight line to the eastern boundary of the State, at the south-eastern corner of pastoral block 861; thence southerly by said State boundary to the north-eastern corner of County Hamley; thence westerly along the northern boundaries of Counties Hamley and Young, the southern boundary of County Kimberley and the southern boundary of the Hundred of Whyte, to the point of commencement.

ELECTORAL DISTRICT OF NEWCASTLE.

Commencing at the south-eastern corner of the Hundred of Black Rock Plain; thence northerly along its eastern boundary, easterly along the northern boundary of the Hundred of Morgan; northerly along the western boundary of County Herbert, easterly along portion of the northern boundary of said county to a point on the northern boundary of the Hundred of Waroonee, being the south-western corner of pastoral block 928; thence northerly, north-westerly, and north-easterly following the boundaries of said pastoral block to the southern boundary of pastoral block 923; thence westerly and northerly along the southern and western boundaries of said block, north-easterly and northerly along the south-eastern and eastern boundaries of pastoral block 847, and northerly along the western boundaries of pastoral blocks 927 and 945, to the north-western corner of the latter block; thence in a north-easterly direction, following the boundaries of said block, to the south-western corner of pastoral block 292; thence northerly along the western boundary of said block, and easterly following its northern boundary, to the eastern side of Lake Frome; thence in a northerly direction along the eastern side of Lake Frome to the northern boundary of pastoral block 476, easterly along the northern boundary of aforesaid block, easterly by a straight line to the eastern boundary of the State, at the south-eastern corner of pastoral block 861; northerly along the eastern boundary of the State to the twenty-sixth parallel of south latitude; thence westerly along said latitude to one hundred and thirty-fifth degree of east longitude; southerly by said longitude to the thirtieth parallel of south latitude; thence easterly by said latitude to a point true north of Yarra Wurta Cliff Trigonometrical Station; thence southerly by a true north and south line, through said station to the shore of Lake Torrens; thence generally south-easterly and southerly along the north-eastern and eastern shores of Lake Torrens and the western boundaries of Counties Blachford and Newcastle to the north-western corner of the Hundred of Crozier; thence easterly along the northern boundaries of Hundreds of Crozier and Pichi Richi; southerly along the eastern boundaries of Hundreds of Pichi Richi, Woolundunga, Winninowie, and Baroota, easterly along the southern boundary of Hundred of Wongyarra, northerly along the western boundary of the Hundred of Apilla, easterly along the southern boundaries of Hundreds of Booleroo, Pekina, and Black Rock Plain to the point of commencement.

ELECTORAL DISTRICT OF FLINDERS.

Commencing at the south-western corner of the Hundred of Wright; thence northerly along the western boundary of said hundred; thence generally easterly along the southern boundaries of the Hundreds of Witera, Addison, and Travers, southerly along the eastern boundary of the Hundred of Wallis, easterly along the southern boundaries of County Le Hunte and portion of the southern boundary of County Buxton to the north-western corner of Hundred of Jamieson; thence southerly along the western boundaries of the Hundreds of Jamieson, Campoona, Yadnarie, and Roberts, easterly along the southern boundary of the latter hundred, southerly along the western boundary of the Hundred of Boothby to the sea coast; thence south-westerly and north-westerly, following the sea coast

to the point of commencement, together with Thistle Island, Neptune Islands, Sir Joseph Banks Group, Flinders Island, and all other islands and jetties along the said sea coast.

ELECTORAL DISTRICT OF EYRE.

Commencing at the south-eastern corner of County York; thence westerly along its southern boundary, northerly and westerly along the eastern and northern boundaries of County Buxton, westerly along the northern boundary of County Le Hunte, northerly along the eastern boundaries of Counties Robinson and Dufferin; easterly along portion of the northern boundary of the latter county to a point true south of Nuckulla Hill; thence true north by a line through said hill to the shore of Lake Everard; thence northerly along the western shore of Lake Everard to a point being the production easterly of the northern boundary of County Way; thence westerly to the north-eastern corner of said county, along its northern boundary and portion of County Kintore to the one hundred and thiry-third meridian of east longitude; thence northerly by said meridian to the thirty-first parallel of south latitude, and thence westerly by said latitude to the western boundary of the State; thence southerly along said boundary to the sea coast; thence easterly and south-easterly, following the sea coast to the south-western corner of the Hundred of Wright; thence northerly along the western boundary of said hundred; thence generally easterly along the southern boundaries of Hundreds of Witera, Addison, and Travers, southerly along the eastern boundary of the Hundred of Wallis, easterly along the southern boundaries of County Le Hunte, and portion of the southern boundary of County Buxton to the north-western corner of Hundred of Jamieson; thence southerly along the western boundaries of Hundreds of Jamieson, Campoona, Yadnarie, and Roberts, easterly along the southern boundary of the latter hundred, southerly along the western boundary of the Hundred of Boothby to the sea coast, north-easterly along said sea coast to the point of commencement, together with St. Peters and all other islands and jetties along the said sea coast.

The Landlord and Tenant (Control of Rents) Act, 1942-1951, including all amendments passed to the end of 1951 and notes of judicial decisions, is reprinted in the Annual Volume, 1951, at page 169.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT, 1942-1949.

BEING

LANDLORD AND TENANT (CONTROL OF RENTS) ACT, 1942, No. 33 OF 1942 [ASSENTED TO 26TH NOVEMBER, 1942.]

AS AMENDED BY

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1946, No. 38 OF 1946 [ASSENTED TO 19TH DECEMBER, 1946.]

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1947, No. 30 OF 1947 [ASSENTED TO 4TH DECEMBER, 1947.]

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1948, No. 5 OF 1948 [ASSENTED TO 13TH AUGUST, 1948.]

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1949, No. 9 OF 1949 [ASSENTED TO 13TH OCTOBER, 1949.]

AND

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT (No. 2), 1949, No. 63 OF 1949 [ASSENTED TO 8TH DECEMBER, 1949.]

An Act to provide for the control during the present war of the rents of premises used for the purposes of residence, and for incidental and other purposes.

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.

Short title and commencement.

1. (1) This Act may be cited as the "Landlord and Tenant (Control of Rents) Act, 1942-1949."

(2) This Act shall come into operation on a day to be fixed by proclamation.

s. 1. (2) This Act was proclaimed to commence on 1st January, 1943: *Gazette* 3rd December, 1942, p. 1089.

Arrangement of Act.

Amended by 30, 1947, s. 3, by 5, 1948, s. 2, and by 4, 1949, ss. 16, 18.

2. The provisions of this Act are arranged as follows:—

PART I.—Preliminary.

PART II.—Administration.

PART III.—Control of rents.

PART IIIA.—Control of rents of caravans.

PART IIIB.—Recovery of possession of premises.

PART IIIC.—Protected persons.

PART IIID.—Control of rents of hotel premises.

PART IV.—Miscellaneous.

Repealing provision.

3. The Increase of Rent (War Restrictions) Act, 1939, the Increase of Rent (War Restrictions) Act Amendment Act, 1940, and the Increase of Rent (War Restrictions) Act Amendment Act, 1941, are repealed.

Interpretation.

4. (1) In this Act, unless the context otherwise requires—

Amended by 38, 1946, s. 2 (2), and by 5, 1948, s. 4 (2).

"dwelling-house" means any premises leased for the purpose of residence, and includes—

(*a*) any part of any premises leased separately for the purposes of residence;

(*a*1) any part of any premises leased separately for the purposes of residence the lease of which provides for the use by the lessee of any other part of the premises or any fittings therein;

(*b*) the premises of any lodging-house;

(*c*) any premises a substantial part of which is leased for the purpose of residence and the remaining part of which is leased for the purpose of being used as a shop, store-room, workshop, stable, or any similar purpose:

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s. 4. H. A. WARNER PROPRIETARY LIMITED v. WILLIAMS AND OTHERS (1946) 73 C.L.R. 421. A tenancy at will at common law is sufficient to constitute a "lease" as defined in the corresponding regulation of the National Security (Landlord and Tenant) Regulations. If a person who is in fact a servant is in part remunerated for his services by being allowed to occupy a house, he is *prima facie* a tenant.

A. E. TERRY'S MOTORS LTD. v. RINDER (1948) S.A.S.R. 167. Where approximately one-sixth of the area of premises was used as a residence and the remainder for business purposes, held that the part of the premises used as a residence was not a substantial part of the premises.

PRICE v. MAYMAN (1948) S.A.S.R. 241. Held that, in the particular circumstances, a particular transaction could operate (if at all) only as an assignment.

"lease" includes every contract for the letting or subletting of any premises, whether the contract is made orally, in writing, or by deed, and includes a contract for the letting or subletting of any premises together with the use of furniture or other goods and also includes a contract for the letting or subletting of any premises together with the supply or provision of any domestic service, but does not include any lease arising under an attornment clause in a mortgage or in an agreement for the sale and purchase of land: Amended by 5, 1948, s. 3 (a) and by 9, 1949, s. 2 (a).

"lessor" and "lessee" mean the parties to a lease and respectively include— Amended by 5, 1948, s. 3 (b), (c), and (d).

(*a*) a mesne lessor and mesne lessee;

(*b*) a sub-lessor and a sub-lessee; and

(*c*) in respect of premises which are subject to a mortgage, a mortgagee who enters or has entered into possession of the premises under the mortgage and a person who was the lessee of the premises under the mortgagor immediately prior to the mortgagee entering into possession:

"local court" means a local court of full jurisdiction consisting solely of a Local Court Judge or a special magistrate: Amended by 5, 1948, s. 3 (e).

"rates" means any charges levied by the Minister of Works or by any municipal council or district council: Amended by 38, 1946, s. 2 (1).

"rent" means the actual rent payable under a lease, and includes— Amended by 9, 1949, s. 2 (b).

(*a*) the value to the lessor of any covenants, conditions or other provisions of, or relating to, the lease to be performed by the lessee other than covenants, conditions, and provisions usually entered into by a lessee;

(*b*) any rates or taxes (other than excess water rates) payable by the lessee in respect of the premises to which the lease relates;

(*c*) any amount payable by the lessee to the lessor for the use of any furniture or other goods or the supply or provision of any domestic service in connection with the letting of the premises to which the lease relates;

(*d*) any amount payable by the lessee to the lessor in respect of the supply of any electricity, gas, water, fuel, or other domestic commodity in connection with the letting of the premises to which the lease relates or in respect of any sanitary service for such premises;

(*e*) any amount payable by the lessee to the lessor for the use of any fittings in the premises to which the lease relates or, if the lease relates to a part of any premises, any amount payable by the lessee to the lessor for the use of any fittings in any other part of the premises; and

(*f*) if the lease relates to a part of any premises, any amount payable by the lessee to the lessor for the use of any other part of the premises:

Inserted by 5, 1948, s. 3 (f).

"shared accommodation" means any premises to which this Act applies which are leased, or intended to be leased, for the purpose of residence and forming part of other premises, but does not include any premises forming a complete residence in themselves:

"tax" includes any tax, whether on land or income derived from land, which is imposed by any Act of the State or the Commonwealth:

"trust" means the South Australian Housing Trust constituted under the South Australian Housing Trust Act, 1936-1940.

Inserted by 9, 1949, s. 2 (c).

(2) For the purpose of this Act, "lessee" includes a person who remains in possession of premises after the termination of his lease of the premises, and "lessor" has a corresponding meaning.

Premises to which Act is to apply. Substituted by 5, 1948, s. 4 (1).

5. (1) This Act shall apply to any premises (including any part of any premises which is separately leased), other than—

Para. (a) amended by 9, 1949, s. 3 (a).

(*a*) premises which are for the time being used, or which are ordinarily used, as any grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary;

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s. 5. MARCH v. NEUMANN (1945) S.A.S.R. 167. Where farm property including a farmhouse was let and on the expiration of the term of the tenancy there was a holding over of the farmhouse only, held that there was a tenancy at sufferance and that the farmhouse was not "prescribed premises" within the meaning of the National Security (Landlord and Tenant) Regulations.

(*a*1) any dwelling-house situated on any land used as a grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary and which is ordinarily used for the occupation of seasonal workers employed as such upon that land; Inserted by 9, 1949, s. 3 (b).

* * * * * * * * * * * Para. (b) repealed by 9, 1949, s. 3 (c).

(*c*) any premises ordinarily leased for holiday purposes only: Provided that if any premises ordinarily leased for holiday purposes only are leased for other than holiday purposes, the premises shall, whilst so leased, not be deemed to be premises ordinarily leased for holiday purposes: Provided further that if any premises are leased to any person and the letting continues for a period exceeding eight weeks the premises shall, whilst so let to that person after the expiration of the period of eight weeks, not be deemed to be premises ordinarily leased for holiday purposes; Amended by 9, 1949, s. 3 (d).

(*d*) any premises, or the premises included in any class of premises, declared by proclamation to be premises or a class of premises, as the case may be, to which this Act shall not apply.

(1a) The provisions of Part I. and Part IIID. of this Act shall apply to premises in respect of which a publican's licence is in force under the Licensing Act, 1932-1945, but no other provisions of this Act shall apply to those premises. Inserted by 9, 1949, s. 3 (e).

(1b) This Act shall apply to any premises (including any part of any premises which is separately leased) in respect of which a billiard-table licence is in force under the Licensing Act, 1932-1945. Inserted by 9, 1949, s. 3 (e).

(1c) Except as provided by subsections (1a) and (1b), this Act shall not apply to any premises licensed under the Licensing Act, 1932-1945. Inserted by 9, 1949, s. 3 (e).

(2) The Governor may from time to time by proclamation declare that this Act or any Part of this Act shall not apply to any premises or class of premises described in the proclamation and this Act or Part of this Act, as the case may be, shall not apply accordingly. The Governor may by proclamation revoke or from time to time vary any such proclamation.

(3) In this Act, the term "premises to which this Act applies" shall include a reference to all premises other than premises to which this Act does not apply by virtue of Amended by 9, 1949, s. 3 (f).

paragraphs (*a*), (*c*), or (*d*) of subsection (1) of this section or of subsection (1c) of this section or of subsection (1) of section 6. The term also includes a reference to any part of any premises which is separately leased and to any land or appurtenances leased with any premises or part of premises.

Exemptions from Act.

6. (1) The provisions of this Act shall not apply—

(*a*) to any premises let by the Government of the Commonwealth or the State or any instrumentality of any such Government;

Inserted by 9, 1949, s. 4 (a).

(*a*1) to any premises let by any municipal council or district council; or

(*b*) to any premises let by the trust.

Amended by 9, 1949, s. 4 (c).

(1a) The provisions of this Act relating to the control of rents shall not apply to any premises during the time any notice fixing the maximum rental thereof is in force under Part VII. of the Housing Improvement Act, 1940.

(2) Nothing in this Act shall be deemed to apply to or affect any covenant in any mortgage whereby the mortgagor attorns tenant to the mortgagee.

s. 7 repealed by 38, 1946, s. 8 (2).

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Construction of Act.

8. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any enactment of this Act would, but for this section, have been construed in excess of that power it shall, nevertheless, be a valid enactment to the extent to which it is not in excess of that power.

PART II.

PART II.

ADMINISTRATION.

Administration of Act.

9. The provisions of this Act shall be administered by the trust.

Protection of members of trust.

10. (1) No matter or thing done by the trust or by any member, officer, inspector, or servant of the trust or by any other person whomsoever acting under the direction or

authority of the trust or of this Act shall, if the matter or thing was done *bona fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(2) Any expense incurred by the trust or any such member, officer, inspector, servant or person acting as aforesaid shall be deemed to be an expense authorized by this Act.

Appointment of officers.

11. (1) The trust may appoint such officers, inspectors, and servants as are necessary for the administration of this Act.

(2) Any such officer, inspector, or servant shall not, as such, be subject to the Public Service Act, 1936-1941.

(3) With the approval of the Minister administering any department of the public service, the trust may, for the purposes of the administration of this Act, employ or use the services of any person employed in that department upon any terms and conditions which are agreed upon between that Minister and the trust. Notwithstanding subsection (2), any such person shall continue for all purposes to be a member of the public service.

Expenses of administration.

12. The moneys necessary for the administration and the expenses of this Act shall be paid out of moneys provided by Parliament for the purpose.

PART III.

PART III.

CONTROL OF RENTS.

Pegging of rents. Amended by 5, 1948, s. 5.

13. (1) Notwithstanding any term, condition or covenant in any lease in force at any time after the passing of this Act, the rent payable by the lessee of any premises (being a dwelling-house) to which this Act applies, in respect of any period after the passing of this Act and during the continuance of this Act shall, unless the rent is fixed by the trust or a local court as provided by this Act, not exceed the following rent:—

I. If the premises were let at the first day of August, nineteen hundred and forty-two, the rent shall not exceed the rent lawfully payable in respect thereof at the first day of August, nineteen hundred and forty-two:

II. If the premises were not let at the first day of August, nineteen hundred and forty-two, the rent

shall not exceed the rent lawfully payable in respect thereof under the lease whereby the premises were first let after the first day of August, nineteen hundred and forty-two.

Inserted by 5, 1948, s. 5 (b), and amended by 9, 1949, s. 5.

(1a) Notwithstanding any term, condition, or covenant in any lease in force at any time after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1948, the rent payable by the lessee of any premises (other than a dwelling-house) to which this Act applies, in respect of any period after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1948, and during the continuance of this Act shall, unless the rent is fixed by the trust or a local court as provided by this Act, not exceed the following rent:—

I. If the premises were let at the thirtieth day of June, nineteen hundred and forty-eight, the rent shall not exceed the rent lawfully payable in respect thereof at the thirtieth day of June, nineteen hundred and forty-eight: Provided that if (whether before or after the said day) the lessor and the lessee of any such premises from time to time agree in writing that the rent of the premises shall be any other amount, the rent shall not exceed the amount of the rent so agreed upon;

II. If the premises were not let at the thirtieth day of June, nineteen hundred and forty-eight, the rent shall not exceed the rent lawfully payable in respect thereof under the lease whereby the premises were first let after the thirtieth day of June, nineteen hundrel and forty-eight: Provided that if the lessor and the lessee of any such premises from time to time agree in writing that the rent of the premises shall be any other amount, the rent shall not exceed the amount of the rent so agreed upon.

(2) Any rent in excess of the rent provided to be paid by subsection (1) or subsection (1a) shall, notwithstanding any change in the ownership or occupation of the premises or any agreement to the contrary, be irrecoverable.

(3) Where the rent of any premises is fixed by virtue of this section, the lessee may, by notice in writing given to the lessor, require him to furnish to the lessee a statement in writing as to what is the rent so fixed as aforesaid. If the lessor fails within fourteen days to furnish a statement as

aforesaid he shall be guilty of an offence and liable to a penalty not exceeding ten pounds and if the lessor wilfully furnishes a statement which is false in any material particular, he shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(4) Nothing in this section shall affect the operation of any determination of the trust or order of a local court under this Act fixing the rent of any premises to which this Act applies.

Application to fix rent. Amended by 38, 1946, s. 3.

14. (1) The lessor or the lessee under any lease of any premises to which this Act applies may, from time to time, make application in writing to the trust to fix the rent of the premises to which the lease relates.

(2) The trust shall thereupon cause the premises to be inspected for the purpose of fixing the rent thereof. The trust shall give prior notice to the lessor and the lessee or to his solicitor or agent of an occasion upon which the premises are to be so inspected and stating the day and approximate time at which the premises are to be so inspected.

(3) The trust may, of its own motion, and from time to time, cause any premises to which this Act applies to be inspected for the purpose of fixing the rent thereof.

Determination of rent.

15. After inspection is made as aforesaid of any premises to which this Act applies and after making such inquiries and obtaining such reports as the trust considers necessary, the trust shall provisionally determine the rent of the premises.

Notice of determination of rent.

16. After determining the rent of any premises as aforesaid the trust shall give notice in writing of its determination to the lessor and lessee of the premises.

Objection to determination.

17. (1) Within fourteen days after notice as aforesaid is given to any lessor or lessee, the lessor or lessee, as the case may be, may give notice in writing to the trust that he objects to the amount of the rent determined by the trust. Particulars of the objection shall be given to the trust by the lessor or lessee making the objection within twenty-one days after notice is given to him pursuant to section 16, or within such further time as the trust considers necessary in the particular case. Any such particulars may be given to the trust in writing or, if the trust thinks fit, by representations made orally to the trust by the lessor or lessee, as the case may be, or some person on his behalf.

(2) The trust, on hearing or considering any objection, shall not be bound by any rules of evidence or procedure but may inform itself in such manner as it thinks fit.

(3) After considering any objection the trust shall finally determine the rent of the premises.

Publication of determination of trust.

18. (1) If no objection is made as provided by section 17, the trust shall, after the expiration of fourteen days after giving notice as provided by section 16, make a determination fixing the rent of the premises at the amount previously determined by the trust, and shall publish notice thereof in the *Gazette*.

Every such determination shall take effect from a date (which shall be a date not earlier than fourteen days after notice was given to the lessor and lessee under section 16) fixed by the trust and stated in the notice thereof.

(2) If any objection is made as provided by section 17, the trust shall, after considering every such objection, make a determination fixing the rent of the premises and shall publish notice thereof in the *Gazette*. Every such determination shall take effect from a date fixed by the trust and stated in the notice thereof. Such date may be any date not earlier than fourteen days after notice was given to the lessor and lessee under section 16.

(3) The trust shall give notice in writing to the lessor and the lessee of every determination made under this section.

Inserted by 9, 1949, s. 6.

(4) If the rent fixed in respect of any premises by any determination of the trust is not greater than any rent agreed to be paid by the lessee to the lessor under any lease in writing, then, notwithstanding the provisions of subsections (1) and (2) of this section, the date fixed by the trust as the date from which the determination is to take effect may be any date not earlier than the date from which under the lease in writing the rent was so agreed to be paid.

Appeal to local court. Amended by 38, 1946, s. 4.

19. (1) If objection is made as provided by section 17, and the rent of the premises is subsequently fixed by the trust, the lessor or lessee of the premises may, within fourteen days after the publication of the notice in the *Gazette* mentioned in subsection (2) of section 18, or within such extended time as the court for good cause may allow, appeal to the local court of full jurisdiction nearest to the premises from the determination of the trust.

S. 19. EX PARTE WHITTLE (1944) S.A.S.R. 205. A local court on an appeal from a ruling of the South Australian Housing Trust is entitled to assume that the rent fixed by the Trust is fair and equitable until the appellant shows that it is not.

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Subsec. (2) repealed by 38, 1946, s. 4 (c).

(3) Whilst any such appeal is pending, the determination of the trust shall continue in force.

Order by local court.

20. (1) The local court shall hear and inquire into the appeal and shall, by its order, fix the rent of the premises. For the purpose of the appeal the local court may do all such matters and things relating thereto and in the same manner and to the same extent as it is empowered to do in the exercise of its ordinary jurisdiction, but no costs shall be allowed on any such appeal. The decision of the local court shall be final and conclusive.

(2) The local court shall, by its order, fix the date from which the order is to take effect. Such date shall be the date from which the determination apealed against came into effect and the order shall take effect from such date.

(3) The clerk of the local court shall transmit a copy of the order to the trust.

(4) The trust shall forthwith publish in the *Gazette* notice of the order and shall give notice in writing of the order to the lessor and the lessee.

Matters to be considered in fixing rent.

21. (1) In fixing the rent under this Act of any premises to which this Act applies, the trust or, as the case may be, local court shall fix such rent as the trust or, as the case may be, local court considers to be fair and equitable, and after having regard to—

(*a*) the accommodation provided in the premises and the state of repair and the general condition thereof;

(*b*) the neighbourhood in which the premises are situated;

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s. 21. R. v. LOCAL COURT OF PORT ADELAIDE. EX PARTE WOOD (1943) S.A.S.R. 285. Considerations entering into the fixing of rents on appeals discussed. It is the duty of the court when fixing rents to bring rents into line with the general level of rental values prevailing at the time of fixture of the rents paid. Evidence may be admitted of rents for comparable houses and of the rent obtainable prior to the date (1st September, 1939) when rents were first fixed by Statute and it may be assumed that rental values had been stabilized by the Increase of Rents (War Restrictions) Act, 1939-1941.

Semble, where buildings have been constructed or altered since 1939, it is fair and equitable to allow a fair return upon the capital actually and reasonably expended.

EX PARTE WHITTLE (1944) S.A.S.R. 205. Upon an appeal to a local court from a decision of the South Australian Housing Trust fixing the rent of a furnished flat, the court is entitled to fix a fair rent for the flat according to the rental at which it could have been let unfurnished in or about September, 1939, and then to make a fair allowance for the use of the furniture. The intendment of the Act does not preclude a valuation which brings the rent of furnished premises into line with those of unfurnished premises *mutatis mutandis*.

(*c*) if the lease relates to a part of any premises, the rent (if any) of the whole of the premises;

(*d*) if the lease relates to a part of any premises, any rights conferred upon the lessee to the use of any other part of the premises or any fittings therein;

(*e*) if the lease provides for payment for the use of furniture or other goods, the value, condition, and suitability of the furniture or goods;

(*f*) if the lease provides for any amount to be payable by the lessee to the lessor for any electricity, gas, water, fuel, or other domestic commodity, the reasonable value of the electricity, gas, water, fuel, or other domestic commodity for which payment is to be made;

(*g*) any amount which pursuant to the lease the lessee is required to pay or expend for the purposes of the repair, renovation, or improvement of the premises;

Inserted by 38, 1946, s. 5.

(*h*) any increased expenditure reasonably incurred by the lessor in the maintenance of the premises or in other costs in respect of the premises beyond the expenditure which would have been reasonably incurred for that purpose immediately prior to the third day of September, nineteen hundred and thirty-nine;

Inserted by 9, 1949, s. 7.

(*i*) any additions or improvements which have been made to the premises by the person who is the lessee of the premises at the time the rent is fixed and which have been made with the written consent of the lessor.

(2) If the trust or, as the case may be, the local court is satisfied that by reason of the dirty, harmful, or careless habits or actions of the lessee of any premises to which this Act applies or of any members of his household greater expenditure upon the repair or renovation of the premises has been or will be likely to be necessary than would otherwise be the case, the trust or, as the case may be, the local court, in fixing the rent under this Act of the premises, shall have regard thereto.

(3) If under the lease of any premises to which this Act applies any amount is payable by the lessee to the lessor for the use of any furniture or other goods in connection with the letting of the premises, the trust or, as the case may be, the local court in fixing the rent of the premises shall fix the rent

thereof which shall be payable in respect of the premises without the use of the furniture or other goods and shall also fix the rent thereof which shall be payable in respect of the premises including any amount payable for the use of the furniture or other goods.

Period for which rent may be fixed.

22. Any determination or order under this Act fixing the rent of any premises may fix the rent to be so payable at an amount payable for every week, month, or other period.

Effect of fixing rent.
Amended by 9, 1949, s. 8.

23. (1) If the rent of any premises to which this Act applies has been fixed pursuant to this Act by a determination of the trust or an order of a local court, then during any time during which the determination or order fixing the rent is in force, and notwithstanding any change in ownership or occupation of the premises, the rent which shall be payable in respect of the premises shall not exceed that fixed as aforesaid and, unless a lesser amount is, after the making of the determination or order, agreed to be paid, the rent fixed as aforesaid shall, notwithstanding the provisions of any other Part of this Act, be the rent payable in respect of the premises.

(2) Any amount by which the rent charged in respect of the premises is in excess of the rent fixed as aforesaid shall, notwithstanding any agreement to the contrary, be irrecoverable.

Recovery of overpaid rent.

24. Where any sum has been paid on account of any rent, being a sum which by virtue of section 13 or section 23 would have been irrecoverable by the lessor, the sum so paid shall, at any time within six months after the date of payment, be recoverable from the lessor who received the payment by the lessee by whom it was paid, and may, without prejudice to any other method of recovery, be deducted by that lessee from any rent payable within such six months by him to such lessor.

Variation of rents.
Amended by 9, 1949, s. 9.

25. (1) If the rent of any premises to which this Act applies has been fixed by the trust or a local court pursuant to this Act, no further proceedings under this Act for the fixing of the rent of those premises shall be commenced until after a period of six months from the time the rent was fixed as aforesaid except on the ground that—

s. 23. DAVIES v. O'SULLIVAN (No. 2) (1949) S.A.S.R. 208, affirming DAVIES v. O'SULLIVAN (1948) S.A.S.R. 297. A determination of the rent of unfurnished premises made by the South Australian Housing Trust remains applicable to the premises notwithstanding that they are subsequently let furnished.

(*a*) by an error or omission, an injustice has been occasioned by the determination or order fixing the rent;

(*b*) since the determination or order fixing the rent came into force, substantial alterations or additions have been made to the premises or, if the lease provides for the use of any furniture or other goods in connection with the letting of the premises, to the furniture or other goods; or

(*c*) since the determination or order fixing the rent came into force, the accommodation provided in the premises has been materially increased or decreased or, if the lease provides for the use of furniture or other goods in connection with the letting of the premises, the furniture or other goods to be so used have been substantially increased or decreased.

(2) Any proceedings to fix the rent of any premises the rent of which has been previously fixed by the trust or a local court pursuant to this Act shall be had and determined in manner provided by this Act as if the rent had not been so previously fixed.

Power to fix rent of premises not let at time of application.

26. (1) Any person who is entitled to the rents and profits of any premises which if leased would be premises to which this Act applies may, notwithstanding that the premises are not leased, make application in writing to the trust to fix the rent of the premises.

(2) Upon such application the rent of the premises may be fixed in manner provided by this Act and the provisions of this Act shall, *mutatis mutandis,* apply accordingly. The person making the application shall be deemed to be the lessor of the premises.

PART IIIA.

PART IIIA.

CONTROL OF RENTS OF CARAVANS.

Interpretation. Inserted by 30, 1947, s. 2.

26a. In this Part, unless the context otherwise requires—

"caravan" means any vehicle without motive power constructed or adapted for the purposes of habitation; the term includes any such vehicle which is not at the time fitted with wheels but which is so constructed that it is capable of being fitted with wheels:

"hirer" with respect to a caravan, means the party to whom the caravan is let:

"letting" with respect to a caravan, includes any contract for the letting or hire of the caravan, whether the contract is made orally or in writing or otherwise, and includes a contract for the letting or hire of a caravan together with the use of furniture or other goods; and "let" has a corresponding meaning:

"owner", with respect to a caravan, means the party by whom the caravan is let:

"owner", with respect to land, means the person by whom, whether as owner, lessee, occupier or otherwise, any charge is made with respect to the use of any land upon which any caravan is placed for the purpose of habitation:

"rent", with respect to a caravan, means any amount payable by the hirer to the owner of the caravan under any letting thereof, and includes any amount payable by the hirer to the owner for the use of any furniture or other goods in connection with the letting of the caravan:

"rent", with respect to land, means any amount payable to the owner of the land by any person under any arrangement of any kind whereby that person is authorized to place a caravan upon that land for the purpose of the habitation of the caravan (whether by the said person or otherwise), and includes—

(*a*) any amount payable to the owner for the use of any buildings or goods;

(*b*) any amount payable to the owner for the use of any sanitary, laundry or washing or like facilities;

(*c*) any amount payable to the owner in respect of the supply of any electricity, gas, water, or fuel.

Fixation of rents in respect of letting of caravans. Inserted by 30, 1947, s. 2.

26b. (1) The trust from time to time may, by notice published in the *Gazette* and in a daily newspaper circulating throughout the State, declare that the maximum rents payable in respect of the letting of caravans within such part or parts of the State as are specified in the notice shall from a day or days to be specified in the notice, not exceed the rent or rents set out in the notice.

Any such notice may fix different maximum rents—

(*a*) for different kinds or classes of caravans;

(*b*) for different parts of the State.

(2) The trust may by notice published as aforesaid revoke or vary any declaration of rents made as aforesaid.

Payment of rent under letting of caravans. Inserted by 30, 1947, s. 2.

26c. (1) Notwithstanding any term or condition of any letting, the rent payable in respect of the letting of any caravan in respect of any period after the coming into operation of a declaration under section 26b shall, except in the circumstances mentioned in section 26d or 26l, not exceed the rent fixed by the declaration and appropriate to the caravan.

(2) Any rent in excess of the rent provided to be paid by subsection (1) shall, notwithstanding any agreement to the contrary, be irrecoverable.

Application to trust for special determination of rent of caravan. Inserted by 30, 1947, s. 2.

26d. (1) The owner or the hirer of any caravan, the maximum rent in respect of the letting of which has been determined pursuant to section 26b, may from time to time apply in writing to the trust for a determination of the maximum rent to be payable in respect of the letting of the caravan: Provided that no such application may be made in respect of any caravan by any person within six months after the making of a prior application by that person in respect of that caravan.

(2) The trust may thereupon from time to time determine the maximum rent which shall be payable in respect of the letting of the caravan from the day to be fixed by the trust.

(3) Notwithstanding the provisions of section 26c, the rent so determined shall, from the day fixed as aforesaid, be the maximum rent which shall be payable in respect of the letting of the caravan and any rent in excess of such maximum rent shall, notwithstanding any agreement to the contrary, be irrecoverable.

Fixation of rents of land for use for caravans. Inserted by 30, 1947, s. 2.

26e. (1) The trust from time to time may, by notice published in the *Gazette* and in a daily newspaper circulating throughout the State, declare that the maximum rents which shall be payable in respect of land within such part or parts of the State as are specified in the notice under any arrangements of any kind whereby persons are authorized to place caravans upon such land for the purpose of habitation, shall, from a day or days to be specified in the notice, not exceed the rents set out in the notice.

Any such notice may—

(*a*) in respect of different items included in rent with respect to land, as defined in section 26a, fix different amounts as the maximum rents to be payable in respect of those items;

(*b*) fix different maximum rents for different parts of the State.

(2) The trust may by notice published as aforesaid revoke or vary any declaration of rents made as aforesaid.

Payment of rent in respect of land. Inserted by 30, 1947, s. 2.

26f. (1) Notwithstanding any term or condition of any contract or arrangement, the rent payable in respect of any land under any arrangement of any kind whereby any person is authorized to place a caravan upon that land for the purpose of the habitation of the caravan (whether by the said person or otherwise) and in respect of any period after the coming into operation of a declaration under section 26e, shall, except in the circumstances mentioned in section 26g, not exceed the rent fixed by the declaration and appropriate to the land and the arrangement with respect thereto.

(2) Any rent in excess of the rent provided to be paid by subsection (1) shall, notwithstanding any agreement to the contrary, be irrecoverable.

Application to trust for special determination of rent of land. Inserted by 30, 1947, s. 2.

26g. (1) The owner of any land in respect of which a maximum rent has been determined pursuant to section 26f, may, from time to time, apply in writing to the trust for a determination of the maximum rent to be payable in respect of the land for the purposes referred to in section 26f: Provided that no such application may be made in respect of any land by the owner thereof within six months after the making of any prior application by that owner in respect of that land.

(2) The trust may thereupon from time to time determine the maximum rent which shall be so payable from a day to be fixed by the trust.

(3) Notwithstanding the provisions of section 26f, the rent so determined shall, from the day fixed as aforesaid, be the maximum rent which shall be payable in respect of the land for the purposes referred to in section 26f and any rent in excess of such maximum rent shall, notwithstanding any agreement to the contrary, be irrecoverable.

Display of maximum rent. Inserted by 30, 1947, s. 2.

26h. (1) If any rent is determined pursuant to section 26d or 26g in respect of any caravan or land, the trust shall supply to the owner of the caravan or land, as the case may

be, a notice stating the maximum rent payable pursuant to this Part in respect of the caravan or land and the owner of the caravan or land, as the case may be, shall, within a time to be specified by the trust, cause the notice to be affixed to the caravan or, as the case may be, displayed on the land in manner directed by the trust.

(2) Any such owner who fails to affix or display or to keep affixed or displayed any such notice in accordance with the direction of the trust shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(3) Any person who destroys, defaces or removes any such notice affixed or displayed as aforesaid shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Duty to give receipt for rent.
Inserted by 9, 1949, s. 10.

26ha. (1) Any person who, whether as principal or agent, receives any payment of any rent with respect to any caravan to the letting of which this Part applies or of any rent with respect to any land to which this Part applies shall, at the time of receiving the payment or within twenty-four hours of the making of the payment, give or cause to be given to the person making the payment a receipt (either 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 caravan or land, as the case may be, in respect of which the payment is made.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(3) If pursuant to any arrangement made between the person paying the rent and the person to whom it is payable, any rent payable as mentioned in subsection (1) is paid into a bank to the credit of the person to whom it is payable (whether as principal or agent), the provisions of subsection (1) shall not apply in respect of that payment of rent.

Penalty for recovering rent above that fixed.
Inserted by 30, 1947, s. 2, and amended by 9, 1949, s. 11.

26i. (1) Any person who, whether as principal or agent or in any other capacity, in any book or other document wilfully makes any entry showing or purporting to show any person as being in arrear in respect of any sum which by virtue of this Part is irrecoverable, or wilfully makes in any book or other document any false entry in a material particular with respect to the rent of any caravan or land to which this Part applies, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(2) Any person who, whether as principal or agent or in any other capacity, wilfully demands or wilfully receives as rent in respect of any caravan or land any sum which by virtue of this Part is irrecoverable, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Recovery of overpaid rent. Inserted by 30, 1947, s. 2.

26j. Where any sum has been paid to any owner on account of any rent, being a sum which by virtue of this Part would have been irrecoverable by the owner, the sum so paid shall, at any time within six months after the date of payment, be recoverable from the owner who received the payment by the person by whom it was paid, and may, without prejudice to any other method of recovery, be deducted by that person from any rent payable within such six months by him to such owner.

Powers of entry and inspection. Inserted by 30, 1947, s. 2.

26k. (1) For the purposes of this Part, any member of the trust or any officer or inspector of the trust authorized in writing for the purpose by the trust—

(*a*) may enter upon any land upon which any caravan used for the purposes of habitation is situated, and may enter and inspect any such caravan;

(*b*) may require any person being the owner or hirer of any caravan or being the owner of any land or being the agent of any such owner or hirer, to answer any question relating to the letting thereof or to any rent payable in respect of any caravan or land.

(2) Any person who—

(*a*) obstructs or hinders any such member, officer, or inspector in the exercise of any of the powers conferred by subsection (1) hereof; or

(*b*) refuses to answer any question put by any such member, officer, or inspector as provided by paragraph (*b*) of subsection (1) hereof or who wilfully gives any false answer to any such question,

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

Exemption from operation of this Part. Inserted by 30, 1947, s. 2.

26l. If any caravan is let to any person for holiday purposes only, this Part shall not apply with respect to the rent of that caravan whilst the caravan is so let but if any caravan is let to any person for holiday purposes and the letting continues for a period exceeding four weeks, this Part shall, after the expiration of four weeks from the commencement of the letting thereof, apply to the caravan whilst it is let to that person.

PART IIIB.

PART IIIB.

RECOVERY OF POSSESSION OF PREMISES.

Commencement of Part. Inserted by 5, 1948, s. 6.

26m. The provisions of this Part shall come into force on a day to be fixed by proclamation.

Restriction on eviction. Inserted by 5, 1948, s. 6.

26n. (1) Except as provided by this Part, the lessor of any premises to which this Act applies shall not give any notice to terminate the tenancy or take or continue any proceedings to recover possession of the premises from the lessee or for the ejectment of the lessee therefrom.

(2) A notice to quit given in contravention of this section shall not operate so as to terminate the tenancy in respect of which the notice was given.

(3) Subject to this Part, a lessor may take proceedings in a local court for an order for the recovery by him of any premises to which this Act applies (or of any furniture or other goods leased therewith) or for the ejectment of the lessee therefrom if the lessor, before taking the proceedings, has given to the lessee, upon one or more of the prescribed grounds but upon no other ground, notice to quit in writing

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Part IIIB. Section 22 of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1949, provides that in any proceedings in any court which were commenced before the passing of that Act and in which the decision of the court was not announced before the passing of that Act, the provisions of that Act are to be construed as if those provisions had been enacted before the commencement of those proceedings.

s. 26m. Part III.B was proclaimed to commence on 16th August, 1948: *Gazette* 13th August, 1948, p. 703.

s. 26n. ELDER'S TRUSTEE AND EXECUTOR COMPANY LIMITED AND ANOTHER v. SACH (1944) S.A.S.R. 65. Where for many years the defendant had occupied as tenant at will a house and land for which the defendant paid no rent, held the defendant was not entitled to the protection of provisions of the National Security (Landlord and Tenant) Regulations relating to evictions.

INDEPENDENT ORDER OF ODDFELLOWS AND GRESHAM HOTEL LIMITED v. MALLAN, MATTERS, ROGERS, SMITH AND LEAN (1946) S.A.S.R. 234. Where, under an agreement between an owner of premises and the holder of an *interesse termini* that such owner should give notice to quit to other existing tenants of the premises to enable vacant possession to be given to the incoming lessee and that the owner should, either alone or jointly with such lessee, bring appropriate ejectment proceedings if necessary, held that was sufficient for the purposes of the provision of the National Security (Landlord and Tenant) Regulations corresponding with section 26n that a notice to quit, otherwise complying with the regulations, be in fact given by the owner, such notice, by virtue of the agreement, operating as an effective notice to quit, both for the owner and holder of the *interesse termini*.

WRIGHT v. CURNOW (1947) S.A.S.R. 225. When the ground set out in a notice to quit was that the premises were required by the landlord's daughter G. for her own occupation and on a subsequent date the landlord agreed to let the house to M. (who had married another of his daughters), held that the notice to quit was ineffective because the ground relied on was different to that stated in the notice.

PEPPER v. DISTRICT COUNCIL OF STIRLING (1948) S.A.S.R. 344. Where by an agreement in writing the committee of an institute granted to a motion picture exhibitor the sole right of showing pictures in the institute hall for fifty-one Saturday nights in any year and the committee was described in the agreement as "the

for a period determined in accordance with section 26o and that period of notice has expired.

(4) Service of the notice to quit may, without prejudice to any other mode of service, be effected by delivering the notice to—

(*a*) some person apparently over the age of sixteen years and apparently residing in or in occupation of the premises; or

(*b*) the person by whom the rent of the premises is customarily paid.

The provisions of sections 36, 37 and 38 shall not apply to the service of a notice to quit.

(5) The prescribed grounds shall be—

(*a*) that the lessee has failed to pay the rent in respect of a period—

(i.) where the lessee's period of occupation does not exceed six months—of not less than seven days;

(ii.) where the lessee's period of occupation exceeds six months but does not exceed twelve months—of not less than fourteen days;

(iii.) in any other case—of not less than twenty-eight days;

(*b*) that the lessee has failed to perform or observe some other term or condition of the lease and the performance or observance of that other term or condition has not been waived or excused by the lessor;

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s. 26n. (*contd.*) landlord'' and the exhibitor as ''the tenant,'' and the agreement referred to the payment of ''rent'' by the tenant and contained coverants by the parties similar to covenants normally found in a lease, held, that notwithstanding the use of terms which would have been appropriate if the document were an agreement for a lease, the agreement was merely the grant of a licence to show pictures in the hall, and did not give the exhibitor a tenancy of any part of the hall.

DANSIE v. JONES (1949) S.A.S.R. 131. Where a notice to quit was expressed in terms slightly different from the particular ground provided for in subsection (5), held that the notice complied with the requirements of section 26n (3).

HAYWARD v. CLARKE (1949) S.A.S.R. 140. Under this Act exclusive jurisdiction is vested in local courts to hear and determine proceedings for the recovery of possession of premises to which the Act applies, irrespective of the amount of the rent or the value of the premises concerned.

KIERNAN v. LAWSON (1949) S.A.S.R. 256. The provisions of Part III.B are applicable to the case of a tenant holding over after the expiration of a tenancy for a term certain. Since this decision subsection (2) of section 4 has been enacted.

(*c*) that the lessee has failed to take reasonable care of the premises, or of any furniture or other goods leased therewith or has committed waste;

(*d*) that the lessee has been guilty of conduct which is a nuisance or annoyance to adjoining or neighbouring occupiers;

(*e*) that the lessee or any other person has been convicted, during the currency of the lease, of any offence arising out of the use of the premises for any illegal purpose or that a court has found or declared that the premises have, during the currency of the lease, been used for some illegal purpose;

(*f*) that the lessee has given notice of his intention to vacate the premises and, in consequence of that notice, the lessor has agreed to sell or let the premises or has taken any other steps as a result of which he would be seriously prejudiced if he could not obtain possession;

Amended by 9, 1949, s. 12 (a), (b).

(*g*) that the premises—

(i.) being a dwelling-house or, in the case of a dwelling-house within the meaning of paragraph (*c*) of the definition of "dwelling-house" in section 4, the part thereof which is leased for the purposes of residence—are reasonably needed by

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s. 26n. (5) (*d*) MERCANTILE INVESTMENTS LIMITED v. AUSTRALIAN OPTICAL COMPANY LIMITED (1945) S.A.S.R. 129. Where premises were let to a tenant who covenanted to carry on a specified business in which noise necessarily occurs, held that the reasonable and ordinary use of the premises for the very purpose for which they were let is not conduct which is a nuisance or annoyance within the meaning of section 26n (5) (*d*).

s. 26n. (5) (*g*) ARTHUR v. MARSH (1945) S.A.S.R. 31. Premises are reasonably required by the owners for their personal occupation if the owners, being persons in indigent circumstances, desire to obtain possession for the purpose of supplementing their means by making the premises income producing.

RETURNED SAILORS', SOLDIERS' AND AIRMEN'S IMPERIAL LEAGUE OF AUSTRALIA (HENLEY AND GRANGE SUB-BRANCH) INCORPORATED v. GRACE ABBOTT AND JOSEPH ERNEST ABBOTT (1946) S.A.S.R. 270. Where premises are part dwellinghouse and part business premises and the parcels are not capable of severance, a claim for possession must be supported in its totality under subparagraph (i.) or (ii.) of paragraph (*g*) of section 26n (5). It is not permissible to found the claim part under one and part under the other of such subparagraphs.

WILLIAMS v. COULTHARD AND OTHERS (1948) S.A.S.R. 183; 22 A.L.J. 431. Held that if premises were required by the trustees of an institute under the Libraries and Institutes Act, 1939, for the use of the institute, they were required "for the occupation of the lessor." Subparagraph (ii.) of paragraph (*g*) does not require the premises to be required for occupation by the lessor himself "in his trade, profession, calling, or occupation."

DANSIE v. JONES (1949) S.A.S.R. 131. Held that "required" in paragraph (*g*) meant "demanded" or "claimed" and did not mean "needed." Since this decision the paragraph has been amended by the substitution of the word "needed" for "required."

the lessor for occupation as a dwelling-house by himself or by some person who ordinarily resides with, and is wholly or partly dependent upon him or by a married son or married daughter of the lessor; or

(ii.) not being a dwelling-house or a part of a dwelling-house leased as aforesaid—are reasonably needed for occupation by the lessor, or by a person associated or connected with the lessor in his trade, profession, calling or occupation;

(*h*) that the premises are used as, or have been acquired for use as, a parsonage, vicarage, presbytery or other like premises and are reasonably required for the personal occupation of a minister of religion (including a person who, although not ordained, is performing all the duties of a minister of religion);

(*i*) that the lessor is a trustee and the premises are reasonably required by a beneficiary under the trust for his personal occupation or for the occupation of some person who ordinarily resides with, and is wholly or partly dependent upon, him;

(*j*) that the lessor is a person, body or authority carrying on a hospital, or a trustee for such a person, body or authority, and the use of the premises is reasonably required for the purposes of the hospital (including the accommodation of the staff of the hospital);

(*k*) that the premises have been occupied, or are occupied in consequence of his employment by some person in the employ of the lessor and are reasonably required for the personal occupation in consequence of that employment of some other person employed by, or about to become employed by, the lessor;

(*l*) that the lessor has agreed to sell the premises by an agreement which requires the purchaser to pay not less than one-fourth of the whole purchase-money within twelve months from the date thereof and by which the purchaser is entitled to vacant possession of the premises and the premises— Amended by 9, 1949, s. 12 (c), (d).

s. 26n. (5) (*k*) H. A. WARNER PROPRIETARY LIMITED v. WILLIAMS AND OTHERS (1946) 73 C.L.R. 421. If a person who is in fact a servant is in part remunerated for his services by being allowed to occupy a house, then he is *prima facie* a tenant.

(i.) being a dwelling-house or, in the case of a dwelling-house within the meaning of paragraph (*c*) of the definition of "dwelling-house" in section 4, the part thereof which is leased for the purposes of residence—are reasonably needed by the purchaser for occupation as a dwelling-house by himself or by some person who ordinarily resides with, and is wholly or partly dependent upon him or by a married son or married daughter of the purchaser; or

(ii.) not being a dwelling-house or a part of a dwelling-house leased as aforesaid—are reasonably needed for occupation by the purchaser, or by a person associated or connected with the purchaser in his trade, profession, calling or occupation;

(*m*) that the premises are reasonably required by the lessor for reconstruction or demolition;

(*n*) that the lessee has become the lessee of the premises by virtue of an assignment or transfer which the lessor has not consented to or approved; or

(*o*) that the lessee has sublet the premises or some part thereof by a sublease which has not been consented to or approved by the lessor;

Inserted by 9, 1949, s. 12 (e).

(*p*) that the premises were let as a shop or business premises and have been converted by the lessee, without the consent of the lessor either express or implied, from a shop or business premises into a dwelling-house and the premises are required by the lessor for re-conversion to a shop or business premises.

(6) In subsection (5), unless the contrary intention appears, "lessor" includes, where there is more than one lessor, any one or more of the lessors, and "lessee" includes, where there is more than one lessee, any one or more of the lessees.

s. 26D. (5) (*m*) INDEPENDENT ORDER OF ODDFELLOWS AND GRESHAM HOTEL LIMITED v. MALLAN, MATTERS, ROGERS, SMITH AND LEAN (1946) S.A.S.R. 234. Premises are "reasonably required by the lessee for reconstruction" where the reconstruction is not to be effected by the owner but by a lessee under a covenant in that behalf, and it need not be proved that a detailed scheme is in existence nor that the reconstruction can be commenced at once.

RETURNED SAILORS', SOLDIERS' AND AIRMEN'S IMPERIAL LEAGUE OF AUSTRALIA (HENLEY AND GRANGE SUB-BRANCH) INCORPORATED v. GRACE ABBOTT AND JOSEPH ERNEST ABBOTT (1946) S.A.S.R. 270. "Reconstruction" connotes some structural changes and transformations of the building and something more than mere repairs of the existing structure.

(7) Notice to quit on a ground specified in paragraph (*n*) or (*o*) of subsection (5)—

(*a*) shall not be given—

(i.) where the lessee became the lessee by virtue of an assignment or transfer made before the first day of March, nineteen hundred and forty-seven, or the sub-lease was granted before that day;

(ii.) where the lease is for a fixed term—unless that term has expired; or

(iii.) in the case of a periodic lease—unless the period which was current at the date on which the assignment, transfer or sub-lease took effect has expired; and

(*b*) may be given whether or not the assignment, transfer or sublease was in breach of any covenant or condition.

(8) Notice to quit on a ground specified in paragraph (*g*) of subsection (5) shall not be given if the lessor is an alien unless he has continuously resided in the Commonwealth for at least three years immediately prior to the giving of the notice and notice to quit on a ground specified in paragraph (*l*) of subsection (5) shall not be given if the purchaser is an alien unless he has continuously resided in the Commonwealth for at least three years immediately prior to the giving of the notice. Inserted by 9, 1949, s. 12 (f).

26o. (1) The period for which notice to quit shall be given shall be not less than a period of seven days, together with an additional seven days for each completed period of six months of occupation. Period of notice to quit. Inserted by 5, 1948, s. 6.

(2) Nothing in subsection (1) shall—

(*a*) require the giving of notice to quit for—

(i.) a period exceeding fourteen days if the notice is given on any ground specified in paragraphs (*c*), (*d*), (*e*) or (*f*) of subsection (5) of section 26n and not on any other ground;

(ii.) a period exceeding thirty days if the notice is given on any other ground; or

(iii.) in the case of shared accommodation—a period exceeding fourteen days; or

(*b*) allow the giving of notice to quit for a period shorter than the period which, but for this section, would be required.

Notice to quit not to be given within six months after determination. Inserted by 5, 1948, s. 6.

26p. A lessor shall not, after the lessee has made an application to the trust under Part III. except with the consent of the trust, give a notice to quit on any ground specified in paragraph (*f*), (*g*), (*h*), (*i*), (*j*), (*k*) or (*l*) of subsection (5) of section 26n until after the expiration of six months after the making of a final determination on the application, but if a final determination has not been made within a period of six months after the date of the application, such a notice to quit may be given after the expiration of that period.

Notice to quit where dwelling-house sold. Inserted by 5, 1948, s. 6, and amended by 9, 1949, s. 13.

26q. (1) A person who becomes the lessor of premises to which this Act applies, being a dwelling-house or part of a dwelling-house, by purchase, transfer or assignment thereof (otherwise than in pursuance of a contract entered into before the first day of March, nineteen hundred and forty-seven) or of a lease thereof shall not, within a period of six months after the date of the agreement for the purchase or, as the case may be, the date of the lease, give a notice to quit on the ground specified in paragraph (*g*) of subsection (5) of section 26n to any person who was a lessee of the premises at the date of the agreement for the purchase.

(2) A lessor of premises to which this Act applies, being a dwelling-house or part thereof, shall not give a notice to quit on the ground specified in paragraph (*l*) of subsection (5) of section 26n to any person who was a lessee of the premises at the date of the agreement referred to in that paragraph (whether the agreement was made before or after the commencement of this Part) within a period of six months after the date of the agreement.

Notice to specify grounds. Inserted by 5, 1948, s. 6.

26r. A notice to quit shall specify the ground relied upon and shall give the particulars thereof and, in the proceedings, the lessor shall not be entitled to rely upon any ground not so specified.

Notice to quit to terminate lease. Inserted by 5, 1948, s. 6.

26s. A notice to quit given in accordance with the provisions of section 26n shall, if the tenancy in respect of which the notice was given has not otherwise terminated, operate so as to terminate the tenancy of the premises at the expiration of the period specified in the notice, but nothing in this section shall operate so as to determine any tenancy before the date on which it would have terminated if this section had not been enacted.

S. 26s. AMAD v. GRANT. GROSGLICK v. GRANT (1946) 74 C.L.R. 327. To determine a periodic tenancy, whether it is yearly, quarterly, monthly or weekly, a notice to quit must (unless the parties have otherwise agreed) take effect at the end of a period of the tenancy. Held that Regulation 62 of the National Security (Landlord and Tenant) Regulations (which corresponded with section 26s) did not validate a notice to quit which would be invalid under the law apart from the regulation.
OERTEL v. CROCKER (1947) S.A.S.R. 306. Held that where a tenant continued in

Notice to quit after failure of eviction proceedings. Inserted by 5, 1948, s. 6.

26t. (1) Where a lessor has taken proceedings in any court to recover possession of any premises to which this Act applies from the lessee or for the ejectment of the lessee therefrom and the court has (whether before or after the commencement of this Part) refused to make an order in favour of the lessor, the lessor shall not give to the lessee any notice to quit (whether on the same ground as a previous notice to quit or on some other ground) within six months after the decision of the court unless he has first obtained the leave of a local court so to do.

(2) Where a court refuses to make an order in favour of a lessor it may, at the same time, grant leave for the purposes of this section.

Court to consider hardship. Inserted by 5, 1948, s. 6.

26u. (1) On the hearing of any proceedings by a lessor for an order for the recovery of possession of any premises to which this Act applies, or for the ejectment of the lessee therefrom, the court shall take into consideration, in addition to all other relevant matters—

(*a*) any hardship which would be caused to the lessee or any other person by the making of the order;

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s. 26s. (*contd.*) occupation of premises after the expiration of the term of a written lease, the tenancy was a tenancy at will subject to the statutory notice to quit required by the provisions then contained in the National Security (Landlord and Tenant) Regulations. An appeal to the High Court from this decision was struck out as incompetent, Oertel v. Crocker (1947) 75 C.L.R. 261.

s. 26u. ARTHUR v. MARSH (1945) S.A.S.R. 31. A case of hardship arises when the owners have to eke an existence on scanty means and the charity of their friends, when they are paying more rent for the premises in which they are living than they receive from the letting of the premises which they seek to recover.

INDEPENDENT ORDER OF ODDFELLOWS AND GRESHAM HOTEL LIMITED v. MALLAN, MATTER, ROGERS, SMITH AND LEAN (1946) S.A.S.R. 234. In the case of business premises, where the relative hardship between lessor and lessee appear equal, the claim of the owner must prevail. The basis for weighing relative hardship and for testing the availability of reasonably suitable accommodation in lieu of the premises in issue considered.

RETURNED SAILORS', SOLDIERS' AND AIRMEN'S IMPERIAL LEAGUE OF AUSTRALIA (HENLEY AND GRANGE SUB-BRANCH) INCORPORATED v. GRACE ABBOTT AND JOSEPH ERNEST ABBOTT (1946) S.A.S.R. 270. The intention underlying paragraphs (*a*) and (*b*) of subsection (1) relating to the matters to be taken into account by the court in exercising its discretion on the ground of respective hardships, is the prevention of one person securing a privilege, however well he may be entitled thereto, if its exercise means little to him and at the same time its bestowal will cause harm of some magnitude to another.

LEWIS v. HUTTON (1946) S.A.S.R. 297. Held that, apart from the question of ownership, if the hardship of the tenant were not shown to be the greater, the added factor of hardship, that the owner was being kept out of the premises—was sufficient to resolve the question in favour of the landlord.

AUSTRALIAN RED CROSS SOCIETY v. BEAVER TRADING COMPANY PROPRIETARY LIMITED AND OTHERS (1947) 75 C.L.R. 320. The words "or any other person" in paragraphs (*a*) and (*b*) of subsection (1) include all individuals and ascertainable classes of the community who would be prejudiced by the tenant losing possession or the landlord failing to obtain possession.

MCARTHUR AND ANOTHER v. BROAD (1949) S.A.S.R. 350. When the making or refusal of an order for delivering up of possession will involve equal hardship to the landlord and the tenant, the court will normally make the order. But the court, in its discretion, may take into account, as a ground for refusing to make an order, the fact that the hardship to the landlord has been created by his own act in voluntarily giving up possession of another dwellinghouse occupied by him.

Amended by 9, 1949, s. 14 (a).

(*b*) any hardship which would be caused to the lessor or any other person by the refusal of the court to make the order;

(*c*) where the application is made on any one or more of the grounds specified in paragraphs (*g*), (*h*), (*i*), (*j*), (*k*), (*l*) and (*m*) of subsection (5) of section 26n—whether reasonably suitable alternative accommodation in lieu of the premises is, or has been since the date upon which notice to quit was given, available for the occupation of the person occupying the premises or for the occupation of the lessor or other person by whom the premises would be occupied if the order were made;

Inserted by 9, 1949, s. 14 (b).

(*d*) where the application is made under a ground specified in paragraph (*g*) of subsection (5) of section 26n—whether at the time the lessor acquired the premises the premises were let to the lessee and whether the lessee had any opportunity to acquire the premises and the reasons for the lessee failing to acquire the premises;

Inserted by 9, 1949, s. 14 (b).

(*e*) where the application is made under a ground specified in paragraph (*l*) of subsection (5) of section 26n—whether at the time the premises were agreed to be sold to the purchaser the premises were let to the lessee and whether the lessee had any opportunity to acquire the premises and the reasons for the lessee failing to acquire the premises; and

Inserted by 9, 1949, s. 14 (b).

(*f*) where the application is made under a ground specified in paragraph (*g*) of subsection (5) of section 26n—whether the lessee is the owner of another dwelling-house capable of being occupied by him and whether he has taken all necessary and proper steps to obtain possession thereof,

and may, in its discretion, make the order or may, on such conditions (if any) as it thinks fit, refuse to make the order notwithstanding that one or more of the prescribed grounds has been established.

Inserted by 9, 1949, s. 14 (c).

The court, in exercising its discretion on the ground of the respective hardships of the lessor and the lessee shall estimate the respective hardships one with another and shall not take into account as a factor of hardship that the lessor, as such, is being deprived of possession of premises to which he would, but for this Act, have been entitled.

(2) Where the application is made on either of the grounds specified in paragraphs (*n*) and (*o*) of subsection (5) of section 26n, the court shall not refuse, in the exercise of the discretion vested in it by subsection (1), to make the order unless the court is satisfied—

(*a*) that special circumstances exist by reason of which the order should not be made; or

(*b*) without limiting the generality of the last preceding paragraph, in a case where the ground specified in paragraph (*o*) applies, that the subletting was in the course of a business of subletting carried on by the lessee.

(3) On the hearing of an application specified in the subsection (2), any assignee, sublessee or person in occupation of the premises or any part thereof shall be entitled to be heard.

26v. In respect of any proceedings referred to in section 26u the court may— **Power to stay proceedings or orders. Inserted by 5, 1948, s. 6.**

(*a*) from time to time, subject to such conditions (if any) and for such period as it thinks fit—

(i.) adjourn the proceedings;

(ii.) stay or suspend the execution of any judgment or order which has been made or given in the proceedings; or

(iii.) postpone the date for recovery of possession or for ejectment specified in any such judgment or order; or

(*b*) subject to such conditions (if any) as it thinks fit, vary, discharge, or rescind any such judgment or order:

(*c*) where a warrant of execution has been issued, and whether the warrant has expired or not, from time to time extend the period stated in the warrant for the execution thereof—

s. 26v. BOYLE AND ANOTHER v. JUKES (1944) S.A.S.R. 184. Where there had been a slip in the original order suspending the issue of a warrant for possession of premises made by a local court, held that there was power to amend this slip both under the inherent jurisdiction of the court and under the provision of the National Security (Landlord and Tenant) Regulations corresponding to section 26v (*b*).

BURLING v. CHAS. STEELE AND COMPANY PROPRIETARY LIMITED (1948) 76 C.L.R. 485. Where a notice to quit was given on the grounds that the premises were reasonably required for occupation by the landlord and an order for possession was made by consent, and in proceedings under a provision of the National Security (Landlord and Tenant) Regulations corresponding to section 26v, an application to rescind the order was refused, held that, assuming the ground stated in the notice to quit was erroneous, in view of the consent by the tenant to the original order, the refusal of the application should not be disturbed.

(i.) if the court is satisfied that, because of the illness of the lessee or for other sufficient cause, it is or has been impracticable for the officer to whom the warrant is directed to execute the warrant within the period stated therein—for such period as it thinks fit; or

(ii.) if the court is not so satisfied—for a period not exceeding seven days from the date on which the extension is granted.

Certain applications to operate as stay of execution. Inserted by 5, 1948, s. 6.

26w. (1) An application to stay or suspend the execution of, or to vary, discharge or rescind, any judgment or order referred to in section 26v, or to postpone the date for recovery of possession or for ejectment specified in any such judgment or order, shall, when filed with the proper officer of the court, stay the execution of any warrant and operate to postpone the date for recovery of possession of the premises or for the ejectment of the lessee until the court has heard the application.

(2) Notwithstanding anything contained in paragraph (*c*) of section 26v, the court may, on the hearing of any such application, extend for such period as it thinks fit the period stated in any warrant for the execution thereof (whether the warrant has expired or not).

(3) Where, in respect of any proceedings referred to in section 26u the court has refused to grant an application of any of the kinds referred to in subsection (1) of this section, no further application of any of those kinds shall be made in respect of those proceedings except with the leave of the court.

Hearing in chambers. Inserted by 5, 1948, s. 6.

26x. Proceedings for the recovery of possession of premises to which this Act applies or for the ejectment of a lessee therefrom may, with the consent of all parties, be disposed of in chambers but nothing in this section shall affect the power of the court to dispose of any such proceedings in chambers otherwise than under this section.

Appeal. Inserted by 5, 1948, s. 6.

26y. (1) Except as provided in subsection (2), there shall be no appeal in proceedings under this Part from a judgment or order of a local court.

S. 26y. WILLIAMS V. COULTHARD AND OTHERS (1948) S.A.S.R. 183; 22 A.L.J. 431. An appeal to the Supreme Court may be instituted in manner provided by sections 58 to 60 of the Local Courts Act, 1926-1947, notwithstanding that the appeal under section 58 of that Act is an appeal both on questions of law and of fact, but the grounds of appeal must be confined to questions of law.

(2) There shall be an appeal, as to questions of law only, to the Supreme Court from any judgment or order of a local court in proceedings under this Part.

Ejectment orders not enforceable unless made under Act. Inserted by 5, 1948, s. 6.

26z. Notwithstanding any other Act or law to the contrary, no order, other than an order made under this Part or under the National Security (Landlord and Tenant) Regulations made by any court for the recovery by the lessor of possession of any premises to which this Act applies (or of any furniture or other goods leased therewith), or for the ejectment of the lessee, shall be enforceable.

Court may order compensation for mis-representation. Inserted by 5, 1948, s. 6.

26aa. Where a lessor has obtained an order for the recovery of possession of any premises to which this Act applies or for the ejectment therefrom of a lessee and it is subsequently proved that the order was obtained by a fraudulent representation or the concealment of material facts, the court which made the order may order the lessor to pay to the former lessee such sum as appears to the court to be sufficient as compensation for damage or loss sustained by the lessee as the result of the order, and the like proceedings may be taken upon the order as if the order had been a judgment of the court in favour of the former lessee.

Premises not to be sold or re-let in certain cases. Inserted by 5, 1948, s. 6.

26ab. (1) If a notice to quit is given on the ground specified in paragraph (*g*), (*h*), (*i*), (*j*) or (*k*) of subsection (5) of section 26n and the premises in respect of which the notice is given are vacated in accordance with the notice, or if an order for the recovery of possession of the premises or for the ejectment therefrom of the lessee is made on any such ground, the premises shall not, without the consent of a local court, be again leased or sold, or agreed to be leased or sold until after the expiration of the period of twelve months immediately succeeding the date on which the premises were vacated, possession of the premises was recovered, or the ejectment effected. Any person who commits any contravention of this subsection shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(2) Nothing in subsection (1) shall prevent—

(*a*) the letting of any portion of the premises to which this Act applies which is not reasonably required by the lessor or purchaser, as the case may be, provided that the total rent obtained is not greater than a reasonable rent for the whole of the premises less a reasonable deduction for the portion of the premises not so let; or

(*b*) where notice to quit has been given on the ground specified in paragraph (*h*), (*i*) or (*k*) of subsection (5) of section 26n the letting of the premises—

(i.) to a minister of religion;

(ii.) to a beneficiary under the trust; or

(iii.) to some person in the employ of, or about to become an employee of, the lessor in consequence of his employment,

respectively.

(3) A transaction entered into in contravention of subsection (1) of this section shall not thereby be invalidated, but nothing in this subsection shall affect the liability of any person to any penalty in respect of any contravention of subsection (1).

Enforcement of orders. Inserted by 5, 1948, s. 6.

26ac. An order for the recovery of possession of any premises to which this Act applies (or of any furniture or other goods leased therewith) or for the ejectment of a lessee therefrom made by a court under this Part may be enforced in the same manner as a like order if made by that court otherwise than under this Part, might be enforced.

Acceptance of rent not to waive notice to quit. Inserted by 5, 1948, s. 6.

26ad. Where notice to quit any premises to which this Act applies has been given, whether before or after the commencement of this Part—

(*a*) any demand by the lessor for payment of rent, or of any sum of money as rent, in respect of any period within six months after the giving of the notice;

(*b*) the commencement of proceedings by the lessor to recover rent, or any sum of money as rent, in respect of any such period; or

(*c*) the acceptance of rent, or of any sum of money as rent, by the lessor in respect of any such period,

shall not of itself constitute evidence of a new tenancy or operate as a waiver of the notice.

Protection of sub-lessee. Inserted by 5, 1948, s. 6.

26ae. (1) Where—

(*a*) a lessor has consented to or approved a sublease of any premises to which this Act applies or any part thereof by the lessee, or a lessee has sub-let

any premises to which this Act applies or any part thereof in the course of a business of subletting carried on by the lessee; and

(*b*) the lessee ceases to be in possession of the premises, following upon—

(i.) the obtaining of an order by the lessor for the recovery of possession of the premises from the lessee or for the ejectment of the lessee from the premises on any of the grounds specified in paragraphs (*a*) to (*f*) of subsection (5) of section 26n; or

(ii.) the surrender of his lease by the lessee,

the sublessee shall (if he is in possession of the whole or portion of the premises sublet to him) be deemed to become the lessee thereof from the lessor upon the same terms and conditions as the terms and conditions of the sublease, as in force immediately prior to—

(*c*) the date on which the lessor gave notice to quit to the lessee; or

(*d*) the date on which the lessee notified the lessor of his intention to surrender the lease (or, if he did not so notify the lessor, the date on which the lessee surrendered the lease),

as the case may be.

(2) In a case to which subparagraph (i.) of paragraph (*b*) of subsection (1) applies, the order shall not be enforced against the sublessee.

(3) Where, prior to the lessor of any premises to which this Act applies giving notice to quit to the lessee upon any of the grounds specified in subsection (5) of section 26n, the lessee of the premises has sublet the whole or any part thereof—

(*a*) the lessee shall, upon service of the notice to quit, forthwith notify the lessor in writing of the name and address of each person to whom he has so sublet and who is a sublessee of the premises or any part thereof at the date of service of the notice to quit;

(*b*) the lessor shall, upon taking proceedings for the recovery of possession of the premises or for the ejectment of the lessee therefrom, file the notice given to him under this section with the proper

officer of the court in which the proceedings are taken; and

(*c*) the proper officer of the court shall thereupon give notice by registered post to each person specified in the notice, at the address so specified, of the date of hearing of the proceedings by the court.

(4) On the hearing of any proceedings by a lessor for an order for the recovery of possession of any premises to which this Act applies or for the ejectment of the lessee therefrom, every person who is a sublessee of such premises or any part thereof shall be entitled to be heard.

(5) Any lessee who fails to give notice as required by paragraph (*a*) of subsection (3) shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Protection of certain persons in possession of premises. Inserted by 5, 1948, s. 6.

26af. Where—

(*a*) the tenancy of any premises to which this Act applies is terminated by virtue of the provisions of this Part or the National Security (Landlord and Tenant) Regulations;

(*b*) the person who was the lessee immediately prior to the termination of the tenancy (in this section referred to as "the former lessee") dies after the termination of the tenancy; and

(*c*) a person (not being a lodger or boarder) resided with the former lessee immediately prior to his death and is actually in possession of the premises immediately after the death of the former lessee,

that person shall have the like right to continue in possession of the premises as the former lessee would have had if he had not died, but proceedings may be taken against that person for the ejectment of that person from the premises or for the recovery of possession of the premises from that person in accordance with the provisions of this Part as if he were a lessee of the premises.

Costs not to be allowed. Inserted by 5, 1948, s. 6.

26ag. (1) No costs shall be allowed in any proceedings in relation to which this Part applies, not being proceedings in respect of an offence arising under this Part, unless it appears to the court that the conduct of the party in bringing or

s. 26ag. CLOTHIER v. PIERCY (1945) S.A.S.R. 45. Where an action was brought for the recovery of possession of a dwellinghouse and for arrears of rent and mesne profits and the action was dismissed, held that the court had power to award costs of the proceedings.

resisting the proceedings or in relation to the subject matter has been unreasonable, vexatious or oppressive.

(2) Notwithstanding subsection (1) the costs of any appeal to the Supreme Court shall be in the discretion of the Supreme Court.

Intervention of trust. Inserted by 5, 1948, s. 6.

26ah. The trust may, at any stage of any proceedings in relation to which this Part applies, intervene by counsel, solicitor or agent and may examine witnesses and address the court.

Exclusion of premises let for a short term from operation of Part. Inserted by 5, 1948, s. 6.

26ai. (1) The lessor or former lessor under a lease, or the proposed lessor under a proposed lease, of any premises to which this Act applies for a fixed term not exceeding six months may, at any time while the lessee or former lessee is in occupation of the premises, or prior to the commencement of the term of the proposed lease, make application in writing to the trust to exclude the premises from the operation of this Part.

(2) The applicant shall furnish such information in relation to the application as the trust requires.

(3) The trust may, in its discretion, issue a certificate excluding the premises, for such period as is specified in the certificate, from the operation of the provisions of this Part and the premises shall be excluded accordingly.

(4) The trust may at any time revoke or vary any certificate issued under subsection (3).

(5) Every certificate issued pursuant to regulation 78 of the National Security (Landlord and Tenant) Regulations before the commencement of this Part shall have the same effect as if issued by the trust under this section, and may be revoked or varied by the trust.

Exclusion of certain subdivided premises, etc., from operation of Part. Inserted by 5, 1948, s. 6.

26aj. (1) The provisions of this Part shall not apply to or in relation to any premises to which this Act applies in respect of which a certificate under this section is in force.

(2) Where the owner of any premises to which this Act applies is desirous of making the whole or any part of those premises available for accommodation, he may apply to the trust for a certificate that the premises are premises to which this Part does not apply.

(3) The trust may—

(*a*) grant the application and issue the certificate, either unconditionally or subject to such conditions as it thinks fit and for such period as it thinks fit; or

(*b*) refuse the application.

(4) A certificate issued under this section in respect of premises to which this Act applies being any part of a dwelling-house or of a residential unit in any building shall not have any force or effect in respect of any person who immediately prior to the issue of the certificate was the lessee of the dwelling-house or of any part of the dwelling-house or of the residential unit or of any other residential unit in the building.

(5) The trust may revoke or vary any certificate issued under this section.

(6) This section shall apply only in relation to premises to which this Act applies, being—

(*a*) a dwelling-house which is not in whole or in part leased to any person;

(*b*) a dwelling-house which the owner or lessee has converted, or intends to convert, into two or three, but not more, residential units;

(*c*) a dwelling-house or part of a dwelling-house which is leased to any person and which is about to become vacant;

(*d*) a part of a dwelling-house which has been leased by the owner but is not for the time being leased to any person; or

(*e*) a residential unit in a building which the owner of the building proposes to lease or to permit to be leased for residential purposes separately from the remainder of the building and which has not previously been so separately leased,

but shall not apply in relation to any building containing more than three residential units or in relation to any residential unit in any such building.

(7) In this section "residential unit" means any part of a building which is or has been designed, whether originally or otherwise, for occupation as a residence independently of any other part of the building.

(8) Every certificate issued pursuant to regulation 79 of the National Security (Landlord and Tenant) Regulations before the commencement of this Part shall have the same effect as if issued by the trust under this section, and may be revoked or varied by the trust.

Continuance of existing proceedings. Inserted by 5, 1948, s. 6.

26ak. (1) All proceedings before any court under the National Security (Landlord and Tenant) Regulations which were pending at the commencement of this Part for the recovery of possession of any premises to which this Act applies or for the ejectment of any lessee therefrom may be continued as if those proceedings had been commenced under this Part.

(2) Any notice to quit in respect of premises to which this Act applies which was given before the commencement of this Part pursuant to Part III. of the National Security (Landlord and Tenant) Regulations shall have the same force and effect as if given under this Part.

(3) All rules of court made pursuant to the Local Courts Act, 1926-1947, with respect to proceedings under the National Security (Landlord and Tenant) Regulations shall *mutatis mutandis* apply to proceedings under this Part.

Regulations. Inserted by 5, 1948, s. 6.

26al. The Governor may make regulations—

(*a*) prescribing grounds upon which notices to quit premises to which this Act applies may be given by lessors, and for that purpose may vary or delete any of the prescribed grounds set out in section 26n and may prescribe additional grounds;

(*b*) prescribing any period for which any notice to quit shall be given and for that purpose may prescribe periods different to those prescribed by section 26o.

PART IIIC.

PART IIIC.

PROTECTED PERSONS.

Interpretation. Inserted by 9, 1949, s. 15.

26am. (1) In this Part, unless the context otherwise requires—

"discharged member of the forces" means a person who, having been a member of the forces engaged on war service during any war in which His Majesty

Part IIIC. Section 22 of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1949, provides that in any proceedings in any court which were commenced before the passing of that Act and in which the decision of the court was not announced before the passing of that Act, the provisions of that Act are to be construed as if those provisions had been enacted before the commencement of those proceedings.

became engaged on or after the third day of September, one thousand nine hundred and thiry-nine—

(*a*) has been discharged from the forces, or has ceased to be engaged on war service, for a period not exceeding five years; or

(*b*) having been discharged from the forces, or having ceased to be engaged on war service, for a period exceeding five years—

(i.) is receiving a pension from the Commonwealth; or

(ii.) is not receiving such a pension, but is receiving from the Commonwealth medical treatment of such a nature as to prevent him either wholly or partly from engaging in his occupation:

"female dependant of a member" means a female who is wholly or partly dependent for her support upon a member of the forces:

"female dependant of a discharged member" means—

(*a*) a female who is wholly or partly dependent for her support upon a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine, has been discharged from the forces, or has ceased to be engaged on war service, for a period not exceeding five years;

(*b*) a female who is wholly or partly dependent for her support upon a pension payable in consequence of the incapacity or the death of a person who has been a member of the forces;

(*c*) the wife of a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine—

(i.) has been discharged from the forces; or

(ii.) has ceased to be engaged on war service,

and, although not receiving a pension, is receiving from the Commonwealth medical treatment of such a nature as to prevent him, either wholly or partly, from engaging in his occupation; and

(*d*) the widow of a member of the forces who died while engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty nine:

"member of the forces" means a member of the Defence Force engaged on war service, and includes any person who is on active service with the Naval, Military, or Air Forces—

(*a*) of the United Kingdom or of any other part of the King's dominions (other than the Commonwealth of Australia);

(*b*) of any foreign power allied or associated with His Majesty in any war in which His Majesty is engaged; or

(*c*) maintained by any foreign authority recognized by His Majesty as competent to maintain Naval, Military, or Air Forces for service in association with His Majesty's Forces:

"parent of a member" means a person who is a parent of, and is wholly or partly dependent for his support upon, a member of the forces:

"parents of a discharged member" means—

(*a*) a person who is a parent of, and is wholly or partly dependent for his support upon, a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine, has been discharged from the forces, or has ceased to be engaged on war service, for a period not exceeding five years;

(*b*) a person who is a parent of, and is wholly or partly dependent for his support upon a pension payable in consequence of the incapacity or death of, a person who has been a member of the forces;

(*c*) a parent of a person who, having been a member of the forces engaged on war service during any war in which His Majesty became engaged on or after the third day of September, one thousand nine hundred and thirty-nine—

(i.) has been discharged from the forces; or

(ii.) has ceased to be engaged on war service,

and, although not receiving a pension, is receiving from the Commonwealth medical treatment of such a nature as to prevent him, either wholly or partly, from engaging in his occupation and upon whom that parent was, immediately prior to the discharge of that person, or immediately prior to that person ceasing to be engaged on war service, wholly or partly dependent for his support:

"pension" means a pension (including a service pension) under the Australian Soldiers' Repatriation Act, 1920-1946, and includes a pension payable under any law of a country outside the Commonwealth providing for payment of pensions to members or former members of the naval, military, or air forces of that country:

"protected person" means, subject to subsection (2) of this section, a member of the forces, discharged member of the forces, female dependant of a member, female dependant of a discharged member, parent of a member, or parent of a discharged member:

"war service" means—

(*a*) the service of a member of the citizen forces when called up for war service under the Defence Act, 1903-1941, or during continu-

ous training under that Act, the Naval Defence Act, 1910-1934, or the Air Force Act, 1923-1941;

(*b*) the continuous service under any of those Acts of any person who volunteers and is accepted for such service during war;

(*c*) the continuous service of a person called upon to serve in the defence force in pursuance of any Act or of any regulations under an Act of the Commonwealth of Australia; and

(*d*) the service during war of a member of the permanent forces.

(2) For the purposes of this Part, a person shall not be deemed to be a protected person unless such person is—

(*a*) a member of the forces who—

(i.) is; or

(ii.) was, for a total period of not less than twelve months during his period of war service,

required, by reason of his war service, to live in premises other than premises occupied by him, or by a member of the household to which he belongs as a home;

(*b*) a discharged member of the forces who was—

(i.) immediately prior to his discharge;

(ii.) for a continuous period of not less than three months during the period of six months immediately prior to his discharge; or

(iii.) for a total period of not less than twelve months during his period of war service,

so required;

(*c*) a female dependant of a member of the forces or a parent of a member of the forces and that member—

(i.) is; or

(ii.) was, for a total period of not less than twelve months during his period of war service,

so required; or

(*d*) a female dependant of a discharged member of the forces or a parent of a discharged member of the forces and that member was—

(i.) immediately prior to his discharge, ceasing to be engaged on war service or death, as the case may be;

(ii.) for a continuous period of not less than three months during the period of six months immediately prior to his discharge, ceasing to be engaged on war service or death, as the case may be; or

(iii.) for a total period of not less than twelve months during his period of war service,

so required.

(3) Any reference in this section to any Act of the Commonwealth shall be deemed to include a reference to any amendment thereof.

Rights of protected persons as to recovery of possession of premises. Inserted by 9, 1949, s. 15.

26an. (1) The provisions of Part IIIB. of this Act relating to the termination of tenancies, the recovery of the possession of premises and the ejectment of lessees from premises, and any provisions incidental to those provisions, shall extend to all premises to which this Act applies of which a protected person is the lessee but the said provisions shall be construed subject to the provisions of this section.

(2) The provisions of paragraph (*c*) of subsection (1) of section 26u shall not apply in relation to any premises of which a protected person is the lessor, unless the lessee of the premises is a protected person.

(3) In the application of the provisions of this Act to a lessee who is a protected person, section 26n shall be read as if for paragraph (*a*) of subsection (5) there were substituted the following paragraph:—

"(*a*) that the lessee has failed to pay the rent in respect of a period of not less than twenty-eight days."

(4) Notwithstanding the provisions of Part IIIB. of this Act, an order shall not be made for the recovery of possession of any premises from a protected person, or for the ejectment from any premises of a lessee (being a protected person) on any ground specified in paragraph (*g*), (*h*), (*i*), (*j*), (*k*), (*l*), or (*m*) of subsection (5) of section 26n unless the court making the order is satisfied—

(*a*) that reasonably suitable alternative accommodation (in this section referred to as "the alternative accommodation") is, or has been since the date upon which notice to quit was given, available for the occupation of the protected person in lieu of the premises in respect of which the order is sought (in this section referred to as "the premises at present occupied"); or

(*b*) that within a period of twelve months of the bringing of the action the premises have been offered for sale to the protected person at a price approved by the principal administrative officer for the purposes of the administration of the provisions of the Prices Act, 1948, relating to land transactions or at a price which in the opinion of the court is a fair price for the premises, and the offer has not been accepted by the protected person; or

(*c*) that the protected person has sub-let the premises in respect of which the order is sought and is permanently residing elsewhere.

(5) Where a tenancy has been lawfully determined and any person claiming under the lessee and actually in possession of the premises or any part thereof is a protected person, an order for the ejectment of persons from those premises or for the recovery of possession of those premises shall, if the order is made on any ground specified in paragraph (*g*), (*h*), (*i*), (*j*), (*k*), (*l*), or (*m*), of subsection (5) of section 26n, not be enforced against the protected person unless the court is satisfied—

(*a*) that reasonably suitable alternative accommodation (in this section referred to as "the alternative accommodation") is, or has been since the date upon which notice to quit was given, available for the occupation of the protected person in lieu of the premises in respect of which the order is sought (in this section referred to as "the premises at present occupied"); or

(*b*) that within a period of twelve months of the bringing of the action the premises have been offered for sale to the protected person at a price approved by the principal administrative officer for the pur-

s. 26an (5). DALBY v. GAZZARD 23 A.L.J. 290. The words "claiming under the lessee" do not extend to persons who are merely let into possession by a lessee whose tenancy has been determined. The possession of the person claiming under the tenant must be founded on a right or title good as against him and depending on the continued existence of his tenancy.

poses of the administration of the provisions of the Prices Act, 1948, relating to land transactions or at a price which in the opinion of the court is a fair price for the premises, and the offer has not been accepted by the protected person; or

(*c*) that the protected person has sub-let the premises in respect of which the order is sought and is permanently residing elsewhere.

(6) For the purposes of subsection (4) and (5) accommodation shall not be deemed to be reasonably suitable unless—

(*a*) the rent of the alternative accommodation does not exceed the rent of the premises at present occupied;

(*b*) the floor area of the alternative accommodation is either equal to the floor area of the premises at present occupied or, in the opinion of the court, is sufficient for the needs of the lessee;

(*c*) the conditions generally appertaining to the alternative accommodation are not, in the opinion of the court, inferior to the conditions appertaining to the premises at present occupied.

(7) The provisions of subsections (3), (4), (5), and (6) of this section shall not apply in relation to the premises of which a protected person is the lessor or of which the lessor is a person who, during any war in which His Majesty was engaged, served outside the Commonwealth in any of His Majesty's forces.

Letting of vacant houses to protected persons.
Inserted by 9, 1949, s. 15.

26ao. (1) A protected person may, if he thinks fit, apply in writing to a local court for a warrant authorizing and requiring the delivery of possession to the applicant of any dwelling-house which is unoccupied or about to become unoccupied.

(2) An application under subsection (1) may be made by the protected person personally or by some person authorized by him in writing to act as his agent for the purposes of this section.

(3) A copy of an application under subsection (1), together with a notice of hearing, shall be served on—

(*a*) the owner of the dwelling-house; or

(*b*) any person who ordinarily acts as an agent in relation to the dwelling-house or to whom the rent of the dwelling-house is ordinarily paid,

either personally or by registered letter sent to the place of business or abode of the owner or person.

(4) After service of the copy of the application and notice of hearing under subsection (3), and until the application has been heard and determined, or, if the court grants a warrant, until the warrant has been executed, the owner of the dwelling-house shall not, whether personally or by his agent, permit any person to enter into occupation of the dwelling-house or himself enter into occupation of the dwelling-house.

Any person who commits any contravention of this subsection shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

It shall be a defence to any proceedings against any owner for an offence against this section if the owner satisfies the court that the person permitted to enter into occupation of the dwelling-house is a protected person with whom an agreement was made in pursuance of paragraph (*e*) of subsection (5) of section 26aq.

(5) Where the owner of a dwelling-house or his agent has advertised the proposed sale by auction of the dwelling-house no person shall make an application under this section in respect of that dwelling-house until the expiration of three months after the day on which the advertisement is first published; and an application made in contravention of this subsection shall not be heard or determined by the court. Inserted by 63, 1949, s. 3.

(6) In this section and the subsequent sections of this Part, the term "dwelling-house" includes any building which has been constructed or adapted for use as a place of habitation and whether or not the building is so used at the time an application is made under this section in respect thereof. Inserted by 63, 1949, s. 3.

26ap. For the purposes of section 26ao— Dwelling-house is to be deemed to be unoccupied in certain cases. Inserted by 9, 1949, s. 15.

(*a*) a dwelling-house shall be deemed to be unoccupied notwithstanding that the owner has permitted a person to enter into occupation of the dwelling-house in contravention of subsection (4) of that section and, in any such case, the court may grant the application notwithstanding that the person in occupation of the dwelling-house is not before the court on the hearing of the application;

(*b*) a dwelling-house shall be deemed to be unoccupied notwithstanding that the owner has entered into

occupation of the dwelling-house in contravention of subsection (4) of that section;

(*c*) a dwelling-house shall not be deemed to be occupied by reason only of the fact that it is furnished;

Inserted by 63, 1949, s. 4.

(*c*1) a dwelling-house shall not be deemed to be occupied by reason only of the fact that it is used as a warehouse, store, office, shop, factory, or other business premises, unless the whole or a substantial part of it was so used at the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1949, and was so used continuously from that time until the day on which the application was made;

(*d*) a dwelling-house may be deemed by the court to be unoccupied if it is occupied irregularly and the court is satisfied that the dwelling-house is not used as the permanent and sole dwelling-house of the occupant and that another dwelling-house is occupied as the principal dwelling-house of the occupant;

(*e*) a dwelling-house shall be deemed to be about to become unoccupied if the court is satisfied that the occupant of the dwelling-house, at the time of the service of the notice of application, is about to vacate the dwelling-house, notwithstanding any arrangement (other than an arrangement for the occupation of the dwelling-house by a protected person or by a person such as is referred to in subsection (5) of section 26aq) entered into, whether before or after the service of the notice, in respect of the occupation of the premises after the then existing occupancy ceases.

Hearing of application. Inserted by 9, 1949, s. 15, and amended by 63, 1949, s. 5.

26aq. (1) Upon the hearing of an application under section 26ao the court shall take into consideration, in addition to all other relevant matters—

(*a*) any hardship which would be caused to the owner or to any other person by the granting of the application;

(*b*) any hardship which would be caused to the applicant or to any other person by the refusal to grant the application; and

(*c*) the character of the applicant and his suitability as a tenant of the premises,

and, unless the court is satisfied that there is reasonable cause why the application should not be granted, the court shall grant the application.

(2) An averment in the application under section 26ao that a dwelling-house is unoccupied shall be *prima facie* evidence of the fact so averred.

(3) If the dwelling-house is about to become unoccupied, the court may postpone the execution of the warrant until such time as it thinks fit.

(4) The fact that the dwelling-house is ordinarily leased for holiday purposes only shall not be a ground for refusing to grant the application.

(5) An application shall not be granted under this section—

(*a*) if the owner of the dwelling-house reasonably needs the dwelling-house for his own occupation or for the occupation of some married member of his family or of some married person who resides with him or is wholly or partly dependent on him for his support;

(*b*) if the dwelling-house was erected or acquired for the accommodation of a particular person or class of persons and the dwelling-house is reasonably needed for the occupation of that person or a person of that class;

(*c*) if the dwelling-house has not previously been occupied and is reasonably needed for the occupation of the owner of the dwelling-house;

(*d*) if the dwelling-house is a newly erected dwelling-house which—

(i.) was erected by the owner for the purposes of occupation by him or for the purposes of sale; and

(ii.) has not been unoccupied for a period exceeding two months; or

(*e*) if the owner of the dwelling-house has agreed to let the dwelling-house to a protected person and the agreement provides that the protected person shall take possession of the dwelling-house forthwith if unoccupied or forthwith upon it becoming unoccupied.

(6) The court shall specify in the warrant the person or persons by whom it may be executed.

Provisions where several applications made in respect of same dwelling-house.
Inserted by 9, 1949, s. 15.

26ar. (1) Where more than one application is made under section 26ao in respect of the same dwelling-house, the person on whom the applications were served shall forthwith notify each other applicant of the other application or applications, together with the name and address of the other applicant or applicants, and the court shall hear and determine all the applications at the same time and for that purpose may adjourn the hearing of any application or applications.

(2) Where two or more applications are heard at the same time, the court shall take into consideration the degree of hardship which would be caused to each applicant or to any other person by the refusal to grant the application and, where the degree of hardship is the same in the case of two or more applicants or other persons, may in addition to the other matters referred to in section 26aq, take into consideration the priority of service of the applications under section 26ao of this Act.

Enforcement of warrants.
Inserted by 9, 1949, s. 15.

26as. A warrant granted by a court under section 26aq of this Act may be enforced in the same manner as a warrant of possession granted by that court may be enforced.

Rent of dwelling-house.
Inserted by 9, 1949, s. 15.

26at. (1) Upon delivery of possession of a dwelling-house to a protected person under a warrant granted under section 26aq the protected person shall be deemed to be a tenant of the owner of the dwelling-house.

(2) The rent to be paid for any dwelling-house of which possession has been so obtained shall be—

(*a*) where the rent is, as at the commencement of the tenancy, fixed or determined by or under this Act—that rent or such rent (not exceeding the rent so fixed or determined) as is agreed upon between the owner and the tenant; or

(*b*) in any other case—such rent as is agreed upon between the owner and the tenant or, in default of agreement, as is determined by the trust pursuant to Part III,

but nothing in this subsection shall be deemed to prevent the subsequent alteration, subject to this Act, of any rent so agreed upon or fixed.

Meaning of "owner."
Inserted by 9, 1949, s. 15.

26au. For the purposes of sections 26ao to 26at (inclusive) the expression "owner," in relation to the dwelling-house which is the subject of a lease or sub-lease, means—

(*a*) where the dwelling-house is unoccupied—the lessee or sub-lessee immediately entitled to possession of the dwelling-house; and

(*b*) where the dwelling-house is about to become unoccupied—the person immediately entitled to possession of the dwelling-house upon its becoming unoccupied.

Application of Part. Inserted by 9, 1949, s. 15.

26av. (1) Any person (in this section referred to as "the claimant") who desires to do, or to continue or complete the doing of, any act against any person (in this section referred to as "the respondent") in respect of the possession of any premises may, if the respondent is resident in Australia and is not, to the knowledge of the claimant, a protected person, serve on the respondent, in the manner provided by this section, a notice in the prescribed form requiring the respondent to inform the claimant, within fourteen days after the receipt of the notice, whether or not the respondent is a protected person within the meaning of this Part.

(2) A notice under subsection (1) shall be served personally or by registered letter sent to the respondent's last place of abode known to the claimant.

(3) If, within the period specified in subsection (1) of this section, a statutory declaration by the respondent or by some person having knowledge of the facts stating that the respondent is a protected person within the meaning of this Part is not furnished to the claimant, then notwithstanding that the respondent is, or at any subsequent time becomes, a protected person within the meaning of this Part, this Part shall not apply in respect of the doing, or in respect of the continuance or completion of the doing, of an act of the kind referred to in subsection (1) of this section, provided the claimant commences to do, or to continue or complete the doing of, the act within three weeks after the expiration of the period specified in that subsection.

(4) For the purposes of subsection (3) where the doing of any act is dependent on the completion of any preliminary act, the commencement of the doing or the continuance or completion of the doing, of the preliminary act shall be deemed to be the commencement of the doing of the first-mentioned act.

(5) If the claimant produces evidence (supported by statutory declaration) to the satisfaction of an officer thereto authorized in writing by the Attorney-General, that the respondent—

(*a*) has abandoned the property in respect of which the claimant desires to do, or to continue or complete the doing of, any act; or

(*b*) cannot be found and that the claimant has made reasonable efforts to ascertain his whereabouts.

and that the claimant is not aware that the respondent is a protected person,

the officer may issue to the claimant a certificate to that effect and thereupon this Part shall not apply in respect of the doing, or in respect of the continuance or completion of the doing, of the act by the claimant.

(6) A certificate purporting to be issued in pursuance of subsection (5) shall, in the absence of proof to the contrary, be deemed to have been duly issued.

Exemptions from application of Part. Inserted by 9, 1949, s. 15.

26aw. Nothing in this Part shall apply to any dwelling-house in respect of which a certificate of exemption under section 26ai or section 26aj is in force.

PART IIID.

PART IIID.

CONTROL OF RENTS OF HOTEL PREMISES.

Interpretation. Inserted by 9, 1949, s. 17.

26ax. In this Part—

"board" means the board constituted pursuant to section 26ay:

"hotel premises" means any premises in respect to which a publican's licence is in force under the Licensing Act, 1932-1945:

"rent," in addition to the matters mentioned in the definition of rent in section 4, includes any premium, bonus, foregift, or other sum of money paid or payable in consideration of, or in association with—

(*a*) the grant or acceptance of any lease of hotel premises; or

(*b*) the renewal of a lease or the continuance of a letting of hotel premises; or

(*c*) any agreement for a lease or for the renewal of a lease of hotel premises.

Constitution of board. Inserted by 9, 1949, s. 17.

26ay. (1) A board shall be constituted for the purposes of this Part.

(2) The board shall consist of—

(*a*) a special magistrate appointed by the Governor who shall be the chairman of the board;

(*b*) a member who shall be appointed by the Governor on the nomination of the committee of the South Australian Associated Brewers;

(*c*) a member to be appointed by the Governor on the nomination of the committee of the United Licensed Victuallers Association of the Commonwealth of Australia (South Australian Branch).

(3) The members of the board shall hold office for such term and upon such conditions and shall be entitled to such remuneration as the Governor from time to time determines.

(4) The chairman and one other member of the board shall be a quorum of the board. The chairman of the board shall have both a deliberative and a casting vote.

(5) No matter or thing done by the board or by the chairman or any member thereof or by any person whenever acting under the direction or authority of the board shall, if the matter or thing was done *bona fide* for the purpose of executing this Part, subject them or any of them personally to any action, liability, claim, or demand whatsoever.

(6) Any expenses incurred by the board shall be deemed to be an expense authorized by this Act.

Application to board with respect to rent of hotel premises. Inserted by 9, 1949, s. 17.

26az. (1) Any lessee of any hotel premises who is of opinion that the rent provided to be paid under the lease of the premises is excessive, may from time to time make application in writing to the board requesting that the board determine the rent of the premises.

(2) If the South Australian Prices Commissioner is of opinion that the rent provided to be paid under any lease of hotel premises is excessive, he may from time to time make application in writing to the board requesting that the board determine the rent of the premises.

(3) If pursuant to this Part, the rent of any hotel premises is determined by the board, the lessor of those premises may from time to time make application in writing to the board requesting that the board should again determine the rent of the premises.

Notice of proceedings of application. Inserted by 9, 1949, s. 17.

26ba. After application being made as aforesaid the board shall give notice in writing of a time and place for the consideration of the application to the lessor and the lessee of the hotel premises and to the South Australian Prices Commissioner each of whom shall be entitled to be heard (either personally or by counsel, solicitor, or agent) by the board.

Onus in proceedings before board. Inserted by 9, 1949, s. 17.

26bb. If application is made as aforesaid by a lessee of hotel premises, the onus shall be on the applicant to satisfy the board that the rent payable under the lease is excessive.

Determination of rent by board. Inserted by 9, 1949, s. 17.

26bc. (1) The board shall hear and determine any application made to it and shall make a determination fixing the rent of the hotel premises.

(2) In its determination the board shall fix such rent as it considers to be fair and equitable after having regard to all relevant factors associated with the lease including the provisions of the lease and all benefits which could be derived from a proper and efficient use of the premises and the licence under the Licensing Act, 1932-1945, in force in respect thereof.

Board to have powers of Royal Commission. Inserted by 9, 1949, s. 17.

26bd. In the exercise of its functions under this Part the board shall have the powers of a royal commission under the Royal Commissions Act, 1917, and the provisions of that Act shall apply to and in respect of proceedings before the board.

Commencement of determination. Inserted by 9, 1949, s. 17.

26be. In any determination made by the board fixing the rent of any hotel premises, the board shall fix the day from which the rent so fixed shall be payable. The day aforesaid may be any day, whether before or after the making of the determination but other than a day prior to the day on which the application was made to the board, as the board considers proper.

Notice of determination. Inserted by 9, 1949, s. 17.

26bf. Forthwith upon the making of a determination in respect of any hotel premises, the board shall give to the lessor and the lessee of the premises and to the South Australian Prices Commissioner notice in writing setting out the determination.

Effect of determination. Inserted by 9, 1949, s. 17.

26bg. (1) During the continuance of this Act, as and from the day fixed by the determination of the board with respect to any hotel premises, the rent fixed by the determination shall (unless a lesser amount is, after the making of the determination, agreed to be paid) be the rent payable in respect of the premises and any rent in excess of that so fixed shall, notwithstanding any change in the ownership or occupation of the premises or any agreement to the contrary, be irrecoverable by the lessor.

(2) If any sum is or has been paid being a sum which by virtue of subsection (1) would have been irrecoverable by the lessor of any hotel premises, the sum so paid shall be recoverable from the lessor who received the payment by

the lessee by whom it was paid, and may, without prejudice to any other method of recovery, be deducted by that lessee from any rent payable by him to that lessor in respect of the said premises.

Secretary and officers. Inserted by 9, 1949, s. 17.

26bh. (1) The Treasurer may appoint any member of the public service to act as secretary of the board.

(2) The Treasurer may direct that any officers of the public service shall perform such duties as are necessary to enable the board to exercise its functions under this Part.

Application of ss. 36, 37, 38. Inserted by 9, 1949, s. 17.

26bi. The provisions of section 36, 37, and 38 shall apply to notices under this Part except that whenever in those sections there is reference to the trust that reference shall be construed as if it were a reference to the board.

Mode of making application to board. Inserted by 9, 1949, s. 17.

26bj. Any application to the board under this Part may be made by delivering the application or by posting the application to the chairman or secretary of the board.

PART IV.

PART IV.

MISCELLANEOUS.

Penalty for demanding rent in excess of that fixed.

27. (1) Any person who, whether as principal or agent or in any other capacity, in any rent book or similar document wilfully makes any entry showing or purporting to show any lessee as being in arrear in respect of any sum which by virtue of this Act is irrecoverable, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(2) Any person who, whether as principal or agent or in any other capacity, wilfully demands or wilfully receives as rent in respect of any premises to which this Act applies any sum which by virtue of this Act is irrecoverable, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(3) Any person who is knowingly a party to any contract or arrangement under which any sum is paid or agreed to be paid to that person as rent for any premises to which this Act applies shall, if that sum is, by virtue of this Act, irrecoverable, be guilty of an offence and liable to a penalty not exceeding fifty pounds.

s. 27. DAVIES v. O'SULLIVAN (No. 2) (1949) S.A.S.R. 208, affirming DAVIES v. O'SULLIVAN (1948) S.A.S.R. 297. Meaning of the word "wilfully" as used in subsection (2) discussed. There is no burden on the prosecution to prove affirmatively that the defendant knew he was breaking the law in recovering a sum which by virtue of the Act is irrecoverable.

Duty to give receipt for rent. Inserted by 9, 1949, s. 19.

27a. (1) Any person who, whether as principal or agent, receives any payment of rent of any premises to which this Act applies shall, at the time of receiving the payment or within twenty-four hours of the making of the payment, 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.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(3) If pursuant to any arrangement made between the person paying the rent and the person to whom it is payable, any rent payable as mentioned in subsection (1) is paid into a bank to the credit of the person to whom it is payable (whether as principal or agent), the provisions of subsection (1) shall not apply in respect of that payment of rent.

Record of rents.

28. (1) Any lessor of any premises to which this Act applies who fails, by himself or his agent, to keep or cause to be kept, a record showing the rent received in respect of those premises shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(2) Any lessor of any premises to which this Act applies or any agent of any such lessor who wilfully makes or wilfully allows to be retained, in any record showing the rent of those premises, any false entry in a material particular shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Penalty for threats and boycotts.

29. (1) Any person who, by any threat, endeavours to dissuade or prevent a lessor or lessee from making or prosecuting any application to the trust or appeal to the local court under this Act, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(2) Any owner of any premises to which this Act applies, and the agent of any such owner, who refuses, or procures any person to refuse, to lease those premises to any other person who desires to lease the same, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds, if the reason for that refusal was that that other person had made an application to the trust under this Act or had prosecuted an appeal to the local court under this Act.

s. 29. WRIGHT v. CURNOW (1947) S.A.S.R. 225. Held that an assignment of a lease was not an act or thing done for the purpose of imposing a detriment or disadvantage on a landlord within the meaning of a provision of the National Security (Landlord and Tenant) Regulations corresponding with subsection (3) of section 29.

(3) Any person who does or procures to be done, any act or thing for the purpose of imposing any detriment or disadvantage upon a lessor or lessee because the lessor or lessee has made an application to the trust under this Act or has prosecuted an appeal to a local court under this Act, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Provisions relating to purchase of furniture, etc.

30. (1) Any person who, whether as principal or agent or in any other capacity—

(*a*) requires, gives or receives, or offers, promises or agrees to give or receive, any bonus, premium or sum of money other than rent in consideration of, or in association with—

(i.) the grant or acceptance of any lease; or

(ii.) the renewal of a lease or the continuance of a letting; or

(iii.) any agreement for a lease or for the renewal of a lease; or

(iv.) his consenting to a sublease,

of any premises to which this Act applies; or

(*b*) makes it a condition of the granting of any lease of any premises to which this Act applies, that the lessee shall purchase any furniture or other goods; or

(*c*) pays, gives, or recovers any consideration for obtaining or making available a key of any premises to which this Act applies,

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

(2) Any amount paid in contravention of this section may, at any time within six months after the date of payment, be recovered by the person who paid it from the person to whom it was paid, or if the person to whom it was paid is the lessor of the premises and the person by whom it was paid is the lessee of the premises may, without prejudice to any other method of recovery, be deducted by the lessee from any rent payable within such six months by him to such lessor.

s. 30. WRIGHT v. CURNOW (1947) S.A.S.R. 225. Held that an assignment was not a "sublease" within the meaning of subsection (1).

BISCHOF v. TROTTER (1948) 76 C.L.R. 520. The provisions of section 30 (1) (*a*) (i.) apply not only to a transaction which is completed by the grant of a lease, but also to a proposed transaction or one not so completed.

Refusal to let premises to applicant with family. Amended by 38, 1946, s. 6.

31. (1) Any person who refuses or causes any person to refuse to let any dwelling-house to any person on the ground that it is intended that a child shall live in the dwelling-house shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(2) Any person who states his intention, whether by advertisement or otherwise, not to let any dwelling-house to any person if it is intended that a child shall live in the dwelling-house shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(3) In any proceedings for an offence against this section, where it is proved that a person has refused, or caused any person to refuse, to let any dwelling-house to any person, it shall lie upon the first-mentioned person to prove that the refusal was for some reason other than that it was intended that a child should live in the dwelling-house.

Inserted by 38, 1946, s. 6 (g).

(4) Notwithstanding the definition of "dwelling-house" in section 4, in this section "dwelling-house" means any premises (other than premises such as are described in paragraph (*c*), (*d*), or (*e*) of the said definition) which are constructed or adapted for use for the purpose of residence.

Persons not to interfere with use or enjoyment of premises. Inserted by 5, 1948, s. 7.

31a. (1) Any person who, without the consent of the lessee of premises to which this Act applies, 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 lessee of the premises or of any furniture or other goods leased therewith, or of any conveniences usually available to the lessee, or of any service supplied to, or provided in connection with the premises is interfered with or restricted, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(2) Where the lessor, or any agent or servant of the lessor, has been convicted of an offence arising under subsection (1), the court may order the lessor to do such things as are necessary to enable the lessee to resume the ordinary use or enjoyment of the premises, furniture, goods, conveniences, or service, and the lessor shall comply with the provisions of the order.

(3) For the purpose of this section, conveniences shall be deemed to be usually available to the lessee where, prior to the use of the conveniences having been interfered with or restricted without his consent, he has been allowed, at all times during the tenancy to use those conveniences as he

desired or he has been allowed to use those conveniences at times agreed to by the lessor and lessee or at times equivalent to those times.

(4) In this section the term "premises to which this Act applies", in addition to having the meaning ascribed to it by section 5, includes any caravan (within the meaning of Part IIIA) the maximum rent (within the meaning of Part IIIA) of which is fixed pursuant to Part IIIA and any land with respect to which the maximum rent (within the meaning of Part IIIA) is fixed pursuant to Part IIIA.

For the purposes of this section the hirer of any such caravan shall be deemed to be the lessee thereof and the owner of any such caravan or of any such land shall be deemed to be the lessor thereof respectively and the letting (within the meaning of Part IIIA) of any such caravan and any arrangement with respect to land such as is referred to in the definition of "rent" with respect to land in section 26a shall be deemed to be a tenancy.

Suspension of right to distrain for rent.
Inserted by 5, 1948, s. 7.

31b. (1) No person shall levy or make any distress for rent of a dwelling-house.

(2) Any person who commits any contravention of subsection (1) shall, without limitation of any other liability occasioned thereby, be guilty of an offence and liable to a penalty not exceeding fifty pounds.

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

32. (1) If the rent of any part of a dwelling-house which is separately leased is fixed under this Act, the trust may from time to time give notice in writing to the lessor directing that during such time as is stated in the notice, the amount of the rent so fixed shall be shown on a notice or placard kept displayed in the said part of the dwelling-house.

(2) If any lessor to whom notice is given as aforesaid wilfully fails to comply with any such direction he shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

Powers of entry and inspection.

33. (1) For the purposes of this Act, any member of the trust or any officer or inspector of the trust authorized in writing for the purpose by the trust—

s. 33. PELHAM v. HARRIS (1944) S.A.S.R. 224. Held, (1) that the telephone may be used by an officer of the South Australian Housing Trust for the purpose of requiring answers to questions; (2) that the requirements of section 33 that an officer must be authorized in writing is descriptive of the person qualified to ask the questions, and that there was no obligation to produce the written authority to the person questioned; (3) that the person questioned had been "required" to answer notwithstanding that the questions were put in a precatory way and not an informative form. An offence under section 33 is complete if it is established that (*a*) an answer to a question such as prescribed by the section has been required by an authorized person of a person of one of the classes specified therein as liable to be questioned; and (*b*) that person has refused to answer the question.

(*a*) may enter into and upon any premises to which this Act applies at any reasonable time for the purpose of examining the premises;

(*b*) may require any person being the lessor or lessee of any premises to which this Act applies or being the agent of any such lessor or lessee, to answer any question relating to any lease thereof, or to the accommodation provided under any such lease, or to the rent payable under or any conditions of any such lease, or to the rent payable in respect of the premises at the first day of August, nineteen hundred and forty-two, or at any other date;

(*c*) may require any person being the lessor or lessee of any premises to which this Act applies or being the agent of any such lessor or lessee, to produce any rent book, receipt, or other document in his possession or power for the purpose of ascertaining the rent paid under any lease thereof or the rent payable in respect of the premises at the first day of August, nineteen hundred and forty-two, or at any other date, and may examine and make copies of any such rent book, receipt, or document.

(2) Any person who—

(*a*) refuses admission to any premises to which this Act applies to any member of the trust or any officer or inspector of the trust authorized as aforesaid or who obstructs or hinders any such member, officer, or inspector; or

(*b*) refuses to answer any question put by any such member, officer, or inspector as provided by paragraph (*b*) of subsection (1) hereof or who wilfully gives any false answer to any such question; or

(*c*) refuses or omits to produce any rent book, receipt, or document in his possession or power when required by any such member, officer, or inspector so to do as provided by paragraph (*c*) of subsection (1) hereof,

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

Penalty for refusing to disclose name of lessor.

34. If the occupier of any premises to which this Act applies when requested by any member of the trust or any officer or inspector of the trust authorized in writing for the purpose by the trust, to state the name of the lessor of the

premises, refuses or wilfully omits to disclose or wilfully misstates the same, he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Contract to avoid Act.

35. 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.

Service of notices.

36. (1) Any notice required by this Act to be given to or served upon any person may be given or served—

(*a*) by delivering the same to such person; or

(*b*) by leaving the same at his usual or last known place of abode or business with some person thereat who is apparently over the age of fourteen years; or

(*c*) by sending the same by post to such person at his usual or last known place of abode or business.

(2) Any notice required by this Act to be given to or served upon any person may, if the person is a company or body corporate or the trust, be given or served—

(*a*) by delivering the same to the manager or secretary thereof; or

(*b*) by leaving the same at the office or place of business thereof with some person thereat who is apparently over the age of fourteen years; or

(*c*) by sending the same by post to the company or body corporate or the trust at its office or place of business.

(3) Where any notice by the trust is required by this Act to be given to or served upon a person whose address is unknown to the trust, it may be given or served by publishing it or a notice substantially to the same effect once in the *Gazette* and once in a daily newspaper circulating generally in South Australia.

Notice to lessor or lessee.

37. (1) Any notice required by this Act to be given to or served upon a lessor under the lease of any premises to which this Act applies shall be deemed to have been duly given or served if it is given to or served upon the person to whom the rent payable under the lease is customarily paid by or on behalf of the lessee.

(2) Any notice required by this Act to be given to or served upon a lessee under the lease of any premises to which this Act applies shall be deemed to have been duly given or served if it

is given to or served upon the person by whom the rent payable under the lease is customarily paid on behalf of the lessee.

(3) If two or more persons are lessors under any lease of any premises to which this Act applies, it shall be a sufficient compliance with any provision of this Act requiring any notice to be given to or served upon such lessors, if such notice is given to or served upon any one of such lessors.

(4) If two or more persons are lessees under any lease of any premises to which this Act applies, it shall be a sufficient compliance with any provision of this Act requiring any notice to be given to or served upon such lessees, if such notice is given to or served upon any one of such lessees.

Continued operation of notice.

38. Any notice required by this Act to be given to or served upon any lessor or lessee shall, if the same has once been duly given to or served upon such lessor or lessee, be binding on all persons claiming by, from, or under such lessor or lessee and all subsequent lessors or lessees to the same extent as if given to or served upon such person claiming as aforesaid or subsequent lessors or lessees respectively.

Supply of particulars as to rent of premises.

39. Upon application in writing describing any premises, and upon payment of a fee of one shilling, the trust shall give or send by post to the person so applying a statement in writing as to whether any determination or order fixing the rent of the premises is in force and the amount and other particulars of such rent.

Exercise of powers by trust.

40. Notwithstanding the provisions of the South Australian Housing Trust Act, 1936-1940, any of the powers conferred by this Act upon the trust may be exercised by any three members of the trust if one of those members is the chairman or a deputy chairman of the trust.

Effect on guarantee of fixing rent.

41. If the payment of the rent of any premises to which this Act applies is guaranteed and subsequently to the giving of the guarantee, the rent of the premises is fixed under this Act, then, if the rent so fixed is less than the amount so guaranteed, the guarantee shall be construed as if the amount guaranteed to be paid was the amount fixed as the rent under this Act; but in any other case the fixing of the rent under this Act shall not affect the guarantee.

Regulations.

42. The Governor may make regulations providing for the execution of any matter or thing arising under and consistent with this Act and not expressly provided for in this Act, and

for more fully carrying out the objects and purposes of this Act, and for guarding against evasions and violations of this Act.

Rules of Court. Amended by 5, 1948, s. 8.

43. The powers conferred by section 28 of the Local Courts Act, 1926-1936, shall include power to frame rules for carrying into effect or supplementing the provisions of this Act relating to appeals to local courts and for regulating the procedure to be followed in proceedings under Part IIIB of this Act and otherwise for carrying the said Part into effect.

* * * * * * * * * * *

s. 44 repealed by 9, 1949, s. 10.

Facilitation of proof.

45. (1) In any prosecution or other legal proceedings under this Act no proof shall be required—

(*a*) of the persons constituting or the proper constitution of or the extent of the jurisdiction of the trust;

(*b*) of any authority to prosecute;

(*c*) of the particular or general appointment of any officer or inspector of the trust,

unless evidence is given to the contrary.

(2) If any determination is made by the trust fixing the rent of any premises and notice thereof is published in the *Gazette* all notices required to be given and all other matters required to be done before the making of the determination shall, unless the contrary is shown, be deemed to have been given or done.

Premises used for purpose of residence.

46. If any premises to which any lease relates are used for the purpose of residence, then for the purposes of this Act, the premises shall, unless the contrary is shown, be deemed to have been let for the purpose of residence.

Documents of trust. Amended by 38, 1946, s. 7.

47. (1) All documents purporting to be issued or written by or under the direction of the trust and to be signed by the chairman, deputy chairman, secretary, assistant secretary or acting secretary of the trust shall be received as evidence in all courts of law, and shall be deemed to be issued or written by or under the direction of the trust without further proof, unless the contrary is shown.

(2) All courts shall take judicial notice of the signature of the chairman, deputy chairman, secretary, assistant secretary or acting secretary of the trust where such signature is attached for the purpose of verifying any document whatsoever under this Act.

Summary proceedings for offences.

48. All proceedings for offences against this Act shall be disposed of summarily.

Duration of Act. Inserted by 38, 1946, s. 8 (1), and amended by 30, 1947, s. 4, by 5, 1948, s. 9, and by 9, 1949, s. 21.

49. This Act shall continue in operation until the thirty-first day of December, nineteen hundred and fifty, but the expiration of this Act shall not render recoverable any rent which during the continuance of this Act was irrecoverable nor affect the right of any lessee to recover any sum which during the continuance of this Act was under this Act recoverable by him.

PUBLIC SERVICE ACT, 1936-1949.

BEING

PUBLIC SERVICE ACT, 1936, No. 2281 OF 1936
[ASSENTED TO 3RD SEPTEMBER, 1936]

AS AMENDED BY

PUBLIC SERVICE ACT AMENDMENT ACT, 1937, No. 2375 OF 1937
[ASSENTED TO 15TH DECEMBER, 1937]

PUBLIC SERVICE ACT AMENDMENT ACT (No. 2), No. 2377 OF 1937
[ASSENTED TO 15TH DECEMBER, 1937]

PUBLIC SERVICE ACT AMENDMENT ACT, 1938, No. 2423 OF 1938
[ASSENTED TO 19TH DECEMBER, 1938]

PUBLIC SERVICE ACT AMENDMENT ACT, 1940, No. 45 OF 1940
[ASSENTED TO 28TH NOVEMBER, 1940]

PUBLIC SERVICE ACT AMENDMENT ACT, 1941, No. 22 OF 1941
[ASSENTED TO 6TH NOVEMBER, 1941]

PUBLIC SERVICE ACT AMENDMENT ACT, 1942, No. 28 OF 1942
[ASSENTED TO 19TH NOVEMBER, 1942]

PUBLIC SERVICE ACT AMENDMENT ACT, 1945, No. 12 OF 1945
[ASSENTED TO 15TH NOVEMBER, 1945].

PUBLIC SERVICE ACT AMENDMENT ACT, 1946, No. 30 OF 1946
[ASSENTED TO 10TH DECEMBER, 1946.]

PUBLIC SERVICE ACT AMENDMENT ACT, 1947, No. 46 OF 1947
[ASSENTED TO 11TH DECEMBER, 1947.]

PUBLIC SERVICE ACT AMENDMENT ACT, 1948, No. 39 OF 1948
[ASSENTED TO 16TH DECEMBER, 1948.]

AND

PUBLIC SERVICE ACT AMENDMENT ACT, 1949, No. 20 OF 1949
[ASSENTED TO 27TH OCTOBER, 1949.]

An Act to consolidate certain Acts relating to the Public Service.

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. This Act may be cited as the " Public Service Act, 1936-1949 ". Short title.

Commencement.

2. This Act shall come into force on a date to be fixed by proclamation.

Arrangement of Act.

3. The provisions of this Act are arranged as follows :—

PART I.—Preliminary.

PART II.—Administration.

PART III.—Departments, divisions, officers, and salaries in the public service.

PART IV.—Admission to the public service, alterations of staff, dismissals, etc.

PART V.—Rights, privileges, powers, and duties of officers of the public service.

PART VI.—Miscellaneous provisions.

Interpretation.

4. In this Act, unless some other meaning is clearly intended—

"Association" means the Public Service Association of South Australia :

Substituted by 39, 1948, s. 4.

"the board" means The Public Service Board appointed under this Act :

"class" means class of the public service :

"Commissioner" means the Public Service Commissioner for the time being in office under this Act :

"department" means any department of the public service continued in existence by this Act or declared by the Governor under this Act :

"division" means division of the public service :

"General Secretary" means the General Secretary of the Association or any other person appointed by the Council of the Association to act on his behalf :

"grade" includes office or position :

Substituted by 39, 1948, s. 4.

"member" where used to indicate a member of the board, includes the chairman of the board.

"Minister" means the Minister of the Crown for the time being administering the department in which the officer or person, in connection with whom the term is used, is employed or is proposed or seeks to be employed, or which comprises the office in connection with which the term is used :

s. 2. This Act was proclaimed to commence on 1st June, 1937; *Gazette* 25th March, 1937, p. 644.

" office " includes any position in the public service :

" officer " means person employed in any capacity in the public service :

" permanent head " means the permanent head of the department wherein any officer or person, in connection with whom the term is used, is employed or is proposed or seeks to be employed, or which comprises the office in connection with which the term is used :

" public service " means the public service of the State as defined by section 6.

Repeal and saving provisions.

5. (1) The Acts mentioned in the first schedule are hereby repealed.

(2) Such repeal shall not affect any privileges or rights conferred by section 4 of the Civil Service Amendment Act, 1881 ; and in respect of any such officer as referred to in the said section, and his legal personal representative, the said section shall apply notwithstanding such repeal.

(3) All officers and persons appointed permanently or temporarily under any Act hereby repealed, or continued in office by any such Act, and holding office at the commencement of this Act, shall remain in office as if this Act had been in force at the time when they were appointed, and they had been appointed hereunder, and this Act shall apply to them accordingly.

(4) All regulations made by the Governor under any Act hereby repealed, or continued in force under any such Act, which are in force at the commencement of this Act shall continue in force until repealed by regulations made under this Act. Any references in any regulations to any enactment hereby repealed shall be construed as references to the corresponding provisions of this Act.

Public service defined.
1259, 1916, s, 6.
1453, 1920, s, 3.

6. (1) The public service, within the meaning of this Act, comprises all persons employed in any capacity in the public service of the State, with the following exceptions (save where otherwise expressly provided), namely :—

(*a*) The Judges of the Supreme Court :

(*b*) The Judge in Insolvency :

(*c*) The President of the Industrial Court :

(*d*) The Agent-General :

(*e*) The Auditor-General :

(*f*) Any officer of either House of Parliament, or any person under the separate control of the President or the Speaker, or under their joint control :

(*g*) The South Australian Railways Commissioner, and any person in the service of the South Australian Railways :

(*h*) The Harbors Commissioners appointed under the Harbors Act, 1936-1943 :

(*i*) Any teacher appointed under the Education Act, 1875, the Education Act, 1915, or any Act amending or substituted for any of those Acts :

(*j*) Any member of the police force :

(*k*) Any honorary officer :

(*l*) Any officer remunerated by fees, allowances, or commissions only :

(*m*) Any person employed at daily or weekly wages, or at piecework rates of payment :

(*n*) Any person whose salary or remuneration is fixed by Act of Parliament :

(*o*) Any officer or class of officers or any department to whom or to which it is provided by any Act that this Act, or the Acts hereby repealed, shall not apply :

(*p*) Any officer or class of officers or department to whom or to which the Governor declares by proclamation that this Act shall not apply.

(2) Except so far as inconsistent with any Act for the time being in force, the Governor may declare by proclamation that this Act, or any specified provisions of this Act, shall, from the time specified in that behalf in such proclamation—

I. apply to any of the persons or officers, classes, or departments, mentioned or referred to in this section ; or

II. cease to apply to any persons or officers, classes, or departments to which by reason of a proclamation made under this section, the same applies or apply ;

and every such proclamation shall, except as aforesaid, have effect according to the tenor thereof ; and all persons to whom this Act, or any provision of this Act, applies by reason of a

s. 6. (1) (*h*) The expression "Harbors Act 1936-1943" has been substituted for "Harbors Act 1913" pursuant to the Amendments Incorporation Act, 1937.

proclamation under this section shall, so far as may be necessary to give effect to such proclamation, be in the public service within the meaning of this Act.

PART II.

ADMINISTRATION.

The Public Service Board.

Heading amended by 39, 1948, s. 5.

Appointment of Public Service Board.

Substituted by 39, 1948, s. 5.

7. (1) There shall be constituted a board to be called " The Public Service Board ".

(2) Subject to section 8 of this Act, the board shall consist of—

(*a*) a chairman appointed by the Governor after consultation by the Minister with the President and General Secretary of the Association ;

(*b*) a person appointed by the Governor ;

(*c*) a member of the Association appointed by the Governor upon the nomination of the Council of the Association.

(3) A casual vacancy on the board shall be filled in the same way as an ordinary vacancy.

Appointment of member for hearing appeals.

Substituted by 39, 1948, s. 5.

8. (1) If the Public Service Commissioner is appointed as a member of the board (whether as the chairman or as an ordinary member) the Governor shall appoint a person as a fourth member of the board.

(2) The Public Service Commissioner shall not sit on the board on the hearing of any appeal under section 52 or section 69 of this Act against a decision given by himself but on the hearing of every such appeal the board shall be constituted of the two members other than the Public Service Commissioner, and the fourth member appointed under this section.

(3) If the Public Service Commissioner is chairman of the board, the fourth member shall sit as chairman on the hearing of the said appeals, and if the Public Service Commissioner is an ordinary member of the board the fourth member shall sit as an ordinary member on the hearing of those appeals.

(4) The fourth member of the board shall not act as a member except as provided in this section.

Term of office.
Substituted by 39, 1948, s. 5.

9. (1) Every member of the board shall hold office until the thirtieth day of June in the fourth year after the year in which he was appointed, and upon the expiration of his term shall be eligible for re-appointment: Provided that a person appointed to a casual vacancy on the board shall hold office only for the balance of the term of his predecessor.

(2) The office of a member of the board shall become vacant—

(*a*) upon his death or resignation;

(*b*) in the case of a member nominated by the Association, if he ceases to be a member of the Association;

(*c*) in any case, if he is dismissed by the Governor for dishonourable conduct, neglect of duties, or mental or physical incapacity to perform his duties.

Temporary members of the board.
Substituted by 39, 1948, s. 5.

10. (1) If for any reason any member of the board is unable to act as such a temporary member may be appointed in the same way as an ordinary member.

Every temporary member shall hold the qualifications required by this Act for an ordinary member.

(2) The Governor shall by the minute of appointment of a temporary member, indicate the period during which, or the matters on which, the temporary member is to act, and the temporary member may act accordingly in the place of the member who is unable to act.

Remuneration.
Substituted by 39, 1948, s. 5.

11. Each member of the board shall receive such remuneration for his services as the Governor determines, which remuneration may, if the Governor so directs, be in addition to any salary received by the member as an officer of the public service.

Quorum and majority decisions.
Substituted by 39, 1948, s. 5.

12. (1) Two members of the board shall form a quorum thereof.

(2) A decision concurred in by two members of the board shall be regarded as a decision of the whole board.

(3) If at any meeting of the board only two members are present and they differ in opinion upon any matter, the determination of that matter shall be postponed until all the members are present.

Secretary and officers of the board.
Substituted by 39, 1948, s. 5.

13. (1) The Governor may appoint a secretary to the board and such other officers as may be necessary to assist the board.

(2) The secretary and other officers of the board shall discharge such duties and exercise such functions as the board requires.

Power of board to delegate.
Substituted by 39, 1948, s. 5.

14. (1) The board may, by writing under the hand of each member of the board, delegate to any member of the board or to any officer, any of the powers of the board under this Act (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified, or the place or locality defined, in the instrument of delegation.

(2) Every such delegation shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by the board.

(3) If in pursuance of any delegation given to him any delegate of the board makes any recommendation, the permanent head of the department affected or the general seretary may request that the recommendation be referred to the board, and in that event the recommendation of the delegate shall not be deemed to be a recommendation of the board unless it is indorsed by the board.

Temporary powers of Classification and Efficiency Board.
Inserted by 39, 1948, s. 5.

14a. During the period between the passing of the Public Service Act Amendment Act, 1948, and the constitution of the board, the Classification and Efficiency Board in existence at the time of the passing of the Public Service Act Amendment Act, 1948, shall remain in office and continue to exercise the powers which it would have had if the said Act had not been passed.

The Public Service Commissioner.

The Public Service Commissioner, his appointment and functions.
1259, 1916, s. 12.
1716, 1925, s. 6.

15. (1) The Governor may, from time to time, appoint a Public Service Commissioner.

(2) The Commissioner shall have the powers and authorities, and shall discharge and exercise the duties and functions, by this Act vested in or imposed or conferred upon him.

Deputy Public Service Commissioner.
1259, 1916, s. 13.

16. In case of the illness or other incapacity, absence, or suspension of the Commissioner, or any vacancy in the office of Commissioner, the Governor may appoint a Deputy Public Service Commissioner, who during such illness, incapacity, absence, suspension, or vacancy shall have all the powers and authorities, and discharge and exercise all the duties and functions, of the Commissioner, including his powers, authorities, duties, and functions as a member of the board and as chairman thereof.

Salary of Commissioner.
1259, 1916, s. 14.
Substituted by 30, 1946, s. 3.

17. (1) The salary of the Commissioner holding office at the time of the passing of the Public Service Act Amendment Act, 1946, shall be at the rate fixed by the Governor within three months after that time, and the salary of every subsequent Commissioner shall be at the rate fixed by the Governor at or before the commencement of the Commissioner's term of office. After being so fixed, the salary of the Commissioner shall not be altered during his term of office.

Inserted by 20, 1949, s. 3.

Provided that The Public Service Board may determine—

(*a*) that additional salary, of such amount as the board deems just having regard to alterations in the cost of living and in the salaries paid to officers of the public service generally, shall be paid to the Commissioner as from such day as the board fixes;

(*b*) that any such additional salary shall, as from such day as the board fixes, be increased or reduced by such amount as the board deems just having regard to the said alterations in the cost of living and salaries.

Any additional salary so detemined shall be paid to the Commissioner as part of his salary under this Act, without further appropriation.

(2) A Deputy Commissioner shall receive such remuneration as is fixed by the Governor.

(3) The salaries of the Commissioner and any Deputy-Commissioner shall be a charge upon and be payable out of the general revenue of the State, which is hereby to the necessary extent appropriated accordingly.

Tenure of office by Commissioner.
1259, 1916, s. 15.

18. (1) The Commissioner shall be appointed for a term of seven years, and may, from time to time, be reappointed for further terms of seven years each; and save as provided by this section, the Commissioner shall not be removable from office during any term of appointment unless an address praying for his removal is presented to the Governor from both Houses of Parliament during one session of Parliament, or from one House during one session and from the other House during the next succeeding session, which sessions however need not be both during the same Parliament.

(2) The Commissioner may be removed from office in the following manner:—

(*a*) The Governor may, at any time, suspend the Commissioner from office on the ground of incompetence or misbehaviour:

(*b*) Whenever the Commissioner is so suspended a full statement of the cause thereof shall be laid before both Houses of Parliament within seven days after

the suspension if Parliament is in session, or, if not, within seven days after the commencement of the next session :

(*c*) Unless within one month after the day when, and during the same session as, such statement is laid before Parliament, an address from either House of Parliament praying for the removal from office of the Commissioner is presented to the Governor, he shall be restored to office ; but if such address is so presented the Governor may remove him from office.

(3) The Commissioner shall be deemed to have vacated his office if he—

(*a*) absents himself from duty for a period of fourteen days, except on leave granted by the Governor ;

(*b*) resigns his office ;

(*c*) is adjudicated bankrupt, or makes a composition for the benefit of his creditors for less than twenty shillings in the pound ;

(*d*) except with the consent of the Governor, engages in any paid employment other than in connection with his duties as Commissioner ; or

(*e*) becomes a member of either House of the Parliament of the State of the Commonwealth.

Secretary and other officers of the Commissioner. 1259, 1916, s. 16.

19. (1) The Governor may appoint a secretary to the Commissioner, and such (if any) other officers as may be necessary to assist the Commissioner in the administration of this Act.

(2) The secretary and all such other officers shall be under the direction and control of the Commissioner, and shall discharge and exercise such duties and functions as are imposed or conferred upon them respectively by the Commissioner.

Record of officers to be kept and gazetted. 1259, 1916, s. 22. 1716, 1925, s. 10.

20. (1) The Commissioner shall keep a record of all officers showing with regard to each officer—

(*a*) his age and length of service ;

(*b*) the office he holds ;

(*c*) his division, and section ; and

(*d*) his salary.

(2) The Commissioner shall in the month of August in each year forward to the Governor a list of all officers employed on the next preceding thirtieth day of June together with the particulars recorded as required by subsection (1) hereof with respect to them, and showing the dates of appointment of such officers.

(3) A copy of the list so published shall be laid before Parliament within fourteen days of publication, or if Parliament is not sitting, then within fourteen days after the commencement of the next session of Parliament.

Other functions of Commissioner. Inserted by 39, 1948, s. 6.

20a. (1) In addition to the duties elsewhere in this Act imposed on him the Commissioner shall have the following duties :—

(*a*) To devise means for effecting economies and promoting efficiency in the management and working of departments by—

(i.) improved organization and procedure ;

(ii.) closer supervision ;

(iii.) the simplification of the work of each department, and the abolition of unnecessary work ;

(iv.) the co-ordination of the work of departments ;

(v.) the limitation of the staff of each department to actual requirements, and the use of such staff to the best advantage ;

(vi.) the improvement of the training of officers ;

(vii.) the avoidance of unnecessary expenditure.

(*b*) To perform such other functions in relation to the public service as are prescribed.

(2) If the Commissioner is of opinion that any means ought to be adopted for achieving any of the objects mentioned in paragraph (*a*) of the last preceding subsection, he shall advise the permanent head of the department of his suggestions or proposals.

(3) If the permanent head does not concur in or adopt the suggestions or proposals he shall, within a reasonable time, inform the Commissioner of the reason therefor.

(4) Thereupon the Commissioner may, if he thinks fit, report the matter to the Minister administering the department, and if the Commissioner's suggestions or proposals are not approved or adopted by the Minister within a reasonable time, the Commissioner shall report the matter to both Houses of Parliament either in a special report or in his annual report.

Commissioner to make reports for assistance of the Governor. 1259, 1916, s. 23.

21. The Commissioner shall submit for the consideration of the Governor reports as to any matters which by this Act are required to be, or may be, dealt with by the Governor.

Commissioner to report on state of public service to Governor. 1259, 1916, s. 24.

22. The Commissioner shall furnish to the Governor for presentation to the Parliament at least once in each year a report on the condition and efficiency of the public service; and in such report there shall be set forth any charges and measures which the Commissioner or the board considers necessary for improving the working of the public service, and especially for insuring efficiency and economy therein or in any department thereof. The Commissioner shall also in such report draw attention to any breaches or evasions of this Act which may have come under his notice.

Power of board and Commissioner to enter departments and summon witnesses. 1259, 1916, s. 65. 1716, 1925, s. 22.

23. (1) The board or the Commissioner, or any person to whom any power or function of the board or the Commissioner is delegated under this Act, may at any time, in the performance of their duties, enter any department, or by writing signed by them or him, summon any person whose evidence appears to be material for the purpose of any application, inquiry, or investigation before them or him under this Act, to appear at the time and place specified in the summons and produce any official or public or other books, documents, or writings in his custody or under his control which may be material to such application, inquiry, or investigation.

(2) The board or any member thereof, or any person to whom any power or function of the board or Commissioner is delegated as aforesaid, may examine any witness upon oath or otherwise touching the matter of any such application, inquiry, or investigation.

(3) If, without reasonable cause, any person summoned as aforesaid, after being paid or tendered the prescribed allowance for expenses—

(*a*) fails to appear as required by the summons, or

(*b*) refuses to be sworn or to answer any question put to him by the board or any member thereof, or the Commissioner or any person to whom any power or function of the board or the Commissioner is delegated as aforesaid, or

(*c*) fails to produce any book, document, or writing pursuant to such summons,

he shall be liable to pay a penalty not exceeding twenty pounds, which shall be recoverable before any special magistrate or two justices of the peace: Provided that no person shall be compelled to answer any question the answer to which would tend to incriminate him.

Procedure of board.
1716, 1925, s. 28.

24. The board—

(*a*) before determining any thing or matter over which it has jurisdiction, other than those specified in paragraph (*a*) of subsection (1) of section 13, shall notify the Association of the nature and purpose of the proceedings, and, if requested by the Association, fix a time and place for the hearing of any evidence, argument, or other relevant representations which the Association may submit;

(*b*) in the exercise of any such jurisdiction, shall not be bound by any rules or practice as to evidence, but may inform its mind on any matter in such manner as it thinks fit; and

(*c*) may conduct any or all of its proceedings in public or in private as it thinks fit.

PART III.

PART III.
DEPARTMENTS, DIVISIONS, OFFICES, AND SALARIES IN THE PUBLIC SERVICE.

Departments of the service and permanent heads.
1259, 1916, s. 17.

25. (1) The departments of the public service shall, until other departments are declared under this Act, be those declared prior to and in existence at the commencement of this Act, and the head of each department shall, until other provision is made, be the holder for the time being of the office proclaimed in that behalf by proclamation made under section 17 of the Public Service Act, 1916.

(2) The Governor may from time to time, upon the recommendation of the Minister made upon a report from the Commissioner, by proclamation declare any additional departments in the public service or discontinue any department previously declared. Any additional department so declared may be formed by the severance thereof from an existing department or departments, or by the amalgamation of existing departments or parts thereof, or otherwise howsoever, as the Governor deems proper.

Divisions of the service.
1259, 1916, s. 25.
1716, 1925, s. 12.

26. The public service shall consist of four divisions, that is to say—

(1) The First Division.

(2) The Second Division.

(3) The Third Division.

(4) The Fourth Division.

Officers included in each division.
1259, 1916, s. 26.
1716, 1925, s. 12.

27. (1) The first division shall include such officers as the Governor determines.

(2) The second division shall include officers who are required to exercise executive or professional functions in the more important offices of the public service, and whose offices the board directs to be included in that Division.

(3) The third division shall include all officers whom the board directs to be included in that division.

(4) The fourth division shall include all officers not included in the first, second, or third divisions.

Salaries.
1259, 1916, s. 27.
1716, 1925, s. 12.

28. (1) Every officer of the first division shall be paid such salary as is determined by the Governor on the recommendation of the board: Provided that the board shall notify every such officer of its recommendation as to his salary by notice published in the *Gazette*, and the Governor shall not determine the salary of any such officer until after the expiration of fourteen days from the time such officer receives notice of the board's recommendation.

Any such officer may request the board to reconsider its recommendation as to his salary, and the board shall reconsider its recommendation accordingly.

(2) Every other officer shall be paid a salary not lower than the minimum which is fixed by the board in respect of the office held by such officer.

Jurisdiction of board.
Substituted by 45, 1940, s. 2.

29. (1) For every office other than an office of the first division, the board shall have jurisdiction from time to time to make returns—

(*a*) classifying each office in the public service by assigning it to its appropriate section and division, namely, to the second, third, or fourth division, and to the professional, clerical or general section:

(*b*) fixing the minimum and maximum salary payable to the holder of such office, the amount of the annual or other periodical increments of salary of such office, and the salary payable to the holder of such office at the time of the making of the return:

(*c*) fixing any special payment or allowance for any special circumstances connected with the work of any office:

s. 28. DAY v. HUNKIN (1938) 61 C.L.R. 65; 12 A.L.J. 269, affirming DAY v. HUNKIN (1938) S.A.S.R. 121, which reversed DAY v. HUNKIN (1937) S.A.S.R. 453. Where an officer was appointed under subsection (1) for a fixed term of five years and the salary then fixed was subsequently reduced, held that the power contained in subsection (1) was not exhausted in the case of each officer by the first determination of his salary and that the first determination of the officer's salary did not fix it unalterably for the term of his appointment for five years.

(*d*) determining the conditions upon which officers shall be entitled to increments in salary :

(*e*) varying or adding to any return previously made by the board or rescinding any such return and making a new return in lieu thereof :

(*f*) determining any other matter connected with the employment of officers if such matter is referred to the board by the Minister or the Commissioner :

Provided that, subject as mentioned in this section, every officer whose office is dealt with by the board in any return shall be entitled to receive an annual increment of salary of the amount fixed by the board in such return until the officer is receiving the maximum salary fixed by the board in respect to the office held by such officer.

Amended by 45, 1940, s. 2.

(2) No officer shall be entitled to receive an increment of salary unless, in the opinion of the Commissioner, his conduct, diligence, and efficiency during the year previous to the granting of the increment have been satisfactory.

Amended by 45, 1940, s. 2.

(3) If, in the opinion of the Commissioner, an officer is not entitled to receive an increment of salary, he may issue an order in writing depriving the officer of the increment for such time as the Commissioner considers justified, and in that event the increment shall, subject to the succeeding provisions of this section, not be paid.

(4) Any officer affected by any such order may appeal to the board against the order.

(5) The permanent head shall forward the appeal with a report to the board, and the board shall, after full inquiry, determine the appeal, and its decision shall be final.

Inserted by 45, 1940, s. 2.

(6) If any officer fails or omits to pass any examination prescribed by the board and by reason of such failure or omission the officer is not entitled to receive an increment of salary as provided by subsection (1) and if the Commissioner is of opinion that any special circumstances warrant him so doing, the Commissioner may direct that the officer shall from such time or times as is fixed by the Commissioner be entitled to receive the increment or increments of salary which he would have been entitled to receive if he had passed the examination.

Inserted by 45, 1940, s. 2.

(7) If any permanent officer is appointed to any vacant office or is appointed to act temporarily in any office, the Commissioner may direct that the first increment of salary to which the officer shall be entitled in respect of that office shall be from such time as is fixed by the Commissioner, notwithstanding that the officer has not held that office for any period fixed pursuant to subsection (1).

Officers temporarily performing duties in other offices.

Substituted by 28, 1942, s. 3.

29a. (1) The Commissioner may transfer temporarily any officer from one office to any other office in the public service.

(2) Where an officer performs for more than four weeks all or any of the duties of an office other than that on which his classification is based—

(*a*) the board may, and shall if the officer so requests, fix the salary to be paid to the officer while he so performs those duties ; and

(*b*) if the duties so performed constitute the whole or substantially the whole of the duties of a full time office, the salary so fixed, unless for special reasons the board otherwise determines, shall be not less than the minimum salary fixed for that office, and not less than the salary which the officer was receiving immediately before he commenced to perform the duties of that office.

Continuance in force of classification made under repealed Acts.

Cf. 1259, 1916, ss. 11 (b), 11cc. 1716, 1925, s. 5. 2136, 1933, s. 4.

Amended by 45, 1940, s. 4.

30. (1) The return prepared by the board and published in the *Gazette* on the eighteenth day of October, 1926, shall, until it is rescinded and a new return is made pursuant to section 29, continue in force subject to any variations thereof or additions thereto made by the board under this Act or the Acts hereby repealed, and subject to any decision of the board given on an appeal under this Act or the Acts hereby repealed.

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Subsection (2) repealed by 45, 1940, s. 4.

Amended by 45, 1940, s. 4.

(3) Any variation of or addition to any return and any new return shall be published forthwith in the *Gazette*, and shall come into operation upon the expiration of fourteen days from the date of such publication : Provided that if the board is satisfied by such evidence as it requires, that by reason of special circumstances it is equitable that any salary fixed by any return, or any variation of or addition to a return, should be payable as from a day earlier than the day when the return or variation, or addition, comes into operation, it may make an order that that salary shall be so payable ; but the day fixed by any such order shall not be earlier than the day on which the application for the fixation of the salary in question was made to the board.

Proviso added by 39, 1948, s. 7.

(4) Before completing any return or variation of or addition to a return or determining any appeal under this Part the board shall send a copy of its proposed return or variation of or addition to a return or a written statement of its proposed decision on the appeal to the Chief Secretary, who may within twenty-one days after receiving the copy or statement submit to the

board any evidence, information, or opinion relevent to the proposed return or decision. The board shall, before completing the return or variation of or addition to a return, or finally determining the appeal, report in writing to the Chief Secretary on any matter so submitted to it.

Inserted by 39, 1948, s. 5.

(5) Any return in force immediately before the appointment of the board shall, subject to any variations and additions made by the board or to the rescission thereof, have effect as if it had been made by the board.

Validation of certain returns.
Inserted by 2423, 1946, s. 2.

30a. The returns prepared by the board for the classification of permanent officers in the public service and published in the *Gazette* on the fourth day of October, nineteen hundred and thirty, and on the nineteenth day of September, nineteen hundred and thirty-one, shall be deemed to have been validly made and to have full force and effect, and notwithstanding the provisions of section 11e of the Public Service Act, 1916 (as enacted by section 5 of the Public Service Act Amendment Act (No. 2), 1925) or any other Act, no person shall have any claim in law or equity by reason of any reduction made in the salary of any office under any such classification, or shall commence any proceedings to enforce any such claim.

Appeals against the board's classification.
1259, 1916, s. 11c.
1716, 1925, s. 5.

31. (1) Any officer dissatisfied with the classification of his office or the salary thereof, as set forth in any variation of or addition to the return mentioned in the next preceding section, may within thirty days after publication in the *Gazette* of the variation or addition appeal against that classification by sending to the board a notice of appeal in writing setting forth the grounds of his dissatisfaction.

(2) An appeal under this section shall be considered by the board in conference with the permanent head of the department in which the appellant works, and with the appellant, or if the appellant so desires, with the general secretary of the Association.

(3) Where the appellant does not attend the conference, or is not represented, the appeal shall be considered by the board in conference with the permanent head or his representative.

(4) After conferring as aforesaid, the board shall determine the appeal, and its decision shall be final: Provided that if upon appeal the board varies the decision appealed against, the variation shall take effect as from the date upon which the first decision would have come into operation.

Assessors.
1259, 1916, s. 11d.
1716, 1925, s. 5.
Substituted by 39, 1948, s. 8.

32. The board may appoint a properly qualified person to be an assessor to assist it in classifying such office.

33. Any decision of the board under this Part or the Acts repealed by this Act relating to the salaries payable to any officers or class of officers shall be subject to any award or order of the Industrial Court and to any industrial agreement filed in the said court.

Saving of industrial awards and orders. 1716, 1925, s. 27.

34. Nothing in this Part shall be so construed as to abridge any power of the Industrial Court under the Industrial Code, 1920, and the Acts amending the same.

Saving of power of Industrial Court. 1716, 1925, s. 27.

PART IV.

ADMISSION TO THE PUBLIC SERVICE, ALTERATIONS OF STAFF, AND DISMISSALS.

Admission to the service.

35. (1) Except as hereinafter provided, no person shall be admitted to the public service unless he is a natural born or naturalized subject of His Majesty and has successfully passed the entrance examination prescribed.

Eligibility for employment in public service. 1259, 1916, s. 31. Cf. U.K. 9 & 10 Geo. 5 c. 92, s. 6.

(2) A naturalized subject, who before his naturalization was a subject of any foreign state, prescribed by regulation, shall not be admitted to the public service within five years of the date of his naturalization.

36. (1) The Governor may make regulations providing for the examination of persons desirous of admission into the public service. Such regulations, in addition to any other matter thereby prescribed, shall prescribe—

Entrance examinations and examiners. 1259, 1916, s. 52.

(*a*) a preliminary medical examination or test as to the health of candidates ;

(*b*) the nature and standards of the examinations to which candidates are required to submit themselves ; and

(*c*) the manner of holding such examinations.

(2) Such examinations (other than medical) shall be competitive.

(3) The Governor, on the recommendation of the Commissioner, may from time to time appoint such examiners as may be necessary for the conduct of the prescribed examinations.

37. (1) The Commissioner shall hold or cause to be held such examinations as are necessary in order to test the efficiency and aptitude of candidates for employment in any branch of the public service.

Arrangement of times and places of examination. 1259, 1916, s. 33. 1716, 1925, s. 13.

(2) The Commissioner shall, as far as practicable, arrange the times and places of entrance examinations so that candidates shall have reasonable facilities in the localities in which they reside for competing at such examinations.

Public notice of examinations. 1259, 1916, s. 34.

38. Whenever additions to the public service are required, the Commissioner shall give notice thereof in the manner prescribed, stating—

(*a*) the number of new appointments which it is estimated will have to be made ; and

(*b*) the division and class or grade thereof respectively ; and

(*c*) the times and places of examinations.

Admissions to public service to be on probation only. 1259, 1916, s. 35. 1385, 1919, s. 4.

39. (1) Except as hereinafter provided, every person admitted to the public service shall, in the first instance, be appointed on probation only, and may be continued on probation for a period of six months, but the services of any person appointed on probation may, at any time during his probation, be dispensed with by the Minister (or by the Governor, if such person was so appointed by the Governor) on the recommendation of the Commissioner made upon a report from the permanent head.

(2) After the period of six months on probation has expired, the Governor may, after reports on the matter by the Commissioner and the permanent head, confirm or annul the appointment.

(3) No probationer whose appointment has been annulled as aforesaid shall be eligible as a probationer at any time within twelve months from the date of the annulling of his appointment.

Appointments in special cases without examination or probation. 1259, 1916, s. 36. Amended by 2377, 1937, s. 3.

40. (1) If at any time in a special case it appears expedient or desirable, in the interests of the public service, to appoint to any division a person who is not in the employ of the Government of the State, the Governor may, after considering the recommendation of the Commissioner on the matter, appoint such person as the Governor thinks suitable without examination, and, if the Governor thinks proper, without probation.

Amended by 2377, 1937, s. 3 and 30, 1946, s. 4.

(2) No such appointment shall be made until the board has certified that in its opinion there is no person available in the public service who is capable of filling the position to which it is proposed that the appointment shall be made as the person proposed to be appointed.

Age of new appointees.
1259, 1916, s. 37.
1716, 1925, s. 14.

41. No person under fourteen years of age shall be appointed to the public service.

Appointment of persons in Government employ to offices in the public service.
1259, 1916, s. 38.
1716, 1925, s. 15.
Amended by 2377, 1937, s. 4.

42. Notwithstanding any other provision of this Act, any person who is in the employ of the Government of the State but is not in the public service shall, subject to regulations made in that behalf, be eligible for appointment, upon the recommendation of the Commissioner, to any division and office in the public service; and such appointment may, if the Commissioner so recommends, be made without examination, and also if he so recommends, without probation.

Reappointment of retired officers.
1259, 1916, s. 39.

43. (1) Any person having at any time, either before or after the commencement of this Act, retired from any salaried office in the public service not being of a temporary or casual character shall, if not more than sixty years of age, be eligible for appointment to the public service without examination or probation.

(2) In the case of any person who has received a sum of money as allowance on such retirement, no appointment shall be made until he has, if so required by the Governor, paid into the Treasury an amount equal to such allowance, or has arranged so to pay the same by instalments to the satisfaction of the Commissioner. Any sum so paid shall be refunded upon the subsequent retirement from the public service of the person so appointed.

Appointment to Government Departments.
Inserted by 30, 1946, s. 5.

43a. Notwithstanding any other Act, every appointment to an office in a department shall be made by the Governor or the Minister in accordance with this Act, and not by any other person or authority.

Commonwealth and State Officers.

Service in Commonwealth not to disqualify for State service.
1259, 1916, s. 41.

44. The fact that any person is an officer of the public service of the Commonwealth shall not disqualify him from also executing the duties of an office in the public service of the State.

Discharge of State functions by officer of Commonwealth.
1259, 1916, s. 42.

45. (1) The Governor may arrange with the Governor-General of the Commonwealth for the performance by an officer in the public service of the Commonwealth, for the Government of the State, of any work or services, or for executing the duties of any office in the public service of the State.

(2) In any such case the Governor may, by agreement with the Governor-General or otherwise make arrangements for determining—

(*a*) the rate of payment to be made by the Government of the State to the Government of the Commonwealth for the services performed or the work done for the State by such officer ; and

(*b*) any matters which may require to be adjusted with regard to the performance of such duties or the execution of such work by such officer.

Arrangement for performance of Commonwealth duties by State officer.
1259, 1916, s. 43.

46. Where an officer of the State performs duties for the Government of the Commonwealth, the Governor may, by agreement with the Governor-General of the Commonwealth or otherwise, make arrangements for determining—

I. the rate of payment to be made by the Government of the Commonwealth to the Government of the State for the services performed for the Commonwealth by such officer ; and

II. any matters which may require to be adjusted with regard to the performance of such duties by such officer.

Arrangement for performance of work or servi

47. The Governor may, at the request of the Governor-General of the Commonwealth, authorize and cause any work or services to be performed for the Government of the Commonwealth ; and the Governor, by agreement with the Governor-General or otherwise, may make arrangements for determining—

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(*a*) the rate of payment to be made by the Government of the Commonwealth for the performance of such work or services ; and

(*b*) any matters which may require to be adjusted with regard to the performance of such work or services.

Re-appointment from Commonwealth public service.
1259, 1916, s. 45.

48. (1) Every person who whether before or after the commencement of this Act has been or is appointed or transferred to the public service of the Commonwealth, and who at the time of appointment or transfer was or is employed permanently in the public service of the State, shall, subject to anything prescribed, be eligible for appointment to an office in the public service of the State ; and the Governor, on the recommendation of the Commissioner, may exempt such person from examination or probation or both.

(2) The expression " public service of the State," where firstly used in this section, has not the limited meaning assigned to it by sections 4 and 6.

Temporary Employment.

Temporary employment. 1259 1916, s. 46, 1516. 1922, s. 2.,

49. (1) Whenever, in the opinion of the Minister, the prompt dispatch of the business of any department renders temporary assistance necessary, and the Commissioner is unable to arrange for such assistance from other departments, the Commissioner may select such persons as appear to him to be best qualified for such work.

(2) The Minister may employ the persons so selected to supply such temporary assistance; and they shall be paid at the rates determined from time to time by the Commissioner as applicable to the work performed.

(3) The services of any person temporarily employed may be dispensed with at any time by the Minister or by the permanent head.

(4) A person may be employed under this section for any period.

Amended by 2375, 1937, s. 3.

(5) Every person temporarily employed under this section shall be entitled to all the benefits and privileges of an officer under section 74 and section 75.

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Subsection (6) repealed by 2375, 1937, s. 3.

Temporary employment during the present war of persons over the age of retirement. Inserted by 22, 1941, s. 2.

49a. (1) Notwithstanding this or any other Act or law any person who being a male has attained the age of sixty-five years or being a female has attained the age of sixty years, may be employed temporarily in the employ of the Government of the State. This section shall, without restricting the effect of the foregoing provisions of this section, apply to any person who has previously retired from the employ of the Government of the State, whether such person retired on attaining the age of retirement or otherwise.

Substituted by 46, 1947, s. 3.

(1a) Except as provided in subsection (1b) of this section a person who was not employed under this section on the tenth day of December, nineteen hundred and forty-six, shall not be employed under this section.

Inserted by 46, 1947, s. 3.

(1b) Any man who, before reaching the age of sixty-five, and any woman who, before reaching the age of sixty was employed by the Government of the State may be employed under and in accordance with this section for any period not extending beyond the thirty-first day of December, nineteen hundred and fifty-two, notwithstanding that the period of twelve months after the termination of the present war may have expired before that day.

(2) If so temporarily employed in other than the service of the South Australian Railways or other than as a teacher in the Education Department, any such person shall be selected by the Commissioner and employed by the Minister and shall be paid at the rates determined from time to time by the Commissioner as applicable to the work performed and the services of any such person may be dispensed with at any time by the Commissioner or by the permanent head.

(3) If so temporarily employed in the service of the South Australian Railways, any such person shall be employed by the South Australian Railways Commissioner and shall be paid at the rates determined from time to time by the South Australian Railways Commissioner as applicable to the work performed and the services of any such person may be dispensed with at any time by the South Australian Railways Commissioner.

(4) If so temporarily employed as a teacher in the Education Department, any such person shall be employed by the Minister of Education and shall be paid at the rates determined by the Minister of Education as applicable to the work performed and the services of any such person may be dispensed with at any time by the Minister of Education or the Director of Education.

Inserted by 46, 1947, s. 3.

No such person shall be employed in any position higher than that of a temporary assistant.

(5) A person may be temporarily employed under this section during the present war and during the period of twelve months after the termination of the present war, but no longer, and shall not be so employed after attaining the age of seventy years, if a male, or sixty-five years, if a female.

(6) A person may be temporarily employed under this section notwithstanding that, at the time he is so employed, he is an officer on long leave of absence under section 75. In such a case the appointment of such person as such an officer shall be determined on his being temporarily employed under this section and the Minister shall pay to such person the balance of the salary which would be payable to him during the currency of the long leave of absence, but for the purposes of the Superannuation Act, 1926-1940, and the Public Service Superannuation Fund Acts, 1902 and 1919, such person shall not be deemed to have retired from the employ of the Government until the expiry of the period during which, but for this subsection, the long leave of absence would have continued.

(7) Every person temporarily employed under this section shall be entitled to leave of absence for recreation or sickness as provided by section 74 or by any regulation under this or any

other Act, but shall not by virtue of such temporary employment be entitled to any of the benefits or privileges of an officer under section 75.

(8) Every person temporarily employed under this section shall during such temporary employment continue to be entitled to receive payment of any pension on retirement to which he may be entitled under the Superannuation Act, 1926-1940, or the Public Service Superannuation Fund Acts, 1902 and 1919.

(9) In this section "the present war" means the war in which His Majesty is engaged and which commenced on the third day of September, nineteen hundred and thirty-nine; and for the purposes of this section the present war shall be deemed to continue until the day on which a proclamation is issued by the Governor-General declaring that that war has ceased.

Filling of vacancies.
Inserted by 46, 1947, s. 4.

49b. The powers granted by section 49a of this Act shall not be used so as to prevent or delay the making of permanent appointments to vacancies occurring in offices and positions under the Government of the State.

Returned soldiers temporarily employed may be appointed to permanent offices in public service.
1385, 1919, S. 11.

50. (1) Notwithstanding anything contained in this Act, the Governor may appoint to any office in the public service any person who has been on active service and who has been temporarily employed for a period of not less than six months in any department of the public service subject to the following conditions:—

(*a*) That the permanent head of the department certifies that such person is of good character and satisfactorily performs his duties; and

(*b*) That the Commissioner is satisfied that such person is competent to perform the duties of such office.

(2) The provisions of this Act as to age at the time of appointment, and as to examinations for appointment, shall not apply to persons appointed under this section, nor shall the provisions as to probation apply except in cases where the Governor directs that such provisions shall apply.

Substituted by 30, 1946, s. 7.

(3) In this section "active service" means service outside Australia or in an area approved by the Governor as a "combat area", as a full-time paid member of a naval, military or air force of the Commonwealth, or of any country under the dominion of His Majesty, during any war in which the Commonwealth was engaged.

Alterations of Staff.

Power to create or abolish offices.
1259, 1916, s. 47.
1716, 1925, s. 16.

51. The Governor may, on the recommendation of the board—

(*a*) create a new office in any department:

(*b*) abolish any office in any department.

How vacancies to be filled by appointment of officers in the service.
1259, 1916, s. 48,
1716, 1925, s. 18.
Amended by 2377, 1937, s. 5.

52. (1) Whenever a vacancy occurs in any office, if it is expedient to fill such vacancy, the Commissioner may recommend any person in the employ of the Government of the State for appointment to such vacancy, regard being had to the relative efficiency or, in the event of equality of efficiency of two or more applicants for the vacancy to the relative seniority of those applicants.

(2) "Efficiency" in this section means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit and good and diligent conduct.

(3) Any recommendation made in pursuance of subsection (1) of this section shall be notified in the prescribed manner, and shall be subject to the right of appeal to the board.

Amended by 2377, 1937, s. 5.

(4) An appeal under this section shall be made in such manner and within such time as are prescribed, and may be made by any officer who at the time immediately prior to the making of the recommendation was senior in salary or length of service to the person recommended and who considers that he is more entitled to promotion to the vacant office than the person recommended on the ground of superior qualifications under subsection (1) hereof.

(5) An appeal under this section shall be considered, as prescribed, by the board in conference with the permanent head or a representative of the permanent head of the department in which the vacancy occurred, and with the appellant or, if he so desires, with the General Secretary of the Association, and after the conference the board shall determine the appeal.

(6) Where an appeal is upheld by the board it shall so inform the Commissioner, who shall thereupon recommend the appellant officer for appointment to the vacant position and cancel the provisional appointment.

(7) Where an appeal is disallowed in pursuance of this section, or no appeal is lodged within the prescribed time, the original recommendation shall be confirmed.

Amended by 2377, 1937, s. 5.

(8) The recommendation of the Commissioner shall be forwarded to the Governor, who may, upon receipt thereof, appoint a person in the employ of the Governmen to fill the vacancy.

Amended by 2377, 1937, s. 5.

(9) The provisions of this section shall apply in every case where a new office is created by the Governor, and it is proposed

to fill such office by the appointment thereto of some person in the employ of the Government, in the same way as they apply to the filling of a vacancy in an existing office.

(10) Nothing in this section shall be construed as derogating from the power conferred by section 40.

Appointments of returned soldiers.
Inserted by 30, 1946, s. 8.

52a. (1) In this section the expressions " Australian seaman " and " member of a fighting force " have the meanings assigned to them in the War Service (Preference in Employment) Act, 1943.

(2) Whenever a member of a fighting force or an Australian seaman as well as other persons are applicants for an office, the Commissioner shall not recommend a person other than a member of a fighting force or an Australian seaman for appointment to that office, unless the board has certified that in its opinion reasonable and substantial cause exists for not appointing a member of a fighting force or an Australian seaman.

(3) In deciding whether to give a certificate under this section the board shall take into account the matters specified in subsection (2) of section 3 of the War Service (Preference in Employment) Act, 1943.

Right of officers to decline promotion.
1259, 1916, s. 50.

53. Any officer may decline an offer of promotion or appointment without prejudice to his right to future promotion or appointment.

Officer may not refuse to remove to another office.
1259, 1916, s. 51.

54. No officer shall refuse compliance with an order of the Governor, directing his removal from one office to another, at his existing salary, in any part of the State. Disregard of or disobedience to any such order shall be deemed to be a breach of this section.

Re-arrangement of officers and work.
1259, 1916, s. 52.
1716, 1925, s. 20.
Amended by 39, 1948, s. 9.

55. When it appears to the Minister or the permanent head of any department necessary or expedient for the more economic, efficient, or convenient working of such department, or any branch thereof, that any particular disposition of officers and re-arrangement of work should be effected, the matter shall be referred to the Commissioner for consideration and report: Provided that nothing in this Act shall be construed as restricting the ordinary and necessary departmental authority of such Minister or permanent head with respect to the direction and control of officers and work.

Transfer or retirement when excessive number of officers employed.
1259, 1916, s. 21.
1716, 1925 s. 9.

56. If at any time the board finds that a greater number of officers is employed in any department or branch of a department than is necessary for the efficient working of that department or branch, any officer whom the board finds is in excess may be transferred by the Commissioner to such other position of equal classification and salary in the public

service as the officer is competent to fill, and if no such position is available the officer may be so transferred to a position of lower classification and salary. If no position is available for the officer, the Governor may, upon the recommendation of the Commissioner, call upon such officer to retire from the public service ; and if he does not retire he may be dismissed from the public service.

The Retiring Age.

Retirement of officers.
1259, 1916, s. 70.
2136, 1933, s. 6.

57. (1) Every officer shall retire on attaining the age of sixty-five years in the case of a male officer and sixty years in the case of a female officer : Provided that—

I. the Governor may, from time to time, direct that any officer competent and willing to do so shall remain in the public service after attaining the age of sixty-five years of age in the case of a male officer or sixty years in the case of a female officer for any period fixed by the Governor and not extending beyond the seventieth birthday of any such male officer or the sixty-fifth birthday of any such female officer :

Provided that no direction shall be given under the foregoing power as a result of which the service of any officer is extended beyond the thirty-first day of December, nineteen hundred and thirty-eight, and no such direction shall be given after the thirty-first day of December, nineteen hundred and thirty-eight, except upon the recommendation of the board :

II. if before the retirement of any officer there is power to grant him leave of absence under section **75** (except sick leave), or the whole or any portion of the period of such leave already granted to him has not expired, he shall, for the purposes only of that section, be deemed to be still in the public service ; but his successor may, nevertheless, be appointed.

(2) Notwithstanding the provisions of any Act as to the tenure of office of any officers appointed thereunder this section shall apply to all persons in the employ of the Government of the State, except the Judges of the Supreme Court, the Judge in Insolvency, the President of the Industrial Court, and the Clerks of the Legislative Council and the House of Assembly.

Appointments for less than term fixed by Statutes.
Inserted by 2377, 1937, s.6.

57a. Where any Act provides that any office, to which appointments may be made by the Governor, is to be held for a fixed term of years, and the Governor desires to appoint to any such office a person who will attain the age of sixty-five years before the expiration of the fixed term, the Governor may, notwithstanding any enactment to the contrary, appoint

that person to the office for any period shorter than the fixed term, but not extending beyond the time when the person so appointed attains the age of sixty-five years or any later time to which the Governor directs that his service shall be extended under proviso I. to subsection (1) of section 57 of this Act,

Dismissal and Disrating of Officers.

Offences by officers. 1259, 1916, s. 53.

58. If any officer employed, otherwise than temporarily, in the public service is guilty of a breach of any provision of this Act, or—

I. disobeys, disregards, or makes wilful default in carrying out any lawful order made or given by any person having authority to give such order, or by word or conduct displays insubordination ; or

II. is negligent, careless, or indolent in the discharge of his duties ; or

III. is inefficient or incompetent for the discharge of his duties, his inefficiency or incompetency arising from causes within his own control ; or

IV. uses intoxicating beverages or drugs to excess ; or

V. conducts himself in a disgraceful, improper, or unbecoming manner either in the discharge of his duties or in public ; or

VI. otherwise than in the discharge of his duties, directly or indirectly discloses information acquired in the course of his duties except by the direction or with the permission of the Minister ; or

Cf. U.K. 1 & 2 Geo. 5 c. 28 ; 10 & 11 Geo. 5 c. 75.

VII. without the permission of the Minister, makes any communication or contribution, directly or indirectly, and whether anonymously or otherwise, to any newspaper or any publication of a like nature on any matter affecting the public service or any department, or the business or the officers of the public service or of any department, or on his own office or his own acts or duties as an officer,

he shall be guilty of an offence, and shall be liable to such punishment as may be determined under section 59.

Investigation of and punishment for offences. 1259, 1916, s. 54. 1385, 1919, ss. 5 and 10.

59. If any officer (not being a permanent head) is charged with the commission of any such offence as mentioned in section 58, he may be dealt with in the following manner :—

s. 58. HUNKIN v. SIEBERT (1934) S.A.S.R. 347; affirmed (on other grounds) by HUNKIN v. SIEBERT (1934) 57 C.L.R. 538; 8 A.L.J. 273. Section 58 does not apply where a felony is committed by an officer of the public service.

ss. 58, 59. HUNKIN v. SIEBERT (1934) 51 C.L.R. 538; 8 A.L.J. 273; affirming HUNKIN v. SIEBERT (1934) S.A.S.R. 347. Sections 58 and 59 define exhaustively the occasions and mode of exercise of the Crown's power to suspend public servants. A public servant is entitled to salary during suspension.

(*a*) He may be temporarily suspended by the permanent head, or, in cases of emergency, by any officer prescribed as having power to suspend officers in the office or place in which the officer charged is employed. If he is suspended otherwise than by the permanent head, the suspension shall be reported forthwith to the permanent head :

(*b*) The permanent head, if satisfied that the charge is not of such a serious nature as to require a suspension, may permit the officer to continue in the performance of his duties pending the determination of the charge :

(*c*) The permanent head or other suspending officer shall forthwith after suspension furnish the suspended officer with a statement in writing of the charge on which he is suspended, and require him forthwith to state in writing whether he admits or denies the truth of the charge, and to give any explanation in writing which he desires to furnish as to such charge, for consideration :

(*d*) After consideration of the charge and the explanation in writing (if any) furnished by the suspended officer, and after such (if any) further investigation as he deems necessary, the permanent head—

I. if he is of opinion that the alleged offence has not been committed, shall forthwith remove the suspension :

II. if he is of opinion that the alleged offence has been committed, but is not of a serious nature, may reprimand or caution the suspended officer and remove the suspension : Provided that if the suspended officer is dissatisfied with any action of the permanent head under this subdivision he may, within seven days after such action has been taken, appeal in writing to the Commissioner stating the grounds of his dissatisfaction, and the Commissioner shall thereupon inquire into and consider the appeal and the grounds thereof and the charge, and shall give such decision as he deems just concerning the charge, and the decision of the Commissioner shall be final :

III. if he is of opinion that the alleged offence has been committed and is of a serious nature, shall forthwith refer the charge to the Commissioner, and the Commissioner shall thereupon, if he is of opinion that the charge is not of so serious a nature that an investigation thereof should be made by a board of inquiry, inquire into and consider the charge and shall give such decision as he deems just concerning it: Provided that if the suspended officer is dissatisfied with any action or decision of the Commissioner under this subdivision, he may, within seven days after such action has been taken or such decision has been given, appeal in writing to the board of inquiry hereinafter provided for, stating the ground of his dissatisfaction, and the said board shall thereupon inquire into and consider the appeal and the grounds thereof and the charge and shall give such decision as it deems just thereon, and the decision of the board shall be final:

(*e*) If the Commissioner is of opinion that such charge is of so serious a nature that an investigation thereof should be made by a board of inquiry, he shall forthwith refer the charge to a board of inquiry. The board of inquiry shall consist of—

(1) a judge of the Supreme Court, or a special magistrate, appointed by the Governor for the purpose of the inquiry, who shall be the chairman;

(2) a member (not being a member of the legal profession), appointed by the Commissioner for the purpose of the inquiry, who shall be an officer of the public service, but not of the department in which the suspended officer is employed; and

(3) an officer of the division to which the suspended officer belongs, elected by the officers of such division in such manner as is prescribed by regulation, who shall hold office for such term, and subject to such conditions, as are so prescribed.

If the officer so elected is himself the suspended officer or is otherwise personally interested in the

inquiry, or owing to illness or absence from the State or for any other reason is incapable of acting, the board of inquiry shall consist of the members mentioned in subdivisions (1) and (2) hereof, and the officer (if any) of the division to which the suspended officer belongs who at the last election of an officer of that division to serve on the board received the next highest number of votes to the officer elected, or if such officer is also personally interested in such inquiry or incapable of acting for any such reason as aforesaid, or there is no such officer, such other officer belonging to the said division as is appointed by the Governor on the recommendation of the Commissioner :

(*f*) If any charge is admitted, or is found by the Commissioner or the board of inquiry to be proved, the Minister may—

I. deprive the suspended officer of his annual or other leave of absence during, or in respect of a specified period ; or

II. further suspend such officer for such period as he thinks fit ; or

III. according to the gravity of the offence, reduce such officer to a lower class or grade, or subdivision of a class or grade, with a corresponding reduction in salary or other remuneration, or transfer him to some other office, or both so reduce and transfer him ; or

IV. dismiss such officer from the public service, or require him to resign within a specified time (in which case he may be dismissed by the Minister unless he so resigns) : Provided that, in the case of any office as to which it is so prescribed by regulation, the power to dismiss or call upon any officer to resign shall not be exercised except with the previous approval of the Governor ;

and the suspended officer, however dealt with under this paragraph, shall not, unless otherwise ordered by the Governor, be entitled to any salary or wages in respect of the period of his suspension :

(*g*) If no charge is admitted, and the Commissioner or the board of inquiry report that no charge has been proved, the Minister upon his being supplied with

the report of the Commissioner or the board, shall remove the suspension and the suspended officer shall be reinstated in his office without any loss of salary or wages in respect of the period of his suspension.

Offences by permanent heads. 1259, 1916, s. 55.

60. When the permanent head of a department is charged with any of the offences mentioned in section 58 the Minister may suspend him and, in such case, the provisions of paragraphs (*c*) to (*g*) inclusive of section 59, *mutatis mutandis*, shall apply, the word " Minister " being read instead of the words " permanent head " wherever they occur in those paragraphs, and the word " Governor " being read instead of the word " Minister " wherever it so occurs.

Provisions as to inquiries by the Commissioner or the board of inquiry. 1259, 1916, s. 56. 1385, 1919, s. 6.

61. The following provisions shall apply to and in respect of inquiries by the Commissioner or the board of inquiry under section 59 or 60 :—

(*a*) The officer against whom a charge is made may, with the approval in writing of the Minister, be represented upon the hearing by counsel or agent, who may examine witnesses and address the Commissioner or the board of inquiry on his behalf :

(*b*) The Commissioner or the board of inquiry shall inquire as to the truth of the charges without regard to technicalities or legal forms, and shall direct himself or itself by the best evidence he or it can procure, or that is laid before him or it, whether it is such evidence or is tendered in such manner, as the law would require or admit in other cases, or not :

(*c*) The inquiry shall, if the Commissioner or the board of inquiry so directs, be held in private :

(*d*) If the Commissioner or the board of inquiry finds that a charge is not proved, he or it may recommend that the reasonable expenses, or any part thereof, incurred by the officer in meeting such charge, or if he has been suspended, any loss of salary incurred by him in consequence of such suspension (the amount recommended being specified in the recommendation), be paid by the Government. Every such recommendation shall be considered by the Governor :

(*e*) A copy of any charge and of all documents intended to be used against the officer at the inquiry shall,

where practicable, be furnished to the officer at least seven days before the hearing of the inquiry is commenced.

Criminal offences by officers.
Substituted by 30, 1946, s. 9.

62. (1) If the Commissioner believes on reasonable grounds that an officer has committed an offence punishable by imprisonment—

(*a*) the officer may (subject to paragraph (*b*) of this section) be dealt with under sections 59, 60, and 61 of this Act;

(*b*) if proceedings are taken in a court against the officer for the offence no proceedings for the offence shall be instituted or continued before the Commissioner or a board of inquiry until the proceedings in the court are disposed of;

(*c*) if in the proceedings in the court the defendant pleads guilty or is found guilty, action may be taken under section 99 or 60 of this Act, as if the officer had been found guilty of the offence by a board of inquiry.

(2) For the purposes of this section the expression "offence punishable by imprisonment" shall mean an offence punishable by imprisonment only, or by imprisonment and fine, or by imprisonment or fine at the option of the court.

Dismissal on bankruptcy.
1259, 1916, s. 58.

63. If any officer is adjudicated bankrupt, or makes a composition for the benefit of his creditors for less than twenty shillings in the pound, he shall report the matter at once to the Commissioner, and unless (whether he so reports or not) he satisfies the Commissioner that he has not been guilty of fraud, dishonourable conduct, or extravagance, such officer may, by order of the Governor, be dismissed from the public service, or be reduced to a lower class or grade, or be reprimanded or otherwise punished.

Services of incapable officer may be dispensed with.
1259, 1916, s. 59.
1385, 1919, s. 7.

64. (1) If an officer appears to the Commissioner, after a report from the permanent head or otherwise, to be unfit to discharge or incapable of discharging the duties of his office efficiently, the Minister may, on the recommendation of the Commissioner, call upon such officer to retire from the public service within the time specified by the Minister, or transfer him to some other office in a department under the Minister; or such officer may be transferred by the Governor to an office in any department: Provided that in the case of any office as to which it is so prescribed by regulation, the power to call upon an officer to retire from the public service shall not be exercised except with the previous approval of the Governor.

(2) If any officer so called upon to retire does not retire within the time specified as aforesaid he may be dismissed from the public service by the Minister.

Saving of right of Crown to dispense with service of officers.
1259, 1916, s. 60.

65. Nothing in this Act shall be construed or held to abrogate or restrict the right or power of the Crown, under any other Act or at common law, to dispense with the services of any person employed in the public service.

Saving of power of Chief Justice to appoint and dismiss associates.
1259, 1916, s. 61.
Cf. U.K. 15 & 16 Geo. 5 c. 49, s. 114.

66. (1) Nothing in this Act shall affect the mode of appointing and dismissing the associates to the judges of the Supreme Court which existed at the time of the passing of this Act.

(2) Subject to subsection (1) hereof, all the provisions of this Act shall apply to such associates in the same manner as if they had been appointed by the Governor under section 40 upon the recommendation of the Commissioner.

PART V.

PART V.
RIGHTS, PRIVILEGES, POWERS, AND DUTIES OF OFFICERS OF THE PUBLIC SERVICE.

Performance of duties and exercise of powers of officer in his absence.
1259, 1916, s. 62.

67. Where in or by any Act, order-in-Council, proclamation, rule, regulation, by-law, contract, or agreement any duty, obligation, right, or power is imposed or conferred upon any officer in His Majesty's service, whether in the public service as defined by sections 4 and 6 or not (other than a Minister of the Crown or a judicial officer) in his capacity as such officer, such duty, obligation, right, or power may, during his temporary absence or incapacity, be performed or exercised by any officer directed by the Governor to perform and exercise the duties, obligations, rights, and powers of the first-mentioned officer during such absence or incapacity, in the same manner and to the same extent in all respects as the same might have been respectively performed or exercised by such first-mentioned officer; and everything done under the provisions of this section shall be as good and effectual for all purposes and against all persons whatsoever as if done by such first-mentioned officer.

Responsibility of permanent heads.
1259, 1916, s. 18.

68. The permanent head of a department shall be held responsible for its discipline, general working, and efficiency, and shall advise the Minister controlling such department in matters relating thereto, and shall, in addition to the duties of his office, perform such other duties as such permanent head as the Governor directs.

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s. 65. HUNKIN v. SIEBERT (1934) 51 C.L.R. 538; 8 A.L.J. 273; affirming HUNKIN v. SIEBERT (1934) S.A.S.R. 347. Section 65 does not preserve the prerogative power to suspend. The power to suspend is now restricted to the occasions and modes of exercise prescribed in the Public Service Act, 1936.

Grievances.
1259, 1916, s. 64.
1716, 1925, s. 21.
Amended by 39, 1948, 2. 10.

69. (1) Any person employed under this Act having any grievance relating to his employment, or affected by any report or recommendation made by the Commissioner under this Act may, in such manner and within such time as are prescribed, appeal to the Commissioner to consider or reconsider the matter. The Commissioner shall thereupon consider the appeal and advise the appellant of his decision. If the appellant is not satisfied with the decision of the Commissioner, he may, within fourteen days of the receipt of notification of that decision, appeal to the board.

(2) An appeal under this section shall be considered as prescribed by the board in conference with the permanent head or a representative of the permenant head of the department to which the appellant belongs, and with the appellant, or, if he so desires, with the general secretary of the Association, and after the conference the board shall transmit the evidence taken, together with the recommendation thereon, to the Commissioner, who shall thereupon confirm the same, and so determine the appeal.

Officers contesting elections for Parliament.
1668, 1925, s. 3.

70. (1) If any officer desires to offer himself for election by any constituency as a member of the Parliament of the State or of the Commonwealth, he shall make application to the Governor that the provisions of this section shall apply to him. The Governor may, in any case where application is made as aforesaid, order that the provisions of this section shall apply to the officer, and thereupon the officer shall resign his office in the public service.

Inserted by 2377, 1937, s. 7.

(1a) Upon or after the resignation of an officer under subsection (1) of this section, the Governor may pay to him the whole or any part of the salary which would have been payable to him during the currency of any leave of absence which, had he not resigned, could have been granted to him under section 75 of this Act at the time of his resignation. This subsection shall apply in relation to any officer who has resigned or resigns after the first day of October, nineteen hundred and thirty-seven.

(2) If the officer is not so elected he shall, upon application, if the period of his absence from the public service for the purposes of the election has not exceeded two months, be re-appointed to the office in the public service from which he resigned pursuant to subsection (1) of this section.

(3) Notwithstanding anything contained in this Act the re-appointment shall be made without examination or probation.

(4) The service of any such officer shall not be deemed not to be continuous by reason of any such absence, but he shall not be entitled to be paid any sum by way of salary or allowance in respect of the period of his absence.

(5) The said period of absence shall not be taken into account for the purposes of computing the length of the continuous service of the officer for the purposes of section 75 of this Act.

(6) For the purposes of this section all persons in the employ of the Government of the State shall be deemed to be officers in the public service, and the public service shall, for the said purposes, be deemed to comprise the said persons.

No compensation in consequence of operation of Act.
1259, 1916, s. 73.

71. No officer shall be deemed to be entitled to any compensation by reason of any reduction of his salary or other remuneration, or any alteration of the limits of salary of his class or grade, or any alteration in the scale of his allowances or expenses, made by or under the Acts repealed by this Act or by or under this Act, or any Act amending this Act or by regulation.

Officer not to engage in duties unconnected with his office.
1259, 1916, s. 74.
1385, 1919, s. 9.

72. (1) Except pursuant to such arrangement as authorized by section 46 or 47, or with the express permission of the Minister, given upon the recommendation of the Commissioner, which permission may at any time be withdrawn, no officer shall—

I. accept or continue to hold an office in or under the Government of the Commonwealth :

II. accept or continue to hold or discharge the duties of or be employed in a paid office in connection with any banking, insurance, mining, mercantile, or other commercial business, whether the same is carried on by any corporation, company, firm, or individual :

III. engage in or undertake any such business, whether as principal or agent :

IV. engage or continue in the private practice of any profession, trade, or business :

V. accept or engage in any paid employment other than in connection with the duties of his office or offices in the public service.

(2) Nothing herein contained shall be deemed to prevent an officer from becoming a member or shareholder of any incorporated company or of any company or society of persons registered under any Act in this State or elsewhere.

No action to lie in respect of discharge of the Act.
1259, 1916, s. 66.
1716, 1925, s. 23.

73. (1) No action or suit shall be brought or maintained against any person or body for any misfeasance or non-feasance in connection with the carrying out, or attempted carrying out, of any provision of this Act.

(2) Except so far as expressly provided by this Act, no action, suit, or other proceeding shall lie, nor shall any costs be payable, in respect of any proceeding before the board or any member thereof, or before the Commissioner or any person to whom any power or function of the board or the Commissioner is delegated under this Act.

Provisions as to Leave of Absence.

Leave of absence for recreation and sickness.
1259, 1916, s. 67.
1716, 1925, s. 24.
2136, 1933, s. 5.
Amended by 28, 1942, s. 4. and 30, 1946, s. 10.

74. (1) The Commissioner may at such times as he deems convenient grant to any officer who has been not less than one year continuously in the public service, leave of absence for recreation not exceeding three weeks or, in the case of an officer whose ordinary duties require him to work on more than six days in the week, four weeks, for each financial year during which the officer has been in the public service, and a proportionate period of such leave for any part of a financial year during which the officer has been in the public service: Provided that the Commissioner may, if he thinks fit, permit such leave to accumulate to an extent not exceeding six weeks:

Added by 28, 1942, s. 4.

Provided also that where the ordinary duties of an employee require him to work on more than six days in the week and—

I. the employee is paid at penalty rates for time worked in excess of six days a week; or

II. the fact that the ordinary duties of the employee require him to work on more than six days a week was taken into account in fixing the salary of the employee,

work done by that employee on days in excess of six days a week shall not be taken into account in reckoning the period of leave under this section, unless the Commissioner by reason of special circumstances otherwise determines.

Substituted by 30, 1946, s. 10.

Where any person employed by the Government of the State, otherwise than as an officer of the public service, is appointed to an office in the public service, his service under the Government before the appointment, if continuous with his service as an officer of the public service, shall be counted as service in the public service for purposes of this subsection.

(2) In the case of illness, or other pressing necessity, the Minister may grant to any officer leave of absence not exceeding sixteen days on full pay during any one year: Provided that, subject to such conditions as are prescribed, the Minister may permit such leave to accumulate to an extent not exceeding sixteen weeks in the case of officers whose continuous service does not exceed ten years, and not exceeding thirty-two weeks in the case of officers whose continuous service exceeds ten years:

s. 74 (1). The amendments made to section 74 (1) by section 4 of Act 28, 1942, came into force on 1st July, 1945.

Provided that, where any person employed by the Government of the State, otherwise than as an officer of the public service, is appointed to an office in the public service, his service under the Government before the appointment, if continuous with his service as an officer of the public service shall, if the Governor so directs, be counted as continuous service in the public service for purposes of this subsection. When such a direction is given any leave of absence granted to the officer on account of ill-health or pressing necessity while he was an employee of the Government of the State and before his appointment as an officer shall for the purpose of computing the leave of absence which may be granted to him under this subsection, be deemed to have been granted to him under this subsection. Substituted by 30, 1946, s. 10.

75. (1) Subject to this section, the Governor may grant to any officer who has been continuously in the public service for not less than ten years, the following leave of absence :— Long leave of absence. Substituted by 28, 1942, s. 5.

(*a*) in respect of the first ten years of service, not more than ninety days leave on full salary or one hundred and eighty days on half salary :

(*b*) in respect of each complete year of service in excess of ten, not more than nine days leave on full pay, or eighteen days leave on half pay.

(1a) Where an officer entered the public service before the ninth day of December, nineteen hundred and five, or was on or before the first day of November, nineteen hundred and thirty-eight, appointed to any of the offices mentioned in the second schedule to this Act, the leave which may be granted to him under this section shall be— Inserted by 28, 1942, s. 5.

(*a*) if the officer has been continuously in the public service for at least ten years, not more than eight months leave on half salary or four months leave on full salary ; or

(*b*) if the officer has been continuously in the public service for not less than twenty years, not more than eight months on full salary ;

(*c*) in respect of each complete year of service in excess of twenty years not more than nine days leave on full pay, or eighteen days leave on half pay. Inserted by 39, 1948, s. 11.

s. 75. (3) and (4) Pursuant to the Amendments Incorporation Act, 1937, the following changes have been made in section 75 (3) and (4):—(*a*) The expression "any provision of the South Australian Railways Commissioner's Act, 1936," has been substituted for " section 4 or any other provision of The South Australian Railways Commissioners Act, 1887 ". (*b*) The expression " section 132 of the South Australian Railways Commissioner's Act, 1936," has been substituted for "section 29 of The South Australian Railways Commissioners Act, 1887. "

Subsection (1b) repealed by 12, 1945, s. 4.

* * * * * * * * * * * * * * * * *

Substituted by 39, 1948, s. 11.

(1c) An officer shall not be entitled under this section to more than three hundred and sixty-five days' leave on full salary, or the equivalent of such leave.

For the purposes of this subsection two days' leave on half salary shall be deemed to be equal to one day's leave on full salary.

Inserted by 28, 1942, s. 5.

(1d) An officer shall not be entitled to take leave of absence in respect of any service in excess of ten years, except at the following times—

Amended by 30, 1946, s. 11.

(*a*) immediately before the officer resigns or retires from the public service ; or

(*b*) after the officer has completed fifteen years of continuous service ; or

(*c*) immediately after the officer has taken any leave of absence which he has been granted in respect of the first ten years of his continuous service ; or

(*d*) when, in the Governor's opinion, the officer requires the leave because of invalidity.

(2) The Governor may, in case of illness or other pressing necessity, grant such extension as he thinks fit of the leave of absence granted under this section, on such terms as he thinks fit.

Subsection (3) repealed by 28, 1942, s. 5.

* * * * * * * * * * * * * * * * *

(4) The power to make regulations conferred by section 132 of the South Australian Railways Commissioner's Act, 1936, shall not extend to regulations as to the granting to employees of such leave of absence as is provided for by this section.

(5) For the purposes of this section, all persons in the employ of the Government of the State (except any officers or class of officers or the officers of any department, to whom or to which it is provided by any Act that this section shall not apply) shall be deemed to be officers in the public service, and shall be entitled to all the privileges conferred by this section as if they had been officers in the public service from the time of the commencement of their employment by the Government of the State.

(6) For the purposes of this section, the length of service of an officer shall be computed from the commencement of his continuous service or probationary appointment, and service shall be deemed " continuous " notwithstanding absence on any leave with or without pay.

s 75 (1a) and (1c) The amendments made to these subsections by Act 39, 1948, apply only to leave which commenced after 16th December, 1948.

(6a) Where a person who has retired on a pension under section 40 or section 47 of the Superannuation Act, 1926, is subsequently re-employed in the public service, his continuous service before the period during which he was in receipt of pension and his continuous service after that period shall, in determining the length of his service for purposes of this section, be taken into account as if all such service were continuous; but the period during which he was in receipt of pension shall not be taken into account. Inserted by 2377, 1937, s. 8.

This subsection applies in relation to all long service leave granted after the enactment thereof, notwithstanding that the retirement on pension, the re-employment, or the service in respect of which the leave is granted, or any of them, may have taken place before the enactment of this subsection.

(6b) Where a person— Inserted by 28, 1942, s. 5.

(*a*) being temporarily employed by the Government of the State leaves that employment for the purpose of becoming a member of a fighting force; and

(*b*) serves as a member of a fighting force; and

(*c*) after the termination of that service is again employed by the Government of the State,

the period between the time when he left his employment and the time when he was re-employed shall be regarded as service under the Government of the State for the purpose of this section, unless the Governor, upon the report of the Commissioner, is satisfied that during a substantial part of that period the said person was not serving as a member of a fighting force.

In this subsection "fighting force" means a naval, military or air force of the Commonwealth or any other country under the dominion of His Majesty.

(7) If an officer pursuant to any arrangement operating in his department does not work on every working day, but works at least three days in every week, or six days in every fortnight, his service shall nevertheless be deemed to be continuous; but in such a case in computing his service for the purpose of leave under this section he shall be credited with one week's service for every six days on which he actually works, although the said days may be spread over two or more weeks. Saturday shall be regarded as a full day for the purpose of computing the said leave.

This subsection applies to any employee who has worked part time under any such arrangement since the nineteenth day of May, nineteen hundred and thirty.

(8) If any person to whom there is power to grant leave of absence under this section dies—

(*a*) before the commencement or during the currency of any leave so granted ; or

(*b*) before such leave has been granted,

the Governor may, in respect of the period of the leave so granted or the unexpired portion thereof, or in respect of the period of the leave which might have been granted (according to the circumstances of the case), pay to the dependants (if any) of such person the amounts of salary which would have been payable to such person himself if he had survived.

Inserted by 30, 1946, s. 11.

If the said person died without leaving any dependants, the Governor may pay the said amounts of salary to his personal representatives.

Any question as to—

I. whether there are any dependants in any particular case, or who are the dependants :

II. what dependant or dependants shall be entitled to the benefit of payments made under this subsection, and in what proportions if more than one dependant,

shall be settled by the Governor, as he deems proper.

In this subsection the term—

" dependants " means those members of the family of a person who were wholly or in part dependant upon his earnings at the time of his death :

" members of the family " includes wife or husband, parents, grand-parents, step-parents, children, grand-children, step-children, brothers, sisters, half-brothers, and half-sisters.

(9) The provisions of section 72 shall not apply to any officer to whom long leave of absence has been granted under this section and who is on long leave of absence, if the Governor is satisfied that that officer intends upon the expiry of his long leave of absence to retire from the public service.

(10) Where leave is granted to any officer under this section, the Minister may, at the commencement of such leave, pay to that officer the total salary which would be payable to him during the currency of the leave.

Inserted by 2423, 1938, s. 3

(11) If at the time any officer commences long leave of absence he has attained the age of retirement within the meaning of the Superannuation Act, 1926, or if during the time he is on long leave of absence, the officer attains such age of retirement,

the officer, for the purpose of determining when he shall be entitled to any pension on retirement under the said Act, shall not, for the purposes of the said Act, be deemed to have retired until at the expiry of his long leave of absence.

Special Leave. Inserted by 2377, 1937, s. 9.

75a. (1) Subject to this section the Minister may, if he is of opinion that special circumstances justify him in so doing, and if the Commissioner so recommends, grant to any officer of the public service special leave of absence.

(2) The leave may be granted without pay or on reduced pay or on full pay and on any terms which the Minister thinks fit; but where the leave is granted on pay it shall not exceed sixteen days in any year on full pay or a proportionately longer period on reduced pay.

(3) Where any special leave is granted without pay, the Minister may order that the period of such leave or any portion thereof shall be counted as service for the purpose of determining the date of any annual increment or increase in the officer's salary.

(4) Nothing in this section shall be held to restrict any power of the Governor to grant special leave of absence.

Rights of officers transferred from Commonwealth public service. 1259, 1916, s. 47a. 1716, 1925, s. 17. Amended by 30, 1946, s. 12.

76. (1) Where a person becomes an officer of the public service of the State and his service in such public service is continuous with service in the public service of the Commonwealth or of any other State, the continuous service of that person in the public service of the Commonwealth or of the other State shall be for the purposes of leave of absence under sections 74 and 75 of this Act reckoned as service in the public service of the State.

(2) This section shall be deemed to have commenced on the first day of January, nineteen hundred and twenty-four.

Public holidays. 1259, 1916, s. 69.

77. (1) Nothing in this Act shall be construed as affecting the provisions of the Holidays Act, 1910: Provided that the Governor may, by proclamation, declare that a day specified therein shall be a holiday with regard to any department, either in addition to or in substitution for any public holiday, in which case the offices connected with such department shall be closed on that day: Provided nevertheless that nothing in this Act or such proclamation shall prevent the Minister from requiring the services of any officer of such department during such day in case of emergency.

* * * * * * * * * * * * * * * * Subsection (2) repealed by 30, 1946, s. 13.

PART VI.

PART VI.

MISCELLANEOUS.

Notices, etc., to be published in the *Gazette*.
1259, 1916, s. 71.

78. Notice of every appointment, transfer, retirement, vacation of office, or dismissal of an officer, and of every order-in-Council or proclamation under this Act, shall be published in the *Gazette* within twenty-eight days after the same is made or occurs, and such notice shall be conclusive evidence of such appointment, transfer, retirement, vacation of office, dismissal, or order-in-Council or proclamation.

Notice to officer whose address is unknown.
1259, 1916, s. 72.

79. (1) In the event of the address for the time being of an officer being unknown to the board, Commissioner, permanent head, or Minister (as the case may be) all notices, orders, or communications to or for such officer may be posted to the last known address of such officer, and a notification of the fact of such posting shall be published in the *Gazette*.

(2) Compliance with subsection (1) of this section shall be deemed a sufficient service of such notice, order, or communication on such officer.

(3) In case any such notice, order, or communication relates to any charge made against an officer, then, if within a time specified in such notice, order, or communication no answer is received by the authority asking whether the officer admits the truth of such charge, he shall be deemed to deny the truth of such charge, and such charge may be inquired into and dealt with in the absence of such officer.

Regulations.
1259, 1916, s. 75.
1716, 1925, s. 26.

80. (1) In addition to any power by this Act conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section in this Act in which regulations are referred to, or in which the word "prescribed" is used), the Governor may, on the recommendation of the board, make any regulations which may be necessary or convenient for the carrying out of any of the provisions of this Act, or for better effecting the objects of this Act, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely :—

I. for regulating the performance by the Commissioner of his duties and functions :

II. for regulating the appointment of officers of the public service :

III. for the arrangement of the public service in its prescribed divisions; for facilitating the working of the public service; the classification of the work therein; and the classification of officers:

IV. for prescribing the conditions under which officers of a division may be transferred to any specified offices in another division:

V. for regulating examinations (whether entrance examinations or not), for fixing the fees payable for entrance examinations, and for registering in the order of merit the names of all persons who have passed the entrance examinations, and of those candidates who, having qualified at any such examination, are appointed to fill subsequent vacancies arising within a prescribed period:

VI. for prescribing the rates of salaries or wages for women employed in the public service, and the terms upon which the service of female officers may be dispensed with upon their marriage: Provided, that nothing in any regulation shall be taken to permit the employment of any married woman except upon the certificate of the Commissioner in each case that such employment is desirable:

VII. for regulating and determining the scales or amounts of the allowances or expenses to be made to officers for transfer or travelling, or in lieu of quarters, or for living at isolated stations, or in places where, owing to their situation, the cost of living is exceptionally high, and providing for the relief and transfer of officers employed for the prescribed period in any such locality, or for the partial reimbursement of the cost of conveyance of such officers, their wives and families, when such officers are travelling on recreation leave:

VIII. for regulating the duties of officers and the mode in which such duties shall be performed, and for regulating the conduct of officers:

IX. for prescribing the mode of registering applicants for temporary employment, and the mode of keeping the register, and the mode of selecting persons therefrom, and the method of dealing with or punishing persons temporarily employed, and for regulating generally the terms and conditions of any temporary employment:

x. for regulating the hours of attendance of officers, and the keeping and signing of records of attendances, or prescribing other methods of recording attendances :

xi. for regulating the granting of leave of absence to officers :

xii. for regulating the performance of and payment of officers for extra services :

xiii. for regulating the payment of examiners :

xiv. for fixing the amount and nature of the security to be given for the fidelity of officers occupying positions the nature of which, in the opinion of the Commissioner, renders it necessary for such officers to find security for their fidelity :

xv. for fixing, subject to the provisions of this Act, the maximum or minumum age of persons who may be appointed to any particular division or class or grade, or to any particular office :

xvi. for providing for notification to the Commissioner of every punishment inflicted on any officer by virtue of this Act, and for keeping records thereof :

xvii. for determining the dates, times, or periods of time at or within which shall be done any things and acts required or permitted by this Act to be done, and in respect of which no dates, times, or periods of time are specifically provided :

xviii. for notifying vacancies, and the method of applying for appointment to fill vacancies :

xix. for prescribing the allowances to be paid to witnesses for their attendance and expenses :

xx. for prescribing, where there is no provision in this Act, or no sufficient provision, in respect of any matter or thing necessary to give effect to this Act, in what manner and form the want or insufficiency of provision shall be met :

xxi. for fixing penalties, not exceeding in any case twenty pounds for the breach of any regulation, and for deducting such penalties from the salaries or other remuneration of officers committing such breaches :

xxii. for regulating all matters in connection with appeals to the board.

(2) Any regulation may be made to apply either generally or with respect to any particular case or class of cases, or any particular officer, or class, or grade of officers, or the officers in any particular place.

Provision of moneys for purposes of the Act. 1259, 1916, s.76.

81. The moneys required for the purposes of this Act shall, except where express provision is made in this Act for any such moneys, be paid out of moneys provided by Parliament for such purposes.

SCHEDULES.

THE FIRST SCHEDULE.

See. 5.

ACTS REPEALED.

No. and Year of Act.	Short Title of Act.
1259 of 1916	Public Service Act, 1916
1385 of 1919	Public Service Act Amendment Act, 1919
1516 of 1922	Public Service Act Amendment Act, 1922
1668 of 1925	Public Service Act Amendment Act, 1925
1716 of 1925	Public Service Act Amendment Act (No. 2), 1925
2042 of 1931	Public Service Act Amendment Act, 1931
2136 of 1933	Public Service Act Amendment Act, 1933

Sec. 75.

THE SECOND SCHEDULE.

The South Australian Railways Commissioner.
Secretary to the South Australian Railways Commissioner.
General Traffic Manager.
Chief Engineer for Railways.
Chief Mechanical Engineer.
Comptroller of Railways Accounts.
Chief Assistant Engineer.
Accountants.
Assistant Engineers.
Bookkeeper (Comptroller of Accounts Branch).
Bookkeeper (Locomotive Branch).
Chief Audit Inspector.
Chief Clerk (Railways Commissioner's Office).
Chief Clerk (General Traffic Manager's Branch).
Chief Clerk (Chief Engineer for Railways Branch).
Chief Clerk (Chief Mechanical Engineer's Branch).
Chief Clerk (Traffic Audit Office).
Collector of Accounts (Senior).
District Locomotive Superintendents.
Draughtsmen in Charge.
Goods Superintendent.
Out-door Running Superintendent.
Passenger Superintendent.
Paymaster.
Railway Electrician.
Receiver.
Resident Engineers.
Superintendent of Station Services.
Traffic Auditor.
Traffic Superintendents.
Works Manager.

TABLES OF ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA.

TABLE OF PUBLIC GENERAL ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA, INCLUDING CROSS REFERENCES.

The following table contains a list of the public Acts of general application of the Parliament of South Australia passed up to the end of 1949 and which were unrepealed as at that time.

In the case of an Act reprinted in Volumes 1 to 8 of the South Australian Statutes, 1837-1936, a reference is given in the table to the volume and page where the Act is printed. In the case of any other Act a reference is given to the annual volume of Statutes in which the Act is printed.

Since the publication of the South Australian Statutes, 1837-1936, some Acts have been reprinted pursuant to the Amendments Incorporation Act, 1937. The table contains a reference to all such reprinted Acts; in some instances, the reprinted Act has been included in the annual volume of Statutes and in those cases a reference is given to the volume and page where the Act is reprinted.

The table also includes cross references to the subject matters dealt with by legislation.

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Young Men's Christian Association of Port Pirie Act, 1918	1918	1349

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The following table contains a list of the private Acts of the Parliament of South Australia passed up to the end of 1949 and which were unrepealed as at that time. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Title of Act.	Year.	Number.
The Adelaide Electric Supply Company's Act, 1922..... *See also* The South Australian Electric Light and Motive Power Company's Act, 1987 *and* (in the Table of Public General Acts) Electricity Trust of South Australia Act, 1946, *and* (in the Table of Public Acts of Restricted Application) The Adelaide Electric Supply Company's Act, 1931 : The Adelaide Electric Supply Company Act, 1944.	1922	—
The Adelaide Fruit and Produce Exchange Act, 1903 ...	1903	—
Adelaide Marine and Fire Assurance Company Act, 1864	1864	—
The Adelaide Marine and Fire Assurance Company Act Amendment Act, 1881	1881	—
The Adelaide Marine and Fire Assurance Company Further Amendment Act, 1885	1885	—
Adelaide Synagogue Act, 1881	1881	—
The Adelaide Synagogue Act, 1881, Amendment Act	1895	—
Adelaide Workmen's Homes Incorporated Act, 1933.....	1933	—
Angas College Trusts Act, 1921	1921	—
Australian Mutual Provident Society Act, 1874	1874	—
Australian Trust Company Act, 1861	1861	—
Bagot's Executor Company Act	1910	—
Bank of Adelaide Act, 1865	1865	—
The Bank of Adelaide Act Amendment Act, 1904	1904	—
The Bank of Adelaide Act Amendment Act, 1920.....	1920	—
The Bank of Adelaide's Registration under the Companies Act 1892 Act	1928	—
Boy Scouts Association—South Australian Branch—Incorporation Act.....	1940	—
The Catholic Church Endowment Society, Incorporated, Sale of Lands Act	1896	—
Charles Birks & Co. Limited Employees' Welfare Trust Act, 1946	1946	—
The Church of England Clergy Superannuation Act, 1935	1935	—
Church of England Endowment Society Act	1891	—
Church of England Succession Act	1893	—
Church of Saint Mary Magdalene, Adelaide, Alteration of Trusts Act, 1919	1919	—
The Church of The Holy Trinity, Adelaide, Revocation and Alteration of Trusts and Sale of Land Act, 1919....	1919	—
Commercial Bank Act, 1878	1878	—
The Corporation of St. John's Church Act, 1886	1886	—
The Corporation of St. John's Church Act, 1886, Amendment Act, 1920	1920	—
The Corporation of St. John's Church Act, 1886, Amendment Act, 1948	1948	—
The David Bower Estate Act, 1920	1920	—
The East-End Market Act, 1872	1872	—

Title of Act.	Year.	Number.
Elders Executor Company's Act, 1910	1910	—
Elders Executor Company's Amendment Act, 1915	1915	—
Executors Company's Act, 1885	1885	—
Executors Company's Amendment Act, 1900	1900	—
Executors Company's Amendment Act, 1915	1915	—
Farmers Co-operative Executors Act, 1919	1919	—
Hagen Lands Act, 1852	1852	—
James Brown Memorial Trust Incorporation Act, 1894	1894	—
The James Umpherston Trusts Act, 1926	1926	—
Kensington and Norwood Boundaries Act, 1878	1878	—
Kingsland Irrigation Company Act, 1922	1922	—
Leigh Trust Incorporation Act, 1929	1929	—
The Liverpool and London and Globe Insurance Company's Act of 1879	1879	—
The Loxton District Hospital Purposes Act, 1927	1927	—
Mercantile Marine Insurance Company Act, 1869-70	1869-70	—
The Mercantile Marine and Fire Insurance Company's Amending Act	1878	—
The Methodist Church Act, 1911	1911	—
Methodist Ladies College Incorporation Act, 1920	1920	—
The Methodist Union Act, 1900	1900	—
Moonta Gas Company's Act	1873	—
Moonta Gas Company's Sale Act, 1882	1882	—
Murray River Company Act, 1853	1853	—
National Bank of Australasia Act, 1859	1859	—
National Bank of Australasia Amendment Act, 1860	1860	—
National Bank Act Amendment Act, 1863	1863	—
National Marine and Fire Insurance Company Act, 1867	1867	—
National Marine Insurance Company's Act Amendment Act, 1873	1873	—
The Parkin Trust Incorporated Act, 1926	1926	—
Paxton Title Act, 1885	1885	—
Port Adelaide Canal Act	1887	—
See also (in the Table of Public Acts of Restricted Application) The Port Adelaide Canal Supplementary Act, 1889		
The Presbyterian Church of South Australia Act	1899	—
Prince Alfred College Incorporation Act, 1878	1878	—
The Provincial Gas Company's Act	1868-9	—
Pyap Irrigation Trust Act, 1923	1923	—
See also (in the Table of Public Acts of Restricted Application) The Pyap Irrigation Trust Act Amendment Act, 1926		
Railway Acts—		
See also Railway Acts (in the Table of Public Acts of Restricted Application)		
Adelaide City and Port Railway Act, 1850	1850	1
Adelaide City and Port Railway Guarantee Act, 1850	1850	4
The Broken Hill Proprietary Company, Limited's Hummock Hill to Iron Knob Tramway and Jetties Act, 1900	1900	—
See also (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, *and* (in the Table of Public Acts of Restricted Application) The Hummock Hill to Iron Knob Tramway Extension Act, 1927		

Title of Act.	Year.	Number.
Railway Acts—*continued.*		
Glenelg Railway Act Further Amendment Act, 1889.	1889	—
Grange and Military Road Railway Act	1878	—
Largs Bay Railway Act	1882	—
The Wallaroo Railway Act	1861	—
The Wallaroo Railway Amendment Act, 1862	1862	—
The Wallaroo Railway Further Amendment Act	1875	—
Returned Sailors and Soldiers' Imperial League Club (Licensing) Act, 1934	1934	—
River Murray Navigation Company Act, 1853	1853	—
Royal Institution for the Blind Act, 1934	1934	—
Saint Andrew's Church, Walkerville, Alteration of Trusts Act	1919	—
Saint Paul's Church, Port Adelaide, Sale of Lands Act	1914	—
Saint Peter's Collegiate School Ordinance, 1849	1849	1
Saint Peters Collegiate School Ordinance Amendment Act	1889	—
The Salvation Army (South Australia) Property Trust Act, 1931	1931	—
Scotch College, Adelaide, Incorporated Act, 1922	1922	—
Stirling Trust Estate Act, 1857-8	1857-8	—
South Australian Banking Company Act, 1843	1843	—
South Australian Company Act, 1840	1840	8
South Australian Company's Land Act, 1852	1852	—
The South Australian Electric Light and Motive Power Company's Act, 1897	1897	—
See also The Adelaide Electric Supply Company's Act, 1922, *and* (in the Table of Public Acts of Restricted Application) the Adelaide Electric Supply Company's Act, 1931: The Adelaide Electric Supply Company Act, 1944.		
The South Australian Gas Company's Act, 1861	1861	—
South Australian Gas Company Amendment Act, 1874	1874	—
The South Australian Gas Company's Further Amendment Act, 1882	1882	—
South Australian Gas Company's Act, 1912	1912	—
South Australian Gas Company's Act, 1919	1919	—
See also (in the Table of Public General Acts) the Gas Act, 1924		
South Australian Marine and Fire and Life Assurance Company Act, 1842	1842	—
South Australian Mining Association Act, 1851	1851	10
South Australian Mutual Insurance Association Act, 1853	1853	—
South Australian Mutual Life Assurance Society Act, 1880	1880	—
The South Australian Wesleyan Methodists Act, 1887	1887	—
South Australian Widows' Fund and General Annuity Endowment Society Act, 1850	1850	13
The Spicer Cottages Trust Act, 1934	1934	—
The Spicer Cottages Trust Act Amendment Act, 1938	1938	—
St. George's Church, Woodforde, Revocation of Trusts and Sale of Lands Act, 1920	1920	—
The Thorngate Estate Act	1911	—
The Town and Country Bank Act, 1881	1881	—
Union Bank of Australia Act, 1850	1850	11
Way College Incorporation Act, 1899	1899	—
The Wyatt Benevolent Institution Incorporated Act	1935	—

TABLE OF ACTS REPEALED.

The following table contains a list of all Acts which have been repealed since the publication in April, 1937, of the South Australian Statutes, 1837-1936.

Title of Act Repealed.	Title of Repealing Act.
The Adelaide Gunpowder Magazine Act ...	Statute Law Revision Act, 1937
The Adulteration of Wine and Brandy Act, 1907	Adulteration of Wine and Brandy (Repeal) Act, 1941
The Amendments Incorporation Act, 1914 .	Amendments Incorporation Act, 1937
Banking Companies Act, 1935	Banking Companies Act Repeal Act 1946
Building Materials Act, 1945	Building Materials Act, 1949
Building Materials Act Amendment Act, 1946	Building Materials Act, 1949
Building Materials Act Amendment Act, 1947	Building Materials Act, 1949
Building Materials Act Amendment Act, 1948	Building Materials Act, 1949
Building Materials Act Amendment Act, 1949	Building Materials Act, 1949
Collections for Unemployment Act, 1930 ...	Collections for Charitable Purposes Act, 1939
Commonwealth Powers (Air Navigation) Act, 1921	Air Navigation Act, 1937
Cornsacks Act, 1931	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1932	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1933	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1934	Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1935	Statute Law Revision Act, 1937
Employers' Liability Act, 1934.....	Wrongs Act Amendment Act, 1944
The Guardianship of Infants Act, 1887.....	Guardianship of Infants Act, 1940
Increase of Rent (War Restrictions) Act, 1939	Landlord and Tenant (Control of Rents) Act, 1942
Increase of Rent (War Restrictions) Act Amendment Act, 1940	Landlord and Tenant (Control of Rents) Act, 1942 .
Increase of Rent (War Restrictions) Act Amendment Act, 1941	Landlord and Tenant (Control of Rents) Act, 1942
Infectious Diseases Hospital Act, 1922-1943	Infectious Diseases Hospital Transfer Act, 1947
Juries Act, 1844.....	Statute Law Revision Act, 1937
Kowulka Railway Act, 1922.....	Kowulka Branch Railway Act, 1948
Leigh Creek Coal Act, 1942	Electricity Trust of South Australia Act Amendment Act, 1946
Loans for Fencing and Water Piping Act, 1930	Loans for Fencing and Water Piping Act, 1938
Margarine Act, 1934	Margarine Act, 1939
The Mining on Private Property Act, 1909 ..	Mining Act Amendment Act, 1941
Mining on Private Property Act Amendment Act, 1916	Mining Act Amendment Act, 1941
Money-lenders Act, 1924	Money-lenders Act, 1940
Payment of Members of Parliament Act, 1936	Payment of Members of Parliament Act, 1948
Payment of Members of Parliament Act, 1944	Payment of Members of Parliament Act, 1948

Title of Act Repealed.	Title of Repealing Act.
Public Library, Museum, and Art Gallery, and Institutes Act, 1936	Libraries and Institutes Act, 1939
Public Salaries Act, 1936	Public Salaries Act Repeal Act, 1946
Railways Standardization Agreement Act, 1946	Railways Standardization Agreement Act, 1949
State Salaries (Commonwealth Taxation) Act, 1916	Statute Law Revision Act, 1937
Venereal Diseases Act, 1920	Venereal Diseases Act, 1947

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

This table contains a list of Acts which have been amended by Acts passed since the publication in April, 1937, of the South Australian Statutes, 1837-1936. Under the title of every Act so amended are shown the sections affected, the number and section of the amending Act, and the page of the Annual Volume of Statutes in which the section of the amending Act is printed.

The table also contains notes, placed against references to the appropriate sections of the Acts affected, of the reported decisions of the Privy Council, the High Court of Australia, the Supreme Court of South Australia, and the Industrial Court of South Australia, relating to the interpretation of those sections. The cases so noted are those comprised in reports published since 1st April, 1937, and include the cases reported up to the end of the following volumes, namely, 1949 Appeal Cases, 1949 South Australian State Reports and 21 South Australian Industrial Reports, and the cases reported up to page 528 of 78 Commonwealth Law Reports. Cases comprised in reports published before 1st April, 1937, are noted in footnotes to the relevant sections of the Acts printed in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Act Affected.	How Affected.
Abattoirs Act, 1911-1936 (Vol. 1, p. 1)	s. 2. Amended by No. 32, s. 3, 1946, p. 152 s. 3. Amended by No. 2421, s. 2, 1938, p. 190 s 4. Amended by No. 2421, s. 3, 1938, p. 190 s. 13. Substituted by No. 2421, s. 4, 1938, p. 191 s. 26. Substituted by No. 2421, s. 5, 1938, p. 191 s. 27. Amended by No. 2421, s. 6, 1938, p. 192 s. 34. Amended by No. 2421, s. 7, 1938, p. 192 s. 40. Amended by No. 2421, s. 8, 1938, p. 192 s. 41. Amended by No. 2421, s. 9 (1), 1938, p. 192 s. 42. Amended by No. 2421, s. 9 (1) and (2), p. 192 s. 43. Amended by No. 2421, s. 9 (1) and (3), pp. 192, 193 s. 45. Amended by No. 2421, s. 10, 1938, p. 193 s. 46. Amended by No. 2421, s. 11, 1938, p. 193 s. 48. Amended by No. 2421, s. 12, 1938, p. 193, and by No. 26, s. 2, 1947, p. 68 s. 50. Amended by No. 2421, s. 13, 1938, p. 194 s. 51. Amended by No. 2421, s. 14, 1938, p. 194 s. 53. Amended by No. 2421, s. 15, 1938, p. 194 s. 55. Amended by No. 2421, s. 16, 1938, p. 194 s. 62. Amended by No. 2421, s. 17, 1938, p. 194 s. 65. Amended by No. 2421, s. 18, 1938, p. 194 s. 73. Amended by No. 2421, s. 19, 1938, p. 194 s. 74. Substituted by No. 2421, s. 20, 1938, p. 195 ss. 74a to 74g. Enacted by No. 32, s. 2, 1946, p. 149 s. 79. Amended by No. 2421, s. 21, 1938, p. 195
Aborigines Act, 1934 (Vol. 1, p 38) ...	This Act, as amended by No. 14, 1939, p. 49, and with notes of judicial decisions, is reprinted in the 1939 volume, p. 371. *See also* the following paragraph

Act Affected.	How Affected.
Aborigines Act, 1934-1939 (1939, p. 371)	s. 48. *Williams v. Wight* (1943) S.A.S.R. 301
Acts Interpretation Act, 1915-1936 (Vol. 1, p. 55)	s. 4. Amended by No. 58, s. 3., 1949, p. 212 s. 15. *Spiller v. Webb and another* (1940) S.A.S.R. 102 s. 22. *International Hotel Limited v. McNally* (1940) 64 C.L.R. 24; 14 A.L.J. 267 s. 22a. Enacted by No. 10, s. 3, 1945, p. 33 s. 27. Amended by No. 10, s. 4, 1945, p. 34 s. 32. *Heffernan v. Richardson* (1946) S.A.S.R. 201 s. 33b. Enacted by No. 58, s. 4, 1949, p. 213 s. 37. *Day v. Hunkin* (1938) 61 C.L.R. 65; 12 A.L.J. 269, affirming *Day v. Hunkin* (1938) S.A.S.R. 121, which reversed *Day v. Hunkin* (1937) S.A.S.R. 453
Administration and Probate Act, 1919-1936 (Vol. 1, p. 79)	s. 21. *In re Knabenschuh* (1938) S.A.S.R. 136 *In re Smale* (1940) S.A.S.R. 391 *In re Bathern* (1941) S.A.S.R. 266 s. 23. *In the Estate of Constantine, deceased, Constantine v. Constantinides* (1947) S.A.S.R. 415 s. 52. *In re Hawker* (1939) S.A.S.R. 426 s. 55. *In re Gardiner* (1938) S.A.S.R. 6 *In the estate of E.F., deceased* (1948) S.A.S.R. 97 s. 61. Amended by No. 2368, s. 2 (1), 1937, p. 102 s. 69. *In re Jackson* (1944) S.A.S.R. 82 *In re Scott, deceased* (1948) S.A.S.R. 193 *In re Symons, deceased* (1949) S.A.S.R. 289. s. 70. *In re Babbage. Cave v. Babbage* (1936) S.A.S.R. 356 *In the Estate of Hughes, deceased* (1947) S.A.S.R. 325; 22 A.L.J. 89 s. 112. Substituted by No. 2368, s. 3, 1937, p. 102 s. 113. Repealed by No. 2368, s. 3, 1937, p. 102 s. 122. Amended by No. 2368, s. 4, 1937, p. 103 Second schedule. Repealed by No. 2368, s. 5, 1937, p. 103
Adoption of Children Act, 1925-1934 (Vol. 1, p. 140)	s. 2. Amended by No. 18, s. 2, 1943, p. 38 s. 5. Amended by No. 18, s. 3, 1943, p. 38 s. 14. Amended by No. 4, s. 2, 1940, p. 6 s. 19. Enacted by No. 18, s. 4, 1943, p. 39
Advances for Homes Act, 1928-1935 (Vol. 1, p. 156)	s. 3. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 4. Amended by No. 13, s. 2 (2), 1947, p. 31 s. 7. Amended by No. 13, s. 2 (1), 1947, p. 30 s. 8. Amended by No. 13, s. 3, 1947, p. 31 s. 11. Repealed by No. 13, s. 4 (1), 1947, p. 31 s. 16. Repealed by No. 13, s. 5, 1947, p. 31 Heading to Division III. of Part III. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 18. Amended by No. 21, s. 4, 1944, p. 51, by No. 13, ss. 4 (2) and 6, 1947, p. 31, and by No. 16, s. 2, 1949, p. 60 s. 19. Amended by No. 21, s. 5, 1944, p. 52 s. 20. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 21. Amended by No. 13, s. 4 (2), 1947, p. 31 Heading to Division IV. of Part III. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 22. Amended by No. 21, s. 6, 1944, p. 52, by No. 13, ss. 4 (2) and 7, 1947, pp. 31, 32, and by No. 16, s. 3, 1949, p. 61 s. 23. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 24. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 25. Amended by No. 21, s. 7, 1944, p. 52 s. 29. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 30. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 35. Amended by No. 21, s. 8, 1944, p. 53, by No. 13, s. 8, 1947, p. 32, and by No. 16, s. 4, 1949, p. 61 s. 40. Amended by No. 21, s. 9, 1944, p. 53, by No. 13, s. 9, 1947, p. 32, and by No. 16, s. 5, 1949, p. 61 s. 45. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 46. Amended by No. 21, s. 10, 1944, p. 53

Act Affected.	How Affected.
Advances to Settlers Act, 1930 (Vol. 1, p. 193)	s. 5 Amended by No. 22, s. 3, 1944, p. 56 s. 12a. Enacted by No. 22, s. 2, 1944, p. 54
Agent-General Act, 1901-1934 (Vol. 1, p. 206)	s. 6. Amended by No. 6, s. 3, 1941, p. 14, substituted by No. 4, s. 2, 1945, p. 6 and amended by No. 6, s. 2, 1948, p. 55, and by No. 54, s. 3, 1949, p. 206
Agricultural College Act, 1936 (Vol. 1, p. 208)	s. 4. Amended by No. 2410, s. 3, 1938, p. 112 s. 4a. Enacted by No. 2410, s. 4, 1938, p. 112 ss. 9 and 10. Repealed by No. 15, s. 2, 1940, p. 37 s. 14. Enacted by No. 15, s. 3, 1940, p. 37
Agricultural Graduates Land Settlement Act, 1922-1935 (Vol. 1, p. 212)	s. 9. Amended by No. 2403, s. 2, 1938, p. 82
Alsatian Dogs Act, 1934 (Vol. 1, p. 232)	s. 3. Amended by No. 55, s. 2, 1949, p. 207
Animals and Birds Protection Act, 1919-1934 (Vol. 1, p. 242)	This Act, as amended by No. 2390, 1938, p. 19, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 285
Anzac Highway Agreement Act, 1937 (1937, p. 25)	s. 7. Enacted by No. 28, s. 2, 1940, p. 80
Apiaries Act, 1931-1935 (Vol. 1, p. 263)	s. 12. Substituted by No. 19, s. 2, 1943, p. 41
Arbitration Act, 1891-1934 (Vol. 1, p. 273)	s. 3. *Anderson v. G. H. Michell & Sons Ltd.* (1941) 65 C.L.R. 543; 15 A.L.J. 255, reversing *Anderson v. G. H. Michell & Sons Ltd.* (1940) S.A.S.R. 285
Associations Incorporation Act, 1929-1935 (Vol. 1, p. 283)	s. 3. *In re Proprietary Articles Trade Association of South Australia Incorporated* (1949) S.A.S.R. 88
Audit Act, 1921-1936 (Vol. 1, p. 297)..	s. 6. Amended by No. 26, s. 3, 1946, p. 126, and by No. 23, s. 3, 1949, p. 77 ss. 18 to 23. Repealed by No. 48, s. 2, 1949, p. 162
Bakehouses Registration Act, 1945 (1945, p. 147)	s. 3. Amended by No. 43, s. 2, 1947, p. 110 s. 3a. Enacted by No. 43, s. 3, 1947, p. 111 s. 9. Amended by No. 43, s. 4, 1947, p. 111
The Bills of Sale Act, 1886-1935 (Vol. 1, p. 329)	s. 9. *Burns v. McFarlane* (1940) 64 C.L.R. 108 14 A.L.J. 264 s. 11 (2). *Riedel v. Freeman Motors* (1938) S.A.S.R. 261, affirmed by *Riedel v. Freeman Motors Limited* (1938) S.A.S.R. 364 s. 11 (6). Amended by No. 52, s. 3, 1940, p. 158 s. 17. Amended by No. 52, s. 4, 1940, p. 158 ss. 19a to 19e. Enacted by No. 52, s. 5, 1940, pp. 158-161 s. 28. Amended by No. 52, s. 6, 1940, p. 161 s. 37. *Miller v. O'Sullivan* (1947) S.A.S.R. 148 Sixth schedule. Amended by No. 52, s. 7 (1), 1940, p. 161 Seventh schedule. Amended by No. 52, s. 7 (2), 1940, p. 161
Births and Deaths Registration Act, 1936 (Vol. 1, p. 345)	s. 4. Amended by No. 21, s. 2, 1940, p. 56 and by No. 11, s. 7, 1942, p. 30 s. 11. Amended by No. 44, s. 16 (2), 1947, p. 117 s. 14. Amended by No. 44, s. 3, 1947, p. 112 s. 15. Amended by No. 44, s. 4, 1947, p. 113 s. 16. Amended by No. 44, s. 5, 1947, p. 113 s. 17. Amended by No. 44, s. 6, 1947, p. 114 s. 19. Amended by No. 44, s. 7, 1947, p. 114 s. 20. Amended by No. 44, s. 8, 1947, p. 114 s. 22. Amended by No. 44, s. 9, 1947, p. 114

Act Affected.	How Affected.
Births and Deaths Registration Act, 1936 (Vol. 1, p. 345)—*continued.*	s. 28. Amended by No. 44, s. 10, 1947, p. 114 s. 31. Amended by No. 44, s. 11, 1947, p. 115 s. 35. Amended by No. 11, s. 2, 1942, p. 25 s. 36. Substituted by No. 44, s. 12, 1947, p. 115 s. 36a. Enacted by No. 21, s. 3, 1940, p. 57 and amended by No. 11, s. 3, 1942, p. 26 s. 36b. Enacted by No. 21, s. 3, 1940, p. 57 and amended by No. 11, s. 4, 1942, p. 26 s. 36c. Enacted by No. 21, s. 3, 1940, p. 58 and amended by No. 11, s. 5, 1942, p. 26 s. 36d. Enacted by No. 21, s. 3, 1940, p. 58, and amended by No. 44, s. 13, 1947, p. 115. s. 36e. Enacted by No. 21, s. 3, 1940, p. 58 ss. 36f to 36j. Enacted by No. 11, s. 6, 1942, pp. 27-29 s. 36k. Enacted by No. 11, s. 6, 1942, p. 29, and amended by No. 44, s. 14, 1947, p. 116 s. 36e. Enacted by No. 11, s. 6, 1942, p. 29 s. 52. Amended by No. 44, s. 15, 1947, p. 116 s. 53a. Enacted by No. 44, s. 16 (1), 1947, p. 116 s. 56. Amended by No. 44, s. 17, 1947, p. 117 Fourth schedule. Amended by No. 44, s. 18, 1947, p. 117 Ninth schedule. Amended by No. 44, s. 19, 1947, p. 117 Fourteenth schedule. Amended by No. 44, s. 20, 1947, p. 118 Fifteenth schedule. Enacted by No. 44, s. 21, 1947, p. 118
Botanic Garden Act, 1935 (Vol. 1, p. 375)	s. 5. Amended by No. 22, s. 3, 1940, p. 59 s. 7. Substituted by No. 22, s. 4, 1940, p. 59 ss. 7a and 7b. Enacted by No. 22, s. 4, 1940, p. 60 s. 10a. Enacted by No. 22, s. 5, 1940, p. 60
Brands Act, 1933-1936 (Vol. 1, p. 381)	s. 4. Amended by No. 23, s. 2, 1948, p. 112 s. 18. Amended by No. 23, s. 3, 1948, p. 112 s. 27. Amended by No. 23, s. 4, 1948, p. 113 s. 32. Amended by No. 23, s. 5, 1948, p. 113 s. 62. Substituted by No. 23, s. 6, 1948, p. 113 s. 63. Amended by No. 23, s. 7, 1948, p. 114 s. 75a. Enacted by No. 23, s. 8, 1948, p. 114 Third schedule. Amended by No. 23, s. 9, 1948, p. 114 Sixth schedule. Amended by No. 23, s. 10, 1948, p. 114
Bread Act, 1936 (Vol. 1, p. 418)	s. 6. *Shephard v. Cashmore* (1937) S.A.S.R. 525 s. 11a. Enacted by No. 59, s. 3, 1949, p. 214
Broken Hill Proprietary Company's Indenture Act, 1937 (1937, p. 75)	s. 4. Repealed by No. 13, s. 12, 1940, p. 28
Building Act, 1923-1935 (Vol. 1, p. 424)	This Act, as amended by No. 53, 1940, p. 162 and by regulations *Gazette* 12th December, 1940, p. 1441, and with notes of judicial decisions, is reprinted in the 1940 volume, p. 353. *See also* the following paragraph.
Building Act, 1923-1940 (1940, p. 353)	s. 8. Amended by No. 10, s. 7, 1946, p. 37 s. 9a. Amended by No. 10, s. 2, 1946, p. 36 s. 19. *Griffiths v. Appelbee* (1948) S.A.S.R. 339 s. 28. Amended by No. 10, s. 7, 1946, p. 37 s. 34. Amended by No. 10, s. 7, 1946, p. 37 s. 36a. Enacted by No. 10, s. 7, 1946, p. 37 s. 55. Amended by No. 10, s. 7, 1946, p. 37 s. 56. Amended by No. 10, s. 3, 1946, p. 37 s. 72. Amended by No. 10, s. 4, 1946, p. 37 s. 75. Amended by No. 10, s. 5, 1946, p. 37

Act Affected.	How Affected.
Building Act, 1923-1940 (1940, p. 353)—*continued.*	s. 83. Amended by No. 10, s. 7, 1946, p. 37 s. 98a. Amended by No. 10, s. 6, 1946, p. 37 Second schedule. Amended by regulations *Gazette* 11th April, 1946, p. 636, *Gazette* 5th September, 1946, p. 445, *Gazette* 20th November, 1947, p. 1706, and *Gazette* 27th October, 1949, p. 1061 Fourth schedule. Amended by regulations *Gazette* 11th April, 1946, p. 636. Seventh schedule. Amended by regulations *Gazette* 11th April, 1946, p. 636. Eighth schedule. Amended by regulations *Gazette* 11th April, 1946, p. 636
Building Societies Act, 1881-1936 (Vol. 1, p. 513)	This Act, as amended by No. 2411, 1938, p. 114, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 307
Bush Fires Act, 1933-1935 (Vol. 1, p. 536)	This Act, as amended by No. 27, 1939, p. 143, No. 24, 1941, p. 87, and No. 30, 1942, p. 91, and with notes of judicial decisions, is reprinted in the 1944 volume, p. 187. *See also* the following paragraph
Bush Fires Act, 1933-1942 (1944, p. 187)	s. 3a. Amended by No. 19, s. 2, 1945, p. 67 s. 4. Amended by No. 19, s. 3 (1), 1945, p. 67 s. 5. Amended by No. 19, s. 3 (2), 1945, p. 68 s. 8. Amended by No. 19, s. 3 (3), 1945, p. 68 s. 8a. Enacted by No. 19, s. 4, 1945, p. 68 s. 11. Amended by No. 19, s. 5, 1945, p. 68 s. 12a. Enacted by No. 19, s. 6, 1945, p. 69 s. 15. Amended by No. 19, s. 7, 1945, p. 69 s. 15b. Enacted by No. 19, s. 8, 1945, p. 70, and amended by No. 33, s. 2, 1946, p. 153 s. 17. Amended by No. 19, s. 9, 1945, p. 70, and by No. 33, s. 3, 1946, p. 153 s. 21. Amended by No. 19, s. 10, 1945, p. 71 s. 27. Amended by No. 19, s. 11, 1945, p. 71 s. 29. Amended by No. 33, s. 4, 1946, p. 154 s. 30a. Enacted by No. 19, s. 12, 1945, p. 71
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Cattle Compensation Act, 1939 (1939, p. 65)	s. 4. Amended by No. 22, s. 2, 1948, p. 109 s. 5. Amended by No. 22, s. 3, 1948, p. 109 s. 6. Amended by No. 22, s. 4, 1948, p. 110 s. 8. Amended by No. 22, s. 5, 1948, p. 110 s. 13. Amended by No. 22, s. 6, 1948, p. 111
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Chaff and Hay (Acquisition) Act, 1944 (1944, p. 6)	s. 14. *The Chaff and Hay Acquisition Committee, J. A. Hempbill & Sons Pty. Ltd.* (1947) 74 C.L.R. 375; 21 A.L.J. 158
Coal Act, 1947 (1947, p. 70).....	s. 12. Amended by No. 10, s. 3, 1949, p. 44 s. 13a. Enacted by No. 10, s. 4, 1949, p. 45 s. 13b. Enacted by No. 10, s. 4, 1949, p. 45 s. 19. Amended by No. 29, s. 3, 1948, p. 140

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Collections for Charitable Purposes Act, 1939 (1939, p. 73)	s. 16. Amended by No. 18, s. 3, 1947, p. 45
Community Hotels (Incorporation) Act, 1938 (1938, p. 93)	s. 7. Enacted by No. 23, s. 3, 1944, p. 57 s. 8. Enacted by No. 23, s. 3, 1944, p. 58
The Companies Act, 1934-1935 (Vol. 1, p. 597)	s. 8. Amended by No. 46, ss. 3 and 26, 1939, pp. 349, 356 s. 9. *In re Commonwealth Homes and Investment Company Limited* (1943) S.A.S.R. 211 *In re Riverton Sheep Dip* (1943) S.A.S.R. 344 *In re Proprietary Articles Trade Association of South Australia Incorporated* (1949) S.A.S.R. 88 s. 27a. Enacted by No. 46, s. 4, 1939, p. 349 s. 35. Amended by No. 46, s. 26, 1939, p. 356 s. 36. *Ansett v. Guinea Airways Limited and Potter* (1945) S.A.S.R. 94 s. 37. Amended by No. 46, s. 26, 1939, p. 356 s. 49. *Marshall v. Commonwealth Homes and Investment Company Limited. Elders' Trustee and Executor Company Limited v. Commonwealth Homes and Investment Company Limited* (1941) S.A.S.R. 74, reversed on other grounds by *Elders' Trustee and Executor Co. Ltd. v. Commonwealth Homes and Investment Co., Ltd.* (1941) 65 C.L.R., 603; 115 A.L.J. 252 s. 53. *Smith v. Commonwealth Homes Limited* (1937) S.A.S.R. 337, affirmed by *Commonwealth Homes and Investment Company Limited v. Smith* (1937) 59 C.L.R. 443; 11 A.L.J. 348 s. 56. Amended by No. 46, s. 5, 1939, p. 350 s. 57. Amended by No. 46, s. 6, 1939, p. 350 s. 64. Amended by No. 46, s. 26, 1939, p. 356 s. 76. *In re Colton, Palmer & Preston, Limited* (1936) S.A.S.R. 434 s. 100. *In re Lawson Constructions (Pty.) Limited* (1942) S.A.S.R. 201 s. 107. Amended by No. 46, s. 26, 1939, p. 356 s. 119. *Ansett v. Guinea Airways Limited and Potter* (1945) S.A.S.R. 94 s. 124. *Commonwealth Homes and Investment Company Limited v. Mackellar* (1939) 63 C.L.R. 351; 13 A.L.J. 382 s. 125. Amended by No. 46, s. 7, 1939, p. 350 *Ansett v. Guinea Airways Limited and Potter* (1945) S.A.S.R. 94 s. 129. Amended by No. 46, ss. 8, and 26, 1939, pp. 350, 356. s. 130. Amended by No. 46, s. 26, 1939, p. 356 s. 133. Amended by No. 46, s. 26, 1939, p. 356 *South Norseman Gold Mines No Liability v. MacDonald* (1937) S.A.S.R. 53 s. 139. Amended by No. 46, s. 9, 1939, p. 351 s. 147. Amended by No. 46, s. 10, 1939, p. 351 s. 149. Amended by No. 46, s. 26, 1939, p. 356 s. 153. Amended by No. 46, s. 11, 1939, p. 351 s. 154. Amended by No. 46, s. 12, 1939, p. 351 s. 158a. Enacted by No. 46, s. 13, 1939, p. 352. s. 161. Amended by No. 46, s. 14, 1939, p. 353 s. 163. *Rex v. McDonnell* (1940) S.A.S.R. 388 s. 165. Amended by No. 46, s. 15, 1939, p. 353 s. 166. Amended by No. 46, s. 16, 1939, p. 353 s. 176. Amended by No. 46, ss. 17 and 26, 1939, pp. 353, 356 s. 179. Amended by No. 46, s. 18, 1939, p. 354 s. 194. Amended by No. 46, s. 26, 1939, p. 356 s. 196. Amended by No. 46, s. 26, 1939, p. 356

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Constitution Act 1934-1936 (Vol. 2, p. 1)	This Act, as amended by No. 2381, 1937, p. 134, by No. 48, 1939, p. 365, by No. 49, 1939, p. 368, by No. 31, 1940, p. 89, by No. 8, 1942, p. 16, by No. 41, 1943, p. 124, by No. 19, 1947, p. 46, and by No. 48, 1949, p. 162, and with notes of judicial decisions, is reprinted in this volume, page 245
Control of Advertisements Act, 1916-1935 (Vol. 2, p. 40)	s. 4. *Miller v. Penfolds Wines Limited* (1937) S.A.S.R. 11 s. 10 *Miller v. Penfolds Wines Limited* (1937) S.A.S.R. 11
Cornsacks Act, 1938 (1938, p. 124)	s. 9. Amended by No. 6, s. 3, 1939, p. 18
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Electoral Act, 1929-1934 (Vol. 2, p. 567)	s. 13. Amended by No. 2379, s. 2, 1937, p. 130 s. 71. Amended by No. 2379, s. 3, 1937, p. 130 s. 73. Amended by No. 2379, s. 4, 1937, p. 131 s. 80. Amended by No. 26, s. 2, 1941, p. 97 s. 81. Amended by No. 26, s. 3, 1941, p. 98 s. 86. Amended by No. 26, s. 4, 1941, p. 98 s. 96. Amended by No. 2379, s. 5, 1937, p. 131 s. 101. Amended by No. 26, s. 5, 1941, p. 99 s. 103. Amended by No. 2379, s. 6, 1937, p. 131 s. 110a. Enacted by No. 35, s. 3, 1946, p. 171 s. 118a. Enacted by No. 37, s. 3, 1942, p. 130 s. 125. Amended by No. 26, s. 6, 1941, p. 99 s. 154. Amended by No. 26, s. 7, 1941, p. 99 s. 198. Amended by No. 30, s. 2, 1943, p. 78
Electricity Act, 1943 (1943, p. 80)	s. 2. Amended by No. 3, s. 39, 1946, p. 16
Electricity Trust of South Australia Act, 1946 (1946, p. 5)	s. 28. Amended by No. 25, s. 3, 1946, p. 120 s. 30. Amended by No. 25, s. 4, 1946, p. 120 s. 31. Substituted by No. 25, s. 5, 1946, p. 120 s. 32. Substituted by No. 25, s. 5, 1946, p. 122 s. 33. Repealed by No. 25, s. 5, 1946, p. 120

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Electricity Trust of South Australia Act, 1946 (1946, p. 5)—*continued.*	ss. 43a to 43d. Enacted by No. 25, s. 6, 1946, pp. 122, 123 s. 43da. Enacted by No. 44, s. 3, 1949, p. 154 ss. 43e to 43h. Enacted by No. 25, s. 6, 1946, p. 124 s. 44. Amended by No. 25, s. 6, 1946, p. 125
Employees Registry Offices Act, 1915-1934 (Vol. 2, p. 632)	s. 2a. Enacted by No. 41, s. 3, 1939, p. 259
Enfield General Cemetery Act, 1944 (1944, p. 146)	s. 23. Amended by No. 17, s. 2, 1949, p. 62 s. 24. Amended by No. 17, s. 3, 1949, p. 62 Fourth schedule. Amended by No. 17, s. 4, 1949, p. 62
Evidence Act, 1929-1933 (Vol. 2, p. 649)	s. 18. *R. v. Turner* (1947) S.A.S.R. 74 Special Leave to appeal to the High Court refused 73 C.L.R. 665 (note) s. 34a. Enacted by No. 29, s. 3, 1945, p. 133 *Hartley v. Hartley* (1948) S.A.S.R. 39 s. 34b. Enacted by No. 29, s. 3, 1945, p. 133 ss. 34c to 34h. Enacted by No. 36, s. 3, 1949, pp. 121-124 s. 42. Amended by No. 40, s. 3, 1940, p. 129 s. 43. Amended by No. 40, s. 4, 1940, p. 129 s. 43a. Enacted by No. 40, s. 5, 1940, p. 130 s. 48a. Enacted by No. 40, s. 6, 1940, p. 130 s. 48b. Enacted by No. 40, s. 6, 1940, p. 130 s. 66. Amended by No. 5, s. 3, 1947, p. 7 s. 66a. Enacted by No. 27, s. 3, 1941, p. 100 s. 67. Amended by No. 27, s. 4, 1941, p. 102 s. 67a. Enacted by No. 36, s. 4, 1949, p. 124 s. 69. *Rex v. Butler* (1939) S.A.S.R. 265 Fourth schedule. Enacted by No. 40, s. 7, 1940, p. 130
Farmers Assistance Act, 1933-1936 (Vol. 2, p. 707)	ss. 5 and 6. Repealed by No. 26, s. 13, 1943, p. 68 s. 12. Amended by No. 2418, s. 2, 1938, p. 170, and by No. 26, s. 14, 1943, p. 68 s. 13. Amended by No. 26, s. 15, 1943, p. 68 s. 16. Amended by No. 26, s. 16, 1943, p. 68 s. 29. Amended by No. 2418, s. 3, 1938, p. 170 s. 31. *Chapman v. Wade* (1939) S.A.S.R. 298 s. 41. Amended by No. 33, s. 3, 1939, p. 195 ss. 42 to 57. Repealed by No. 26, s. 18, 1943, p. 69 s. 60. Amended by No. 26, s. 19, 1943, p. 69 s. 80. Repealed by No. 26, s. 18, 1943, p. 69
Fauna and Flora Reserve Act, 1919-1935 (Vol. 2, p. 740)	s. 16a. Enacted by No. 25, s. 3, 1940, p. 73
Fibre and Sponges Act, 1909-1935 (Vol. 3, p. 27)	s. 7a. Enacted by No. 2369, s. 3, 1937, p. 104
Financial Agreement Act, 1927 (Vol. 3, p. 33)	The Financial Agreement made on 12th December, 1927, and as varied by the provisions of other agreements made on 3rd July, 1934, and on 15th November, 1944, is reprinted, as a schedule to the Amending Financial Agreement Act, 1944, in the 1944 volume, p. 122
Financial Emergency Act, 1931-1936 (Vol. 3, p. 46)	s. 14. Repealed by No. 2342, s. 3, 1937, p. 11 s. 15. Repealed by No. 2342, s. 3, 1937, p. 11
Financial Emergency Act Extension Act, 1934 (Vol. 3, p. 66)	s. 3. Amended by No. 39, s. 3, 1939, p. 249

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Fire Brigades Act, 1936 (Vol. 3, p. 78)	s. 5. Amended by No. 2389, s. 3 (1), 1938, p. 18 s. 24a. Enacted by No. 25, s. 2, 1944, p. 64 s. 27a. Enacted by No. 25, s. 3, 1944, p. 64 s. 32. Amended by No. 2389, s. 3 (2), 1938, p. 18 s. 53. Amended by No. 2389, s. 2, 1938, p. 17 and by No. 32, s. 3, 1942, p. 98 s. 54. Amended by No. 32, s. 4, 1942, p. 98 s. 58. Amended by No. 2389, s. 3 (3), 1938, p. 18 s. 60a. Enacted by No. 32, s. 5, 1942, p. 99 s. 68. Amended by No. 32, s. 6, 1942, p. 100
Fisheries Act, 1917-1935 (Vol. 3, p. 115)	This Act as amended by No. 2391, 1938, p. 29 and No. 2419, 1938, p. 171, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 338. *See also* the following paragraph
Fisheries Act, 1917-1938 (1938, p. 338)	s. 4. Amended by No. 18, s. 2, 1946, p. 104 s. 6. Amended by No. 18, s. 3, 1946, p. 104 s. 13. Amended by No. 18, s. 4, 1946, p. 104 s. 14. Amended by No. 18, s. 5, 1946, p. 105 s. 14a. Amended by No. 18, s. 6, 1946, p. 105 s. 53. Amended by No. 18, s. 7, 1946, p. 105
Food and Drugs Act, 1908-1935 (Vol. 3, p. 139)	s. 5a. Enacted by No. 21, s. 2, 1943, p. 74 s. 15. Amended by No. 8, s. 3, 1939, p. 24, and by No. 67, s. 2, 1949, p. 242 s. 15a. Enacted by No. 8, s. 4, 1939, p. 24 s. 22a. *Gepp v. Anderson* (1949) S.A.S.R. 135 s. 25a. Enacted by No. 21, s. 3, 1943, p. 47 s. 29. Amended by No. 21, s. 4, 1943, p. 48 s. 57. Substituted by No. 21, s. 5, 1943, p. 48 s. 58. Amended by No. 21, s. 6, 1943, p. 49 s. 61. Amended by No. 21, s. 7, 1943, p. 49 s. 61a. Enacted by No. 21, s. 8, 1943, p. 49 s. 62. Substituted by No. 21, s. 9, 1943, p. 49
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Friendly Societies Act, 1919-1936 (Vol. 3, p. 178)	s. 7. Amended by No. 32, s. 2, 1940, p. 92, by No. 8, s. 2, 1946, p. 32, and by No. 24, s. 2, 1949, p. 79 s. 7a. Amended by No. 8, s. 3, 1946, p. 33 s. 10. Amended by No. 2374, s. 3, 1937, p. 121 s. 10a. Enacted by No. 2425, s. 3, 1938, p. 233 s. 18. Amended by No. 2374, s. 4, 1937, p. 122 s. 23. Amended by No. 8, s. 4, 1946, p. 33 Third schedule. Amended by No. 24, s. 3, 1949, p. 80
Fruit Fly Act, 1947 (1947, p. 12).....	s. 4. Amended by No. 11, s. 2, 1948, p. 72, and by No. 27, s. 3, 1949, p. 85 s. 5. Amended by No. 11, s. 3, 1948, p. 72, and by No. 27, s. 4, 1949, p. 85 Schedule. Amended by No. 11, s. 4, 1948, p. 73, and by No. 27, s. 5, 1949, p. 86
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Hairdressers Registration Act, 1939 (1939, p. 161)	s. 19. Amended by No. 27, s. 2, 1946, p. 128 s. 19a. Enacted by No. 27, s. 3, 1946, p. 129
Harbors Act, 1936 (Vol. 3, p. 333)	s. 69. Amended by No. 12, s. 3, 1943, p. 26 s. 116. Amended by No. 17, s. 3, 1947, p. 43

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Health Act, 1935-1936 (Vol. 3, p. 432)	This Act, as amended by No. 33, 1940, p. 93, No. 35, 1941, p. 128, No. 13, 1943, p. 27, and No. 34, 1943, p. 96, and with notes of judicial decisions, is reprinted in the 1943 volume, p. 131. *See also* the following paragraph
Health Act, 1935-1943 (1943, p. 131)..	s. 50. Amended by No. 48, s. 2, 1947, p. 139 s. 138a. Enacted by No. 48, s. 3, 1947, p. 139 s. 138b. Enacted by No. 48, s. 3, 1947, p. 140 s. 146a. Enacted by No. 48, s. 4, 1947, p. 141 s. 147. Amended by No. 48, s. 5, 1947, p. 141
Highways Act, 1926-1936 (Vol. 3, p. 483)	s. 11. Amended by No. 2388, s. 5, 1938, p. 16 s. 16. Amended by No. 2388, s. 5, 1938, p. 16 s. 20c. Enacted by No. 36, s. 2, 1944, p. 161 s. 26c. Enacted by No. 36, s. 3, 1944, p. 162 s. 26d. Enacted by No. 36, s. 4, 1944, p. 162 s. 27b. Enacted by No. 6, s. 2, 1949, p. 10 s. 27ba. Enacted by No. 6, s. 2, 1949, p. 13 s. 27d. Amended by No. 36, s. 5, 1944, p. 162 Part III. Heading amended by No. 36, s. 9, 1944, p. 164 s. 31. Substituted by No. 2388, s. 3, 1938, p. 14, and amended by No. 36, ss. 6 (2) and 9, 1944, pp. 163, 164, and by No. 6, s. 3, 1949, p. 14 s. 31a. Amended by No. 2350, s. 4, 1937, p. 40 and repealed by No. 2388, s. 3, 1938, p. 14 s. 32. Amended by No. 2388, ss. 4 and 5, 1938, p. 16, by No. 36, s. 6 (1), 1944, p. 163, and by No. 38, s. 18, 1948, p. 174 s. 33. Amended by No. 2388, ss. 5 and 6, 1938, p. 16 s. 34. Amended by No. 2388, s. 5, 1938, p. 16 s. 35. Amended by No. 2350, s. 5, 1937, p. 40 s. 36. Amended by No. 2350, s. 6, 1937, p. 41 s. 36a. Enacted by No. 36, s. 7, 1944, p. 164 s. 39c. Amended by No. 36, s. 9, 1944, p. 164 s. 39d. Amended by No. 36, s. 8, 1944, p. 164
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Housing Improvement Act, 1940 (1940, p. 192)	s. 4. Amended by No. 15, s. 2, 1942, p. 45 s. 11. Substituted by No. 15, s. 3, 1942, p. 46 s. 11a. Enacted by No. 15, s. 3, 1942, p. 46 s. 11b. Enacted by No. 15, s. 3, 1942, p. 46 s. 11c. Enacted by No. 15, s. 3, 1942, p. 46 s. 16. Amended by No. 15, s. 4, 1942, p. 46 s. 18. Amended by No. 28, s. 2, 1946, p. 131 s. 21a. Enacted by No. 22, s. 2, 1943, p. 50 s. 26. Repealed by No. 20, s. 2, 1947, p. 48

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Housing Improvement Act, 1940 (1940, p. 192)—*continued.*	s. 44a. Enacted by No. 15, s. 5, 1942, p. 46 s. 54. Amended by No. 15, s. 6, 1942, p. 47 s. 55. Amended by No. 15, s. 7, 1942, p. 47 s. 56a. Enacted by No. 22, s. 3, 1943, p. 51 s. 56b. Enacted by No. 22, s. 3, 1943, p. 51 s. 57. Amended by No. 15, s. 8, 1942, p. 47 s. 58. Amended by No. 15, s. 9, 1942, p. 47 s. 59. Amended by No. 22, s. 4, 1943, p. 51 s. 74. Amended by No. 22, s. 5, 1943, p. 52 s. 90. Enacted by No. 22, s. 6, 1943, p. 52
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Income Tax Assessment Act, 1936 (Vol. 3, p. 593)	This Act, as amended by No. 37, 1941, p. 138, and with notes of judicial decisions, is reprinted in the 1941 volume, p. 251. *See also* the following paragraph.
Income Tax Assessment Act, 1936-1941 (1941, p. 251)	s. 15. *Honeychurch v. Honeychurch* (1943) S.A.R.S. 31, reversing *Honeychurch and another v. Honeychurch and another* (1942) S.A.S.R., 206. Special leave to appeal to the High Court refused, 66 C.L.R. 672 (note) s. 226. *Burrows v. Harris* (1944) S.A.S.R. 3. Appeal to the High Court dismissed, 69 C.L.R. 640 (note); (1944) S.A.S.R. XIX. (note) s. 236. *Burrows v. Harris* (1944) S.A.S.R. 3. Appeal to the High Court dismissed, 69 C.L.R. 640 (note); (1944) S.A.S.R. XIX. (note) s. 251. Amended by No. 36, s. 3, 1946, p. 174
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Industrial Code, 1920-1936 (Vol. 3, p. 733)	s. 2. Amended by No. 32, s. 4 (1), 1943, p. 90 s. 5. *Clerks Case* (1941) 17 S.A.I.R. 13 *Junior Constables Case* (1943) 17 S.A.I.R. 334 s. 11. Amended by No. 49, s. 3, 1947, p. 143 s. 12. Amended by No. 49, s. 4, 1947, p. 143

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Local Government Act, 1934-1936 (Vol. 5, p. 1)—*continued.*	s. 550a. Enacted by No. 2424, s. 75, 1938, p. 222 s. 552. Amended by No. 16, s. 52 (2), 1946, p. 92 s. 555. Amended by No. 2424, s. 76, 1938, p. 224 s. 555a. Enacted by No. 16, s. 52 (1), 1946, p. 92 Headings to Part XXVIII. Amended by No. 34, s. 3, 1943, p. 96 ss. 556 to 568. Repealed by No. 34, s. 3, 1943, p. 96 s. 569. Amended by No. 34, s. 3, 1943, p. 96 s. 570. Amended by No. 34, s. 3, 1943, p. 96 s. 571. Amended by No. 16, s. 53 (1), 1946, p. 93 s. 572. Amended by No. 16, s. 53 (2), 1946, p. 93 s. 591. Amended by No. 2424, s. 77, 1938, p. 224 s. 591a. Enacted by No. 2424, s. 78, 1938, p. 224 s. 620. Amended by No. 16, s. 54, 1946, p. 93 s. 623. *McCarty and another v. Leeming and another* (1937) S.A.S.R. 432 Heading to s. 640. Enacted by No. 51, s. 16 (2), 1948, p. 222 s. 640. Amended by No. 51, s. 16 (1), 1948, p. 222 Heading to s. 641. Repealed by No. 51, s. 16 (2), 1948, p. 222 s. 664a. Enacted by No. 16, s. 55, 1946, p. 93 s. 666a. Enacted by No. 43, s. 16, 1939, p. 272 s. 667. Amended by No. 2424, ss. 79, 80, 81, and 82, 1938, p. 224, by No. 9, s. 17, 1939, p. 33, by No. 43, s. 17, 1939, p. 273, by No. 16, ss. 56, 57 and 58, 1946, pp. 93, 94, and by No. 51, ss. 17 and 18 (1), 1948, p. 222 s. 669. Amended by No. 43, ss. 18 and 19 (1), 1939, p. 273, by No. 34, s. 3, 1943, p. 96, and by No. 51, s. 18 (2), 1948, p. 222 *Loftes v. Barrington* (1943) S.A.S.R. 333; s. 670. Amended by No. 2424, s. 83, 1938, p. 225, by No. 43, s. 19 (2), 1939, p. 274, by No. 16, s. 41 (3), 1946, p. 84, and by No. 51, s. 18 (3), 1948, p. 223 s. 677. Amended by No. 16, s. 65, 1946, p. 98 s. 686. Amended by No. 16, s. 65, 1946, p. 98 s. 691. Amended by No. 43, s. 20, 1939, p. 274, by No. 16, s. 65, 1946, p. 98, and by No. 51, s. 21, 1948, p. 223 s. 693. Amended by No. 16, s. 59, 1946, p. 94 s. 695. Amended by No. 2424, s. 84, 1938, p. 225 s. 696. Amended by No. 2424, s. 85, 1938, p. 225 s. 705. Amended by No. 16, s. 2 (6), 1946, p. 56 s. 709. *Wache v. Parham* (1937) S.A.S.R. 116 s. 710. Amended by No. 2424, s. 86, 1938, p. 225, and by No. 16, s. 65, 1946, p. 98 *Wache v. Parham* (1937) S.A.S.R. 116 s. 716. Amended by No. 2424, s. 109, 1938, p. 231 s. 730. *The University of Adelaide v. The District Council of Mitcham* (1937) S.A.S.R. 288 s. 731. Amended by No. 2424, s. 109, 1938, p. 231 s. 739. Amended by No. 2424, s. 87, 1938, p. 225 s. 742. Amended by No. 2424, s. 88, 1938, p. 225 s. 769a. Enacted by No. 2424, s. 89, 1938, p. 226 s. 778a. Enacted by No. 16, s. 60, 1946, p. 94 s. 779a. Enacted by No. 43, s. 21, 1939, p. 274 s. 779b. Enacted by No. 16, s. 62, 1946, p. 95 s. 780. Amended by No. 16, s. 41 (4), 1946, p. 84 s. 780a. Enacted by No. 2424, s. 90, 1938, p. 226 s. 781a. Enacted by No. 43, s. 22, 1939, p. 275, and amended by No. 51, s. 19, 1948, p. 223 s. 782. Amended by No. 51, s. 21, 1948, p. 223 s. 782a. Enacted by No. 43, s. 23, 1939, p. 275 s. 783. Amended by No. 16, s. 61, 1946, p. 95, and by No. 51, s. 20, 1948, p. 223 s. 788. Amended by No. 16, s. 63, 1946, p. 96 s. 789a. Enacted by No. 43, s. 24, 1939, p. 276 s. 796. Amended by No. 2424, s. 91, 1938, p. 226

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Local Government Act, 1934-1936 (Vol. 5, p. 1)—*continued.*	s. 797. Amended by No. 2424, s. 92, 1938, p. 226, and by No. 51, s. 21, 1948, p. 223 s. 803. Amended by No. 16, s. 65, 1946, p. 98 s. 804. Amended by No. 16, s. 13, (2) 1946, p. 62 s. 808. Amended by No. 16, s. 8 (8), 1946, p. 59 s. 809. Amended by No. 2424, s. 93, 1938, p. 227, and by No. 16, s. 8 (9), 1946, p. 59 s. 810. Amended by No. 2424, s. 94, 1938, p. 227, and by No. 51, s. 21, 1948, p. 223 s. 817. Amended by No. 2424, s. 95, 1938, p. 227 s. 819. Amended by No. 16, s. 12 (2), 1946, p. 61 s. 820. Amended by No. 16, s. 9 (3) and (4), 1946, p. 60 s. 824. Amended by No. 2424, s. 96, 1938, p. 229 s. 825. Amended by No. 2424, s. 97, 1938, p. 229 s. 827. Amended by No. 2424, s. 98, 1938, p. 229 s. 829. Amended by No. 16, s. 65, 1946, p. 98 s. 831. Amended by No. 2424, s. 99, 1938, p. 229 s. 833. Amended by No. 2424, s. 100, 1938, p. 229, by No. 43, s. 28, 1939, p. 279, by No. 16, s. 64 (1), 1946, p. 96, and by No. 51, s. 21, 1948, p. 223 s. 834. Amended by No. 2424, s. 101, 1938, p. 229, and by No. 16, s. 64 (2), 1946, p. 96 s. 835. Amended by No. 16, s. 64 (3) and (9), 1946, pp. 96, 97 s. 840. Amended by No. 2424, s. 102, 1938, p. 230, and by No. 16, s. 64 (4), 1946, p. 96 s. 841. Amended by No. 16, s. 64 (5), 1946, p. 96 s. 846. Amended by No. 16, s. 64 (6), 1946, p. 97 s. 858. Amended by No. 2424, s. 103, 1938, p. 230 ss. 871a to 871f. Enacted by No. 17, s. 3, 1941, p. 52 s. 871g. Enacted by No. 17, s. 3, 1941, p. 57 and amended by No. 16, s. 65, 1946, p. 98 ss. 871h to 871s. Enacted by No. 17, s. 3, 1941, pp. 58-61 s. 874. Amended by No. 2424, s. 104, 1938, p. 230 s. 880a. Enacted by No. 43, s. 25, 1939, p. 276, and amended by No. 16, s. 41 (5), 1946, p. 85, and by No. 51, s. 21, 1948, p. 223 s. 885. Amended by No. 2424, s. 109, 1938, p. 231, and by No. 16, s. 65, 1946, p. 98 s. 886. Amended by No. 2424, s. 109, 1938, p. 231, and by No. 16, s. 65, 1946, p. 98 s. 890. Repealed by No. 2424, s. 105, 1938, p. 230 s. 892. Repealed by No. 2424, s. 105, 1938, p. 230 ss. 900 to 906. Repealed by No. 2424, s. 105, 1938, p. 230 Third schedule. Repealed by No. 16, s. 8 (10), 1946, p. 59 Fourth schedule. Repealed by No. 16., 8 (10), 1946, p. 59 Fifth schedule. Amended by No. 2424, ss. 14 (2), and 106 (1), 1938, pp. 204, 230, by No. 43, s. 26, 1939, p. 277, and by No. 16, s. 5 (2) and (3), 1946, p. 57 Eleventh schedule. Amended by No. 43, s. 27, 1939, p. 278, and by No. 16, ss. 23 (2) and 65, 1946, pp. 75, 98 Fourteenth schedule. Amended by No. 2424, s. 71 (11) and (12), 1938, p. 221, by No. 16, ss. 49 (5), and 65, 1946, pp. 90, 98, and by No. 51, s. 21, 1948, p. 223 Eighteenth schedule. Amended by No. 2424, s. 106, pp. 90, 98 (2), 1938, p. 230 Nineteenth schedule. Amended by No. 2424, s. 107, 1938, p. 230, by No. 16, ss. 9 (5), 64 (7), and 65, 1946, pp. 60, 97 and 98, and by No. 51, s. 21, 1948, p. 223 Twenty-second schedule. Enacted by No. 2424, s. 108, 1938, p. 231

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Lottery and Gaming Act, 1936 (Vol. 5, p. 401)	This Act, as amended by No. 2394, 1938, p. 40 and No. 2417, 1938, p. 159, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 367. *See also* the following paragraph.
Lottery and Gaming Act, 1936-1938 (1938, p. 367)	s. 19. Amended by No. 46, s. 3, 1948, p. 201 s. 22b. Enacted by No. 11, s. 3, 1943, p. 23 s. 23a. Enacted by No. 11, s. 2, 1939, p. 38 s. 33. *Smith v. Miller* (1938) S.A.S.R. 418 s. 34. Amended by No. 42, s. 3, 1945 p. 202 s. 37. Amended by No. 13, s. 2 (1), 1939, p. 45 s. 37a. Enacted by No. 13, s. 2 (2), 1939, p. 46 s. 38. Amended by No. 13, s. 3, 1939, p. 46, and by No. 37, s. 3, 1947, p. 98 s. 40. Amended by No. 13, s. 4, 1939, p. 46, by No. 11, s. 4, 1943, p. 24, and by No. 42, s. 4, 1945, p. 203 s. 41. Amended by No. 13, s. 2 (3), 1939, p. 46, by No. 11, s. 5, 1943, p. 24, and by No. 42, s. 5, 1945, p. 203 s. 42. Amended by No. 42, s. 6, 1945, p. 203 s. 42a. *Wyett v. Crafter* (1942) S.A.S.R. 193 *Wright v. O'Sullivan* (1948) S.A.S.R. 307 s. 44a. Amended by No. 13, s. 5, 1939, p. 47, and by No. 42, s. 7, 1945, p. 205 s. 47. Amended by No. 13, s. 6, 1939, p. 47 s. 48b. Enacted by No. 13, s. 7, 1939, p. 47 s. 48c. Enacted by No. 19, s. 3, 1949, p. 65 s. 54a. Enacted by No. 42, s. 8, 1945, p. 205, and amended by No. 19, s. 4, 1949, p. 66 s. 62. Amended by No. 42, s. 9, 1945, p. 205 *Smith v. Miller* (1938) S.A.S.R. 418 *O'Halloran v. Crafter* (1940) S.A.S.R. 29 *King v. McDonald* (1943) S.A.S.R. 3 *Giles v. Dodd* (1943) S.A.S.R. 132 *Williams v. Button* (1947) S.A.S.R. 442 s. 75. *Sutter and wife v. Virgo* (1941) S.A.S.R. 113 s. 80. *In re Tattersalls Club* (1942) S.A.S.R. 211 s. 81. Amended by No. 42, s. 10, 1945, p. 206 s. 90. *Grow v. Lord* (1947) S.A.S.R. 451; 22 A.L.J. 94 s. 92. Amended by No. 42, s. 11, 1945, p. 206 s. 93. Amended by No. 42, s. 12, 1945, p. 206 s. 105. *King v. McDonald* (1943) S.A.S.R. 3 *Giles v. Dodd* (1943) S.A.S.R. 132 *Jones v. Harris* (1946) S.A.S.R. 98 *Pettrey v. Williams* (1946) S.A.S.R. 303 *Richards v. Grow* (1947) S.A.S.R. 125 *O'Sullivan v. McMahon* (1947) S.A.S.R. 446 Fifth schedule. Enacted by No. 13, s. 8, 1939, p. 47
Lower River Broughton Irrigation Trust Act, 1938 (1938, p. 235)	s. 99a. Enacted by No. 43, s. 3, 1940, p. 139
Maintenance Act, 1926-1936 (Vol. 5, p. 461)	This Act as amended by No. 2360, 1937, p. 63, and No. 2380, 1937, p. 132, and with notes of judicial decisions, is reprinted in the 1937 volume, p. 173. *See also* the following paragraph.
Maintenance Act, 1926-1937 (1937, p. 137)	s. 5. Amended by No. 44, s. 3, 1941, p. 189, and by No. 47, ss. 2 and 3, 1948, p. 203 s. 9. Amended by No. 47, s. 10, 1948, p. 205 s. 12. Amended by No. 47, s. 10, 1948, p. 205 s. 12a. Enacted by No. 47, s. 5, 1948, p. 204 s. 14. Substituted by No. 47, s. 6, 1948, p. 204 s. 23. Repealed by No. 44, s. 4, 1941, p. 189 s. 24. Amended by No. 44, s. 5, 1941, p. 190 s. 28. Amended by No. 47, s. 10, 1948, p. 205 *Hampel v. Hampel* (1946) S.A.S.R. 317, reversing *Hampel v. Hampel* (1945) S.A.S.R. 123; 20 A.L.J. 67

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Maintenance Act, 1926-1937 (1937, p. 137)—*continued.*	s. 46. *Cocks v. Juncken* (1947) 74 C.L.R. 277; 21 A.L.J. 127, reversing *Juncken v. Cocks* (1946) S.A.S.R. 84 s. 48a. Enacted by No. 44, s. 6, 1941, p. 190 s. 59. *Williams v. Short* (1939) S.A.S.R. 369 s. 59a. *Williams v. Short* (1939) S.A.S.R. 369 *Lugg v. Wright* (1941) S.A.S.R. 106 s. 60 (1). *Hayter v. Howie* (1937) S.A.S.R. 59. Special leave to appeal to the High Court refused, 59 C.L.R. 807 (note). *Kalms v. Wright* (1940) S.A.S.R. 170 *Mahoney v. Wright* (1943) S.A.S.R. 61 s. 66. *Axon v. Axon* (1937) 59 C.L.R. 395; 11 A.L.J. 342, affirming *Axon v. Axon* (1937) S.A.S.R. 439 *Garden v. Garden* 2 A.L.J. 66 *Manuel v. Manuel* (1940) S.A.S.R. 362 *Kolosche v. Kolosche* (1943) S.A.S.R. 191 *Fisher v. Fisher* (1945) S.A.S.R. 145 s. 67. Substituted by No. 44, s. 7, 1941, p. 190 s. 68. *Garden v. Garden* 2 A.L.J. 66 s. 72. *Fisher v. Fisher* (1945) S.A.S.R. 145 s. 73. *Freer v. Freer* (1948) S.A.S.R. 76 s. 91. Amended by No. 44, s. 8, 1941, p. 191 *King v. King* (1940) S.A.S.R. 214 s. 100. Amended by No. 44, s. 9, 1941, p. 191 s. 102. *Neale v. Colquhoun* (1944) S.A.S.R. 119 s. 103. Amended by No. 44, s. 10, 1941, p. 191 s. 105. Amended by No. 44, s. 11, 1941, p. 192, and by No. 47, s. 7, 1948, p. 204 s. 108. Amended by No. 44, s. 12, 1941, p. 192 *Neale v. Colquhoun* (1944) S. A. S. R. 119 s. 109. Amended by No. 47, s. 8, 1948, p. 205 s. 110. Amended by No. 44, s. 13, 1941, p. 192 s. 111. Amended by No. 44, s. 14, 1941, p. 192 s. 112. Amended by No. 44, s. 15, 1941, p. 192 s. 113. Amended by No. 44, s. 16, 1941, p. 192 s. 117. Repealed by No. 44, s. 17, 1941, p. 192 s. 122a. Enacted by No. 44, s. 18, 1941, p. 192 s. 126. Amended by No. 40, s. 3, 1946, p. 185 s. 150. Amended by No. 47, s. 9, 1948, p. 205 s. 163. Amended by No. 44, s. 19, 1941, p. 192 s. 165. Amended by No. 44, s. 20, 1941, p. 193 s. 166. Amended by No. 44, s. 21, 1941, p. 193 Second schedule. Amended by No. 44, s. 22, 1941, p. 193
Maintenance Orders (Facilities for Enforcement) Act, 1922-1925 (Vol. 5, p. 543)	s. 6. *Jarvis v. Jarvis* (1947) S.A.S.R. 12
Margarine Act, 1939 (1939, p. 217)...	s. 3. Amended by No. 35, s. 3, 1940, p. 98 s. 3a. Enacted by No. 35, s. 4, 1940, p. 99 Heading before s. 20. Amended by No. 45, s. 3, 1941, p. 194 s. 20. Amended by No. 45, s. 4, 1941, p. 194, and by No. 19, s. 3, 1948, p. 100 s. 20a. Enacted by No. 35, s. 5, 1940, p. 99 s. 25. Amended by No. 45, s. 5, 1941, p. 195 s. 25a. Enacted by No. 45, s. 6, 1941, p. 195
Marine Act, 1936 (Vol. 5, p. 556).....	s. 145. Amended by No. 17, s. 4, 1947, p. 44
The Marine Stores Act, 1898-1935 (Vol. 5, p. 624)	s. 13. Amended by No. 14, s. 2, 1947, p. 34 s. 30. Amended by No. 14, s. 3, 1947, p. 34 Fifth schedule. Amended by No. 14, s. 4, 1947, p. 35

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Marketing of Eggs Act, 1941 (1941, p. 168)	s. 16. Amended by No. 5, s. 3, 1949, p. 9 s. 18a. Enacted by No. 3, s. 3, 1942, p. 5 s. 27. Amended by No. 3, s. 4, 1942, p. 6 s. 35. Amended by No. 30, s. 3, 1945, p. 135, and by No. 5, s. 4, 1949, p. 9
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Pastoral Act, 1936 (Vol. 6, p. 414)	s. 34. Amended by No. 29, s. 3, 1944, p. 83 s. 39. Amended by No. 29, s. 4, 1944, p. 83 s. 41. Amended by No. 22, s. 3, 1939, p. 116 s. 42a. Enacted by No. 22, s. 4, 1939, p. 116, and amended by No. 29, s. 5, 1944, p. 83 s. 42b. Enacted by No. 29, s. 6, 1944, p. 84 s. 42c. Enacted by No. 29, s. 6, 1944, p. 84 s. 44a. Enacted by No. 25, s. 14, 1939, p. 130 s. 48a. Enacted by No. 29, s. 7, 1944, p. 85 s. 49. Amended by No. 22, ss. 5 and 6, 1939, p. 117 s. 51. Substituted by No. 29, s. 8, 1944, p. 85 s. 57. Substituted by No. 29, s. 9, 1944, p. 86 s. 61a. Enacted by No. 22, s. 7, 1939, p. 117 s. 62. Amended by No. 29, s. 10, 1944, p. 86 s. 64. Amended by No. 29, s. 11, 1944, p. 86 s. 66. Amended by No. 29, s. 12, 1944, p. 87 s. 70. Amended by No. 29, s. 13, 1944, p. 87 s. 81. Amended by No. 22, s. 8, 1939 p. 118, and by No. 29, s. 14, 1944, p. 87 s. 86. Repealed by No. 29, s. 15, 1944, p. 87 s. 88. Amended by No. 22, ss. 9 and 10, 1939, p. 118 s. 90. Amended by No. 22, s. 11, 1939, p. 118 s. 94. Amended by No. 22, s. 12, 1939, p. 119 s. 95. Amended by No. 22, s. 13, 1939, p. 119, and by No. 29, s. 16, 1944, p. 87 s. 96. Amended by No. 29, s. 17, 1944, p. 88 ss. 115 and 116. Repealed by No. 22, s. 14, 1939, p. 119 s. 128a. Enacted by No. 22, s. 15, 1939, p. 119 s. 136. Amended by No. 22, s. 16, 1939, p. 120 s. 137. Amended by No. 29, s. 18, 1944, p. 88 s. 139. Repealed by No. 29, s. 19, 1944, p. 89 s. 140a. Enacted by No. 31, s. 2, 1948, p. 143 s. 141. Amended by No. 29, s. 20 (1), 1944, p. 89, and by No. 31, s. 2, 1948, p. 144 s. 142. Amended by No. 29, s. 20 (2), 1944, p. 89 s. 146. Amended by No. 29, s. 20 (3), 1944, p. 89 First schedule. Amended by No. 22, s. 17, 1939, p. 120
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Physiotherapists Act, 1945 (1945, p. 166)	s. 6. Amended by No. 53, s. 3, 1948, p. 228 s. 8a. Enacted by No. 34, s. 3, 1949, p. 116 s. 38. Amended by No. 43, s. 2, 1946, p. 205, and by No. 53, s. 4, 1948, p. 229
Police Act, 1936 (Vol. 6, p. 557)	s. 12. *Cooper, Daly, Juckes, v. Hunkin* (1942) S.A.S.R. 162 s. 14. *Cooper, Daly, Juckes v. Hunkin* (1942) S.A.S.R. 162 s. 19. Amended by No. 44, s. 3, 1946, p. 206 s. 21. *Symonds v. Koehne* (1946) S.A.S.R. 77 s. 43. Amended by No. 2399, s. 3, 1938, p. 64 ss. 44 to 55. Repealed by No. 2399, s. 3, 1938, p. 64 s. 62. Amended by No. 44, s. 5, 1946, p. 207 s. 63. Amended by No. 44, s. 6, 1946, p. 207 s. 64. Amended by No. 44, s. 7, 1946, p. 207 s. 65. Amended by No. 44, s. 8, 1946, p. 207 s. 72. Amended by No. 44, s. 9, 1946, p. 207 s. 72a. Enacted by No. 44, s. 10, 1946, p. 207 s. 74. Amended by No. 44, s. 11, 1946, p. 207 *Richter v. O'Sullivan* (1947) S.A.S.R. 160 s. 75. Amended by No. 44, s. 12, 1946, p. 208 *Barrington v. Austin and others* (1939) S.A.S.R. 130 *Rice v. Hudson* (1940) S.A.S.R. 290 *Densley v. Mertin* (1943) S.A.S.R. 144 s. 76. Amended by No. 44, s. 13, 1946, p. 208 s. 78. Amended by No. 44, s. 14, 1946, p. 208 s. 78a. Enacted by No. 44, s. 15, 1946, p. 208 s. 83. *Gebert v. Innocenzi* (1946) S.A.S.R. 172 *Linehan v. Schroeter* (1949) S.H.S.R. 205 s. 85. Amended by No. 44, s. 16, 1946, p. 209 s. 85 (1) (*f*). *Crafter v. Madigan* (1942) S.A.S.R. 196 s. 85 (1) (*j*). *Dias v. O'Sullivan* (1949) S.A.S.R. 195 s. 86. Amended by No. 44, s. 17, 1946, p. 209 s. 86 (1) (*d*). *Arriola v. Harris* (1943) S.A.S.R. 175 s. 86 (1) (*n*). *Gorman v. Virgo* (1939) S.A.S.R. 375 *Wilkins v. Condell* (1940) S.A.S.R. 139 *Abbott v. Pulbrook* (1947) S.A.S.R. 57 *Campbell v. O'Sullivan* (1947) S.A.S.R. 195 s. 93. *Harrison v. Trotter* (1937) S.A.S.R. 7 *Sampson v. Crafter* (1940) S.A.S.R. 427 *R. v Muirhead : Ex parte Bruce* (1941) S.A.S.R. 210 *Crafter v. Bruce* (1941) S.A.S.R. 269 *Kitchin v. Tuit* (1945), S.A.S.R. 16 *Button v. Cooper* (1947) S.A.S.R. 286 *Hewitt v. O'Sullivan* (1947) S.A.S.R. 384. Leave to appeal to the High Court refused 75 C.L.R. 632 (note), (1947) S.A.S.R. xix. (note) *O'Sullivan v. Tregaskis* (1948) S.A.S.R. 12

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Police Act, 1936 (Vol. 6, p. 557)—*continued.*	s. 98 (1) (*c*). *Wise v. Musolino* (1936) S.A.S.R. 447 s. 118. *Mountford v. Crafter* (1942) S.A.S.R. 244 s. 122 (1) (*g*). *Smith v. Leurs and another* (1944) S.A.S.R. 213 s. 130. Repealed by No. 44, s. 18, 1946, p. 209 s. 131. Repealed by No. 44, s. 18, 1946, p. 209 s. 145. Amended by No. 2346, s. 4, 1937, p. 22 s. 149a. Enacted by No. 2399, s. 4, 1938, p. 65 s. 149b. Enacted by No. 2399, s. 4, 1938, p. 66 First schedule. Repealed by No. 2399, s. 3, 1938, p. 64
Police Pensions Act, 1929-1936 (Vol. 6, p. 625)	s. 3a. Enacted by No. 16, s. 2, 1943, p. 34 s. 8. Amended by No. 23, s. 4, 1947, p. 57 s. 11. Amended by No. 19, s. 3, 1942, p. 53, and by No. 31, s. 3, 1945, p. 136 s. 12. Substituted by No. 23, s. 5, 1947, p. 58 s. 12a. Enacted by No. 31, s. 5, 1945, p. 137 and amended by No. 23, s. 6, p. 58 s. 14a. Enacted by No. 19, s. 5, 1942, p. 54 s. 15. Substituted by No. 7, s. 3, 1949, p. 15 s. 16. Amended by No. 23, s. 8, 1947, p. 59 s. 17. Amended by No. 19, s. 6, 1942, p. 54, by No. 31, s. 6, 1945, p. 137, and by No. 23, s. 9, 1947, p. 59 s. 18. Substituted by No. 23, s. 10, 1947, p. 49 s. 21. Amended by No. 23, s. 11, 1947, p. 60 s. 22. Amended by No. 23, s. 12, 1947, p. 60 s. 22a. Enacted by No. 23, s. 13, 1947, p. 60 s. 22b. Enacted by No. 23, s. 13, 1947, p. 60 s. 23a. Enacted by No. 31, s. 7, 1945, p. 137 s. 23b. Enacted by No. 23, s. 14, 1947, p. 61 s. 25a. Enacted by No. 23, s. 15, 1947, p. 61
Poor Persons Legal Assistance Act, 1936 (Vol. 6, p. 640)	s. 6. *Hastings v. Hastings* (1939) S.A.S.R. 57
Prevention of Cruelty to Animals Act, 1936 (Vol. 6, p. 643)	s. 18. Repealed by No. 60, s. 2, 1949, p. 215 s. 26. Amended by No. 60, s. 3, 1949, p. 215
Prices Act, 1948 (1948, p. 3).....	s. 3. Amended by No. 40, s. 3, 1949, p. 132 s. 53. Amended by No. 40, s. 4, 1949, p. 132
Primary Producers' Debts Act, 1935-1936 (Vol. 6, p. 656)	s. 3. Repealed by No. 26, s. 22, 1943, p. 70 s. 9. Amended by No. 5, s. 3, 1939, p. 16, and by No. 30, s. 3, 1941, p. 113, and repealed by No. 26, s. 22, 1943, p. 70 s. 10. Amended by No. 5, s. 4, 1939, p. 16, and repealed by No. 30, s. 4, 1941, p. 113 s. 12. Amended by No. 26, s. 23, 1943, p. 70 ss. 22-26. *In re Stringer* (1940) S.A.S.R. 401 s. 24. Amended by No. 30, s. 5, 1941, p. 113 s. 34a. Enacted by No. 2358, s. 3, 1937, p. 57 s. 36. Repealed by No. 26, s. 24, 1943, p. 70 s. 36a. Enacted by No. 5, s. 5, 1939, p. 17 s. 39. *Crafter v. Kelly* (1941) S.A.S.R. 237 s. 41. Amended by No. 26, s. 25, 1943, p. 70
Public Charities Funds Act, 1935. (Vol. 6, p. 697)	s. 26a. Enacted by No. 50, s. 2, 1940, p. 155
Public Finance Act, 1936 (Vol. 6, p. 710)	s. 14. Substituted by No. 11, s. 3, 1947, p. 23 s. 27. Amended by No. 11, s. 4, 1947, p. 23 ss. 32a to 32j. Enacted by No. 48, s. 3, 1949, pp. 162-165 s. 38. Enacted by No. 48, s. 4, 1949, p. 165 s. 39. Enacted by No. 48, s. 4, 1949, p. 166

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Public Service Act, 1936 (Vol. 7, p. 1)..	This Act, as amended by No. 2375, 1937, p. 123, No. 2377, 1937, p. 126, No. 2423, 1938, p. 199, No. 45, 1940, p. 143, No. 22, 1941, p. 82, No. 28, 1942, p. 83, No. 12, 1945, p. 43, No. 30, 1946, p. 137, No. 46, 1947, p. 126, No. 39, 1948, p. 175, and No. 20, 1949, p. 67, and with notes of judicial decisions, is reprinted in this volume, page 351
Public Service Act Amendment Act, 1942 (1942, p. 83)	s. 4. Amended by No. 12, s. 3, 1945, p. 43
Public Supply and Tender Act, 1914-1930 (Vol. 7, p. 41)	s. 7a. Enacted by No. 7, s. 2, 1940, p. 13 s. 15b. Enacted by No. 7, s. 3, 1940, p. 14 s. 15c. Enacted by No. 7, s. 3, 1940, p. 14
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The Real Property Act, 1886-1936 (Vol. 7, p. 59)	s. 6. *The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia* (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying *Savings Bank of South Australia v. South-Eastern Drainage Board and another* (1939) S.A.S.R. 339 s. 69. Amended by No. 39, s. 3, 1945, p. 181 *The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia* (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying *Savings Bank of South Australia v. South-Eastern Drainage Board and another* (1939) S.A.S.R. 339 s. 71. *Bodey v. Smith and another* (1938) S.A.S.R. 352 ss. 80a to 80i. Enacted by No. 39, s. 4, 1945, pp. 181-184 s. 96a. Enacted by No. 36, s. 6, 1939, p. 214 s. 97. *The English, Scottish, and Australian Bank, Limited v. Phillips* (1936-1937) 57 C.L.R. 302; 10 A.L.J. 458 s. 142a. Enacted by No. 36, s. 5, 1939, p. 213 s. 148a. Enacted by No. 39, s. 5, 1945, p. 184 s. 151. *The English, Scottish, and Australian Bank Limited v. Phillips* (1936-1937) 57 C.L.R. 302 10 A.L.J. 458 s. 169. Substituted by No. 36, s. 7, 1939, p. 214 s. 220. Amended by No. 39, s. 6, 1945, p. 185 ss. 223a to 223l. Enacted by No. 39, s. 7, 1945, pp. 185-188 s. 245. *In re Coombe* (1941) S.A.S.R. 197 s. 246. *Phillis v. The King* 15 A.L.J. 191 s. 251. Amended by No. 39, s. 8, 1945, p. 188 ss. 255 and 256. Repealed by No. 36, s. 8, 1939, p. 226 s. 268. Amended by No. 36, s. 9, 1939, p. 216 Sixth schedule. Amended by No. 36, s. 10 (1), 1939, p. 216 Seventh schedule. Amended by No. 36, s. 10 (1), 1939, p. 216 Eleventh schedule. Amended by No. 36, s. 10 (2), 1939, p. 216 Nineteenth schedule. Amended by No. 36, s. 11, 1939, p. 216 Twenty-third schedule. Enacted by No. 39, s. 9, 1945, p. 188

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Registration of Business Names Act, 1928-1932 (Vol. 7, p. 173)	s. 3. Amended by No. 23, s. 2, 1946, p. 114 s. 5. Substituted by No. 23, s. 3, 1946, p. 114 s. 8. Amended by No. 23, s. 4, 1946, p. 115 s. 13. Amended by No. 23, s. 5, 1946, p. 115 s. 21. Amended by No. 23, s. 6, 1946, p. 116 s. 22. Amended by No. 23, s. 7, 1946, p. 116 s. 22a. Amended by No. 23, s. 8, 1946, p. 117 s. 23. Amended by No. 23, s. 9, 1946, p. 117 s. 23b. Enacted by No. 23, s. 10, 1946, p. 118
Registration of Dogs Act, 1924-1929 (Vol. 7, p. 204)	s. 10. Amended by No. 21, s. 2, 1948, p. 103 s. 12. Amended by No. 21, s. 3, 1948, p. 103 s. 13. Amended by No. 21, s. 4, 1948, p. 104 s. 14. Amended by No. 21, s. 5, 1948, p. 104 s. 19. Amended by No. 21, s. 6, 1948, p. 104 s. 20. Amended by No. 21, s. 7, 1948, p. 104 s. 21a. Enacted by No. 21, s. 8, 1948, p. 104 s. 22. Amended by No. 21, s. 9, 1948, p. 105 s. 24. Amended by No. 21, s. 10, 1948, p. 105 s. 30. Amended by No. 21, s. 11, 1948, p. 105 s. 31a. Enacted by No. 21, s. 12, 1948, p. 106 s. 33. Substituted by No. 21, s. 13, 1948, p. 106 s. 34. Amended by No. 21, s. 14, 1948, p. 106 s. 34a. Enacted by No. 21, s. 15, 1948, p. 106 s. 37. Enacted by No. 21, s. 16, 1948, p. 107 Second schedule. Amended by No. 21, s. 17, 1948, p. 107 Fifth schedule. Enacted by No. 21, s. 18, 1948, p. 108
Renmark Irrigation Trust Act, 1936 (Vol. 7, p. 217)	s. 8. Amended by No. 26, s. 2, 1945, p. 115 s. 11. Amended by No. 26, s. 3, 1945, p. 116 s. 21. Amended by No. 26, s. 4, 1945, p. 117 s. 22. Amended by No. 40, s. 2 (1), 1948, p. 181 s. 24. Amended by No. 40, s. 2 (2), 1948, p. 181 s. 92. Amended by No. 40, s. 3, 1948, p. 181 s. 97. Amended by No. 26, s. 5, 1945, p. 117 s. 115. Substituted by No. 40, s. 4, 1948, p. 182 s. 116. Substituted by No. 40, s. 4, 1948, p. 182 ss. 117 to 121. Repealed by No. 40, s. 4, 1948, p. 182 s. 142. Amended by No. 40, s. 5, 1948, p. 182 s. 154. Amended by No. 26, s. 6, 1945, p. 118 s. 224a. Enacted by No. 46, s. 2, 1946, p. 212 s. 225a. Enacted by No. 40, s. 6, 1948, p. 183 Second schedule. Amended by No. 40, s. 7, 1948, p. 183
River Murray Waters Act, 1935 (Vol. 7, p. 287)	Schedules. Amended by No. 54, s. 5, 1948, p. 231
Road and Railway Transport Act, 1930-1935 (Vol. 7, p. 320)	s. 9a. Enacted by No. 47, s. 3, 1939, p. 358 s. 9b. Enacted by No. 47, s. 3, 1939, p. 359 s. 14. Amended by No. 47, s. 4, 1939, p. 359 *Miller v. Hilton* (1937) 57 C.L.R. 400; 11 A.L.J. 74 *Crafter v. Burns* (1939) S.A.S.R. 152, affirming *Crafter v. Burns* (1939) S.A.S.R. 7. Special leave to appeal to the High Court refused, 62 C.L.R. 747 (note). *Dayman v. Gleader* (1939) S.A.S.R. 277, affirming *Dayman v. Gleader* (1939) S.A.S.R. 139 s. 18a. Enacted by No. 47, s. 5, 1939, p. 359 s. 18b. Enacted by No. 47, s. 5, 1939, p. 359 s. 18c. Enacted by No. 47, s. 5, 1939, p. 360 s. 22a. Enacted by No. 47, s. 6, 1939, p. 360 s. 23. Repealed by No. 47, s. 8, 1939, p. 360 s. 24a. Enacted by No. 47, s. 7, 1939, p. 360 s. 25. Amended by No. 47, s. 9, 1939, p. 360 s. 26. Repealed by No. 47, s. 10, 1939, p. 360 s. 27b. Enacted by No. 47, s. 11, 1939, p. 361

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Road and Railway Transport Act, 1930-1935 (Vol. 7, p. 320)—*continued.*	s. 27c. Enacted by No. 47, s. 11, 1939, p. 361 s. 27d. Enacted by No. 47, s. 11, 1939, p. 362 s. 27e. Enacted by No. 47, s. 11, 1939, p. 362 *Motor Vehicle Drivers Case* (1940) 16 S.A.I.R. 111 s. 28a. Enacted by No. 47, s. 12, 1939, p. 363 s. 28b. Enacted by No. 47, s. 12, 1939, p. 363 s. 32a. Enacted by No. 47, s. 13, 1939, p. 364 s. 35a. Enacted by No. 47, s. 14, 1939, p. 364 s. 35b. Enacted by No. 47, s. 14, 1939, p. 364 s. 35c. Enacted by No. 47, s. 14, 1939, p. 364 s. 35d. Enacted by No. 47, s. 14, 1939, p. 364
Roads (Opening and Closing) Act, 1932-1936 (Vol. 7, p. 342)	s. 2. Amended by No. 47, s. 2, 1946, p. 213 s. 3. Amended by No. 47, s. 12, 1946, p. 220 s. 6. Amended by No. 47, s. 12, 1946, p. 220 s. 7. Amended by No. 47, s. 12, 1946, p. 220 s. 8. Amended by No. 47, s. 12, 1946, p. 220 s. 11. Amended by No. 47, ss. 3 and 12, 1946, pp. 213, 220 s. 11a. Enacted by No. 47, s. 4, 1946, p. 215 s. 14. Amended by No. 47, ss. 5 and 12, 1946, pp. 216, 220 s. 16. Amended by No. 47, s. 6, 1946, p. 216 s. 17. Amended by No. 47, ss. 7 and 12, 1946, pp. 217, 220 s. 18. Amended by No. 47, s. 12, 1946, p. 220 s. 20. Amended by No. 47, s. 8, 1946, p. 217 ss. 20a to 20d. Enacted by No. 47, s. 9, 1946, p. 217 s. 22. Amended by No. 47, s. 10, 1946, p. 219 s. 23. Amended by No. 47, ss. 11 (1) and 12, 1946, p. 220 s. 27. Amended by No. 47, s. 12, 1946, p. 220 Second schedule. Amended by No. 47, s. 12, 1946, p. 220 Third schedule. Amended by No. 47, s. 12, 1946, p. 220 Fourth schedule. Amended by No. 47, s. 12, 1946, p. 220 Fifth schedule. Enacted by No. 47, s. 11 (2), 1946, p. 220
Road Traffic Act, 1934-1936 (Vol. 7, p. 359)	This Act, as amended by No. 2416, 1938, p. 140 No. 23, 1939, p. 121, No. 34, 1939, p. 196, No. 45, 1939, p. 338, No. 61, 1940, p. 304, No. 2, 1941, p. 3, No. 46, 1941, p. 197, No. 4, 1942, p. 7, No. 17, 1942, p. 50, and No. 35, 1943, p. 104, and with notes of judicial decisions, is reprinted in the 1943 volume, p. 174. *See also* the following paragraph
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Shearers Accommodation Act, 1922-1935 (Vol. 7, p. 647)	This Act, as amended by No. 35, 1942, p. 122, and with notes of judicial decisions, is reprinted in the 1942 volume, p. 137. *See also* the following paragraph.
Shearers Accommodation Act, 1922-1942 (1942, p. 137)	s. 6. Amended by No. 24, s. 2 (1), 1947, p. 62
Soil Conservation Act, 1939 (1939, p. 124)	s. 2. Amended by No. 44, s. 3, 1945, p. 213 s. 2a. Enacted by No. 44, s. 4, 1945, p. 214 s. 4. Amended by No. 44, s. 5, 1945, p. 214 s. 6. Substituted by No. 37, s. 2, 1943, p. 114 ss. 6a to 6i. Enacted by No. 44, s. 6, 1945, pp. 214-218 s. 10a. Enacted by No. 37, s. 3, 1943, p. 114, and repealed by No. 44, s. 7, 1945, p. 218 s. 12. Amended by No. 37, s. 4, 1943, p. 115 s. 12a. Enacted by No. 44, s. 8, 1945, p. 218, and amended by No. 32, s. 3, 1947, p. 87 s. 13a. Enacted by No. 37, s. 5, 1943, p. 116, and repealed by No. 32, s. 4, 1947, p. 88 ss. 13b. to 13m. Enacted by No. 44, s. 10, 1945, pp. 219-225 s. 13n. Enacted by No. 44, s. 10, 1945, p. 226, and amended by No. 32, s. 5, 1947, p. 88 s. 13o. Enacted by No. 44, s. 10, 1945, p. 226, and amended by No. 32, s. 6, 1947, p. 88 s. 18. Amended by No. 37, s. 6, 1943, p. 117, and by No. 44, s. 11, 1945, p. 226 s. 19. Enacted by No. 37, s. 7, 1943, p. 117
South Australian Housing Trust Act, 1936 (Vol. 7, p. 653)	s. 2. Amended by No. 21, s. 2, 1942, p. 58 s. 8. Amended by No. 21, s. 3, 1942, p. 58 s. 13. Amended by No. 49, s. 2, 1946, p. 225 s. 13a. Enacted by No. 49, s. 3, 1946, p. 226 s. 14. Substituted by No. 21, s. 4, 1942, p. 59, and amended by No. 7, s. 2, 1947, p. 10 s. 14a. Enacted by No. 21, s. 4, 1942, p. 59 s. 14b. Enacted by No. 21, s. 4, 1942, p. 59 s. 14c. Enacted by No. 21, s. 4, 1942, p. 59 s. 20. Amended by No. 21, s. 5, 1942, p. 59 s. 24a. Enacted by No. 10, s. 2, 1948, p. 70 s. 25. Substituted by No. 21, s. 6, 1942, p. 59 s. 27. Amended by No. 2371, s. 4, 1937, p. 108 and by No. 21, ss. 7 and 8, 1942, p. 60 s. 28a. Enacted by No. 46, s. 3, 1940, p. 146 and amended by No. 21, s. 9, 1942, p. 60 s. 28b. Enacted by No. 21, s. 10, 1942, p. 61 s. 29a. Enacted by No. 2371, s. 5, 1937, p. 108 Schedule. Enacted by No. 49, s. 4, 1946, p. 227
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Stamp Duties Act, 1923-1936 (Vol. 7, p. 762)	This Act as amended by No. 2359, 1937, p. 59, and with notes of judicial decisions, is reprinted in the 1937 volume, p. 221. *See also* the following paragraph.
Stamp Duties Act, 1923-1937 (1937, p. 221)	s. 15. Amended by No. 48, s. 2, 1941, p. 206 s. 15a. Enacted by No. 48, s. 3, 1941, p. 206 s. 27. Amended by No. 48, s. 4, 1941, p. 207 s. 31. Amended by No. 48, s. 5, 1941, p. 207 s. 31a. Enacted by No. 2387, s. 3, 1938, p. 12 s. 45a. Enacted by No. 22, s. 2, 1942, p. 62 s. 56a. Enacted by No. 48, s. 6, 1941, p. 207 s. 66a. Enacted by No. 48, s. 7, 1941, p. 208 s. 71a. Enacted by No. 48, s. 8, 1941, p. 208 s. 71b. Enacted by No. 48, s. 8, 1941, p. 208 s. 79. Amended by No. 48, s. 9, 1941, p. 209 s. 83a. Enacted by No. 48, s. 10, 1941, p. 209 s. 109a. Enacted by No. 22, s. 3, 1942, p. 63 Second schedule. Amended by No. 2387, s. 4, 1938, p. 13, by No. 48, s. 11, 1941, p. 209, by No. 22, s. 4, 1942, p. 64, by No. 30, ss. 3 and 4, 1944, p. 90, and by No. 32, s. 3, 1945, p. 139
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Stock and Poultry Diseases Act, 1934 (Vol. 8, p. 39)	s. 5. Amended by No. 29, ss. 3 and 4 (1), 1946 pp. 132, 133 s. 6. Amended by No. 29, s. 4 (2), 1946, p. 133 s. 10a. Enacted by No. 31, s. 2, 1941, p. 115 s. 10b. Enacted by No. 31, s. 2, 1941, p. 116 s. 18. Amended by No. 29, s. 5, 1946, p. 133 s. 19. Amended by No. 29, s. 6 (1), 1946, p. 133 s. 20. Amended by No. 29, s. 7, 1946, p. 134 s. 29. Substituted by No. 29, s. 8, 1946, p. 134 s. 30. Substituted by No. 29, s. 9, 1946, p. 134 s. 31. Substituted by No. 29, s. 10, 1946, p. 135 s. 37. Repealed by No. 29, s. 11, 1946, p. 136 s. 38. Substituted by No. 29, s. 12, 1946, p. 136

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Stock Foods Act, 1941 (1941, p. 118)	s. 8. Amended by No. 18, s. 2, 1948, p. 99 s. 15. Amended by No. 10, s. 2, 1944, p. 22 s. 16. Amended by No. 10, s. 3, 1944, p. 22
Subdivided Land Debts Act, 1932-1934 (Vol. 8, p. 83)	s. 15. *Lake Beach Estate Limited v. Mitchell* (1939) S.A.S.R. 209, reversing *Lake Beach Estate Limited v. Mitchell* (1938) S.A.S.R. 280
Succession Duties Act, 1929-1936 (Vol. 8, p. 90)	This Act, as amended by No. 21, 1939, p. 112, No. 62, 1940, p. 309, and No. 23, 1942, p. 65, and with notes of judicial decisions, is reprinted in the 1942 volume, p. 144. *See also* the following paragraph
Succession Duties Act, 1929-1942 (1942, p. 144)	s. 4. *Ashby and another v. The Commissioner of Succession Duties (South Australia)* (1942) 67 C.L.R. 284; 16 A.L.J. 259, reversing *Ashby and another v. The Commissioner of Succession Duties* (1942) S.A.S.R. 102 *Elder's Trustee and Executor Company Limited v. The Commissioner of Succession Duties* (1945) S.A.S.R. 34 s. 10a. Enacted by No. 28, s. 2, 1943, p. 73 s. 20. *Elder's Trustee and Executor Company Limited v. The Commissioner of Succession Duties* (1945) S.A.S.R 34. s. 35 (3). *Freeman v. The Commissioner of Succession Duties* (1945) S.A.S.R. 139 s. 46 (1). *In re Gebhardt* (1943) S.A.S.R. 380 s. 55b. Amended by No. 28, s. 3, 1943, p. 74 s. 56a. Enacted by No. 50, s. 3, 1949, p. 173 s. 59. *Commissioner of Succession Duties (S.A.) v. Executor Trustee and Agency Company of South Australia Limited and others* (1947) 74 C.L.R. 358; 21 A.L.J. 210, reversing *In re Clifford; Executor Trustee and Agency Company of South Australia Limited and others v. The Commissioner of Succession Duties* (1946) S.A.S.R. 31
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Supreme Court Act, 1935-1936 (Vol. 8, p. 168)	s. 9. Amended by No. 38, s. 3, 1944, p. 178 s. 12. Amended by No. 33, s. 3, 1947, p. 89 ss. 13a to 13g. Enacted by No. 38, s. 4, 1944, pp. 178-181 s. 13h. Enacted by No. 38, s. 4, 1944, p. 181, and substituted by No. 33, s. 4, 1947, p. 89 s. 40. *Tilley v. Tilley* (1945) S.A.S.R. 81 s. 50. *Chapman v. Chapman and Holmes* (1946) S.A.S.R. 217 *Campbell v. O'Sullivan* (1947) S.A.S.R. 195 s. 59. *R. v. Ford* (1945) S.A.S.R. 118
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Swine Compensation Act, 1936 (Vol. 8, p. 234)	s. 4. Amended by No. 29, s. 2, 1940, p. 82, and by No. 20, s. 2, 1946, p. 107 s. 5. Amended by No. 20, s. 3, 1946, p. 107 s. 6. Amended by No. 29, s. 3, 1940, p. 82, and by No. 20, s. 4, 1946, p. 108 s. 7. Amended by No. 20, s. 5, 1946, p. 108 s. 8. Amended by No. 29, s. 4, 1940, p. 82, and by No. 20, s. 6, 1946, p. 108 s. 9. Amended by No. 29, s. 5, 1940, p. 83 s. 12. Amended by No. 29, s. 6, 1940, p. 83 s. 13. Amended by No. 29, s. 7, 1940, p. 83 s. 14. Amended by No. 29, s. 8, 1940, p. 84 s. 16. Amended by No. 20, s. 7, 1946, p. 108

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Technical Education of Apprentices Act, 1917-1934 (Vol. 8, p. 243)	s. 2. Amended by No. 47, s. 3, 1940, p. 148 s. 11. Amended by No. 47, s. 4, 1940, p. 148 s. 17. Amended by No. 47, s. 5, 1940, p. 149 s. 18. Substituted by No. 47, s. 6, 1940, p. 150 s. 19. Repealed by No. 47, s. 6, 1940, p. 150
Testators Family Maintenance Act, 1918 (Vol. 8, p. 253)	s. 2. Amended by No. 29, s. 3, 1943, p. 75 s. 3. *In re Harris* (1936) S.A.S.R. 497 *In re Whiting* (1938) S.A.S.R. 188 *In re Schwerdt* (1939) S.A.S.R. 333 *In re Gerloff* (1941) S.A.S.R. 156 *In re Naffin deceased, Naffin and others v. Naffin and others* (1941) S.A.S.R. 294 *In re Small, Harris v. Public Trustee and another* (1942) S.A.S.R. 183 *In re Wade* (1946) S.A.S.R. 131 *In re Preece* (1947) S.A.S.R. 134 *In re Traeger* (1949) S.A.S.R. 180 s. 4. Amended by No. 29, s. 4, 1943, p. 76 *In re Traeger, deceased* (1948) S.A.S.R. 248 s. 5. Amended by No. 29, s. 5, 1943, p. 77 *In re Traeger* (1949) S.A.S.R. 180 s. 13. *In re Whiting* (1938) S.A.S.R. 188
Town Planning Act, 1929 (Vol. 8, p. 261)	s. 22. *Adelaide Development Company Proprietary Limited v. Pohlner* (1933) 49 C.L.R. 25, affirming *Pohlner v. The Adelaide Development Company Limited* (1932) S.A.S.R. 346 *Lake Beach Estate Limited v. Mitchell* (1939) S.A.S.R. 209, reversing *Lake Beach Estate Limited v. Mitchell* (1938) S.A.S.R. 280
Trading Stamp Act, 1924-1935, (Vol. 8, p. 280)	s. 5a (2). *Rex v. Morgan. Ex parte Home Benefits (Proprietary) Limited* (1938) S.A.S.R. 266 *Home Benefits Proprietary Limited v. Crafter Household Benefits Proprietary Limited v. Crafter* (1938-1939) 61 C.L.R. 701 ; 13 A.L.J. 93
The Travelling Stock Waybills Act, 1911-1936 (Vol. 8, p. 286)	s. 5. Amended by No. 15, s. 2, 1947, p. 36 s. 6. Amended by No. 15, s. 3, 1947, p. 36
Trustee Act, 1936 (Vol. 8, p. 303)	This Act, as amended by No. 2346, 1937, p. 20, No. 10, 1940, p. 20, No. 49, 1941, p. 212, and No. 14, 1942, p. 43, and with notes of judicial decisions, is reprinted in the 1942 volume, p. 185. *See also* the following paragraph
Trustee Act, 1936-1942 (1942, p. 185)..	s. 7. Amended by No. 24, s. 3, 1946, p. 119 s. 49. *In re James deceased : Bagots Executor and Trustee Company Limited and another v. McGregor and others* (1949) S.A.S.R. 143
University of Adelaide Act, 1935-1936 (Vol. 8, p. 352)	s. 12. Amended by No. 10, s. 3, 1942, p. 23 s. 24. Amended by No. 10, s. 4, 1942, p. 24 s. 25. Amended by No. 2340, s. 2, 1937, p. 3, and by No. 9, s. 3, 1943, p. 17 s. 26. Amended by No. 2340, s. 3, 1937, p. 3 s. 26a. Enacted by No. 9, s. 3, 1946, p. 34 s. 27. Repealed by No. 2340, s. 4, 1937, p. 4 Third schedule. Repealed by No. 2340, s. 5, 1937, p. 4

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Vermin Act, 1931-1936 (Vol. 8, p. 396)	s. 4. Amended by No. 13, s. 6 (1), 1945, p. 48 s. 9a. Enacted by No. 36, s. 2, 1942, p. 126 s. 22. Amended by No. 13, s. 2 (2), 1945, p. 44 s. 22a. Enacted by No. 13, s. 2 (1), 1945, p. 44 s. 23. Amended by No. 13, s. 2 (3), 1945, p. 45 s. 25. Amended by No. 13, s. 2 (4), 1945, p. 45 s. 37a. Enacted by No. 36, s. 3, 1942, p. 127 s. 46. Amended by No. 36, s. 4, 1942, p. 128 s. 53. Amended by No. 2409, s. 3 (2), 1938, p. 98 s. 56. Substituted by No. 31, s. 2, 1944, p. 92 s. 76. Amended by No. 36, s. 5, 1942, p. 128, and by No. 8, s. 2, 1943, p. 16 s. 120. Amended by No. 13, s. 3, 1945, p.. 47 s. 136a. Enacted by No. 13, s. 4, 1945, p 47 s. 158. Amended by No. 2409, s. 3 (2), 1938, p. 98 ss. 159 to 201. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 215. Amended by No. 2409, s. 3 (2), 1938, p. 98 ss. 222 to 224b. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 225b. Enacted by No. 24, s. 2, 1939, p. 122 s. 234. Amended by No. 13, s. 5, 1945, p. 48 ss. 245 and 246. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 256. Repealed by No. 2409, s. 3 (2), 1938, p. 98 Fifth schedule. Amended by No. 13, s. 2 (5), 1945, p. 45 Sixth schedule. Amended by No. 13, s. 2 (6), 1945 p. 46
Veterinary Surgeons Act, 1935-1936 (Vol. 8, p. 511)	s. 3. Amended by No. 2414, s. 5 (1), 1938, p. 134 s. 5. Amended by No. 2414, s. 2, 1938, p. 132 s. 6. Repealed by No. 2414, s. 3, 1938, p. 133 s. 9. Repealed by No. 2414, s. 3, 1938, p. 133 ss. 28a to 28f. Enacted by No. 2414, s. 4, 1938, pp. 133, 134 s. 30a. Enacted by No. 2414, s. 5 (2), 1938, p. 134 s. 31a. Enacted by No. 2414, s. 6, 1938, p. 135 s. 34. Amended by No. 2414, s. 5 (3), 1938, p. 135
Weights and Measures Act, 1934 (Vol. 8, p. 626)	s. 3. Amended by No. 27, s. 4 (2), 1940, p. 79 s. 6. Substituted by No. 9, s. 2, 1939, p. 27 s. 7. Substituted by No. 9, s. 2, 1939, p. 28 s. 8. Substituted by No. 9, s. 2, 1939, p. 28 s. 8a. Enacted by No. 9, s. 2, 1939, p. 28 s. 8b. Enacted by No. 9, s. 2, 1939, p. 28 s. 10. Repealed by No. 9, s. 3, 1939, p. 28 s. 13. Repealed by No. 9, s. 3, 1939, p. 28 s. 18. Amended by No. 9, s. 4 (1), 1939, p. 28 s. 21. Amended by No. 9, s. 4 (2), 1939, p. 28 s. 26. Amended by No. 9, s. 5, 1939, p. 29 s. 30. Amended by No. 2383, s. 2, 1938, p. 3 and by No. 16, s. 2, 1941, p. 50 s. 32. Amended by No. 9, s. 6, 1939, p. 29, and by No. 16, s. 3, 1941, p. 50 s. 35. Amended by No. 9, s. 7, 1939, p. 29 s. 37. Repealed by No. 9, s. 3, 1939, p. 28 s. 38. Amended by No. 9, s. 4 (3), 1939, p. 28 s. 40. Amended by No. 27, s. 2, 1940, p. 77 s. 41. Amended by No. 27, s. 3, 1940, p. 77 s. 45. Amended by No. 9, s. 8, 1939, p. 29 s. 48. Amended by No. 9, s. 9, 1939, p. 30 s. 49. Amended by No. 9, s. 4 (4), 1939, p. 29 s. 55. Substituted by No. 9, s. 10, 1939, p. 30 s. 56. Amended by No. 9, s. 11, 1939, p. 30, and by No. 39, s. 2, 1944, p. 182 s. 56a. Enacted by No. 39, s. 3, 1944, p. 183 s. 57. Amended by No. 9, s. 12, 1939, p. 31, and by No. 39, s. 4, 1944, p. 184

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Weights and Measures Act, 1934 (Vol. 8, p. 626)—*continued.*	s. 57a. Enacted by No. 9, s. 13, 1939, p. 31 s. 57b. Enacted by No. 27, s. 4 (1), 1940, p. 78 s. 59. Amended by No. 9, s. 4 (5), 1939, p. 29 s. 61. Amended by No. 9, s. 4 (6). 1939, p. 29 s. 65. Amended by No. 16, s. 4, 1941, p. 51 s. 68. Amended by No. 9, s. 14, 1939, p. 31 Second schedule. Repealed by No. 9, s. 15, 1939, p. 31 Third schedule. Amended by No. 9, s. 16, 1939, p. 32
Whyalla Town Commission Act, 1944 (1944, p. 96)	s. 2. Amended by No. 15, s. 3, 1949, p. 57 s. 27a. Enacted by No. 15, s. 4, 1949, p. 58 s. 27b. Enacted by No. 15, s. 4, 1949, p. 58 s. 27c. Enacted by No. 15, s. 4, 1949, p. 59 s. 27d. Enacted by No. 15, s. 4, 1949, p. 59 s. 27e. Enacted by No. 15, s. 4, 1949, p. 59
Wild Dogs Act, 1931 (Vol. 8, p. 657)	s. 3. Amended by No. 2392, s. 3, 1938, p. 37 s. 8. Amended by No. 41, s. 2 (1), 1948, p. 185 s. 8a. Enacted by No. 41, s. 3, 1948, p. 185 s. 10. Amended by No. 2392, s. 4, 1938, p. 37 s. 11. Amended by No. 2392, s. 5, 1938, p. 38 s. 12. Amended by No. 2392, s. 6, 1938, p. 38, and by No. 41, s. 4, 1948, p. 186 s. 13. Amended by No. 2392, s. 7, 1938, p. 38 s. 14. Amended by No. 2392, s. 8, 1938, p. 38
Wills Act, 1936 (Vol. 8, p. 665)	s. 6a. Enacted by No. 11, s. 3, 1940, p. 21 s. 8. *In re Sanders. Hill v. Sanders* (1944) S.A.S.R. 22 s. 11. *In re Pearce, deceased* (1946) S.A.S.R. 267 21 A.L.J. 317 s. 17. *In re Rich deceased* (1947) S.A.S.R. 98 s. 24. *In re Sanders. Hill v. Sanders* (1944) S.A.S.R. 22 s. 25. *In re Marrie* (1938) S.A.S.R. 289; 12 A.L.J. 238 s. 30. *In re Ferguson deceased* (1947) S.A.S.R. 25; 21 A.L.J. 315 s. 36. *In the estate of E.F., deceased* (1948) S.A.S.R. 97
Workmen's Compensation Act, 1932-1935 (Vol. 8, p. 693)	This Act, as amended by No. 2427, 1938, p. 274, No. 65, 1940, p. 339, No. 50, 1941, p. 242, No. 39, 1943, p. 120, No. 33, 1944, p. 108, and by No. 52, 1947, p. 156, and with notes of judicial decisions, is reprinted in the 1947 volume, p. 176
Workmen's Liens Act, 1893-1936 (Vol. 18, p. 733)	s. 6. *Metropolitan Brick Company v. Hayward and another* (1938) S.A.S.R. 462 s. 10. *In re Hawker* (1939) S.A.S.R. 426
Wrongs Act, 1936 (Vol. 8, p. 750)	This Act, as amended by No. 18, 1939, p. 97, and No. 48, 1940, p. 151, and with notes of judicial decisions, is reprinted in the 1943 volume, p. 299. *See also* the following paragraph
Wrongs Act, 1936-1940 (1943, p. 299)	s. 20. *Nolan v. Martin* (1946) S.A.S.R. 210 s. 23a. *Richards and another v. Baker* (1943) S.A.S.R. 245 *Taverner and another v. Swanbury* (1944) S.A.S.R. 194 *Jeffries v. The Commonwealth of Australia* (1946) S.A.S.R. 106 s. 23b. *Public Trustee v. Zoanetti* (1945) 70 C.L.R. 266; 19 A.L.J. 232, affirming *Zoanetti v. Public Trustee* (1944) S.A.S.R. 150; 18 A.L.J. 255 s. 26. *Smith and others v. Dyer and Wilson* (1949) S.A.S.R. 187 s. 28. *Richards and another v. Baker* (1943) S.A.S.R. 245 s. 30. Enacted by No. 14, s. 4, 1944, p. 33

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

The following table includes, under the heading of the title of each Act, references to regulations, rules, by-laws, proclamations and notices made or given under that Act and in force as at 1st May, 1950. The reference given is to the *Government Gazette* in which the regulations, rules, by-laws, proclamations or notices are published.

References to by-laws made by local authorities are not given, but with these exceptions, the table includes references to all regulations, rules, and by-laws in force at the above date.

The table includes references to proclamations of general application, but does not include references to proclamations having only a limited or temporary application. Proclamations fixing the date of commencement of an Act or indicating the Minister of the Crown to whom the administration of an Act has been committed, are shown following the heading " Commencement " or " Administration ", as the case may be, and in every appropriate case particulars are given as to the date of commencement of the Act and the Minister to whom the administration of the Act is committed. Other proclamations are shown following a reference to the section of the Act under which the proclamations were made.

The table also includes references to notices given pursuant to any provision of an Act by the Governor, a Minister of the Crown, or other authority, in cases where the notices are of general application. These references are shown following a reference to the section of the Act under which the notices were given.

The regulations, rules, by-laws, proclamations and notices referred to in this table are those in force as at 1st May, 1950.

Abattoirs Act, 1911-1947.

Administration: Committed to the Minister of Agriculture *Gazette* 12th January, 1939, p. 74.
s. 12. Proclamation: *Gazette* 14th April, 1949, p. 939.

Aborigines Act, 1934-1939.

Commencement: 1st April, 1937; *Gazette* 11th February, 1937, p. 285.
Commencement of the Aborigines Act Amendment Act, 1939: 1st February, 1940; *Gazette* 25th January, 1940, p. 117.
Administration: Committed to the Commissioner of Public Works *Gazette* 11th February, 1937, p. 285.
s. 14. Proclamations: *Gazette* 11th April, 1940, p. 720: 19th September, 1940, p. 569: 14th November, 1940, p. 1010; 29th May, 1941, p. 779; 24th October, 1946, p. 1046; 6th October, 1949, p. 846.
s. 33. Proclamation: *Gazette* 8th January, 1945, p. 243.
General regulations: *Gazette* 10th May, 1917, p. 742; 21st August, 1919, p. 383; 12th October, 1922, p. 834; 22nd April, 1926, p. 1088; 25th July, 1940, p. 181.

Adelaide Show Grounds (By-laws) Act, 1929.

By-laws : *Gazette* 21st August, 1930, p. 351 : 8th January, 1948, p. 3.

Administration and Probate Act, 1919-1937.

Rules of the Supreme Court in its testamentary causes jurisdiction : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021 ; 2nd June, 1938, p. 1265.

Regulations under the Fees Regulation Act, 1927 : relating to fees payable to the Public Trustee : *Gazette* 3rd December, 1931, p. 1033 ; relating to fees payable for Royal licence to apply for probate of deceased enemy subject's estate : *Gazette* 18th January, 1940, p. 73.

The Administration of Acts Act, 1910.

A proclamation committing the administration of any particular Act to a Minister of the Crown is noted in this table under the heading of that Act.

Administration of Justice Act, 1921-1926.

s. 5. Proclamations : *Gazette* 7th February, 1924, p. 322 ; 13th March, 1924, p. 660 ; 2nd July, 1925, p. 1 ; 17th June, 1926, p. 1509 ; 17th June, 1926, p. 1509 ; 11th November, 1926, p. 1191 ; 16th December, 1926, p. 1512 ; 20th April, 1950, p. 813.

Rules of Court were made on 25th October, 1922, but have not been published in the *Gazette*.

Adoption of Children Act, 1925-1943.

Administration : Committed to the Chief Secretary *Gazette* 16th March, 1944, p. 301.

Regulations : *Gazette* 25th February, 1926, p. 400 ; 22nd April, 1926, p. 1087 ; 9th September, 1937, p. 662 ; 24th May, 1945, p. 818 ; 12th January, 1950, p. 89.

Rules of Court were made on 23rd December, 1926, but have not been published in the *Gazette*.

Advances for Homes Act, 1928-1949.

Commencement : 2nd April, 1929 ; *Gazette* 28th March, 1929, p. 636.

Regulations : *Gazette* 28th March, 1929, p. 636.

Advances to Settlers Act, 1930-1944.

Regulations : 20th December, 1934, p. 1283.

Agricultural Graduates Land Settlement Act, 1922-1938.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 1st March, 1923, p. 485.

Regulations : *Gazette* 8th March, 1923, p. 537 ; 26th April, 1928, p. 870.

Agricultural Seeds Act, 1938.

Commencement : 22nd June, 1939 ; *Gazette* 22nd June, 1939, p. 1458.

Regulations : *Gazette* 11th May, 1939, p. 1187 ; 21st March, 1940, p. 596.

Air Navigation Act, 1937.

Commencement : 12th January, 1938 ; *Gazette* 13th January, 1938, p. 53.

Alsatian Dogs Act, 1934-1949.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1218.

Regulations : *Gazette* 9th January, 1936, p. 27 ; 26th January, 1950, p. 178.

Animals and Birds Protection Act, 1919-1938.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.

s. 8. Proclamations :

Under s. 8 (1) (a^1) ; *Gazette*, 31st July, 1947, p. 201.

Under s. 8 (1) (*b*) : *Gazette* 23rd June, 1921, p. 1315 ; 7th January, 1926, p. 1 ; 4th March, 1926, p. 685 ; 3rd December, 1936, p. 1195 ; 17th July, 1947, p. 94 ; 6th May, 1948, p. 923 ; 3rd March, 1949, p. 536.

Under s. 8 (1) (*c*)—

(i.) *Gazette* 29th November, 1928, p. 1137 ; 3rd February, 1938, p. 233.

(ii.) *Gazette* 23rd August, 1923, p. 413 ; 25th November, 1926, p. 1337 ; 15th March, 1928, p. 561.

(iii.) *Gazette* 29th June, 1933, p. 1093.

(iv.) *Gazette* 13th July, 1933, p. 47 ; 24th January, 1935, p. 327 ; 23rd November, 1939, p. 1380.

Animals and Birds Protection Act, 1919-1938—*continued.*

(v.) *Gazette* 23rd July, 1925, p. 167; 4th March, 1926, p. 685; 25th March, 1926, p. 865; 20th January, 1927, p. 121; 15th November, 1928, p. 1053; 20th December, 1928, p. 1277; 17th January, 1929, p. 105; 7th March, 1929, p. 513; 31st October, 1929, p. 1005; 28th January, 1932, p. 139; 3rd March, 1932, p. 435; 26th October, 1933, p. 900; 16th November, 1933, p. 1005; 14th December, 1933, p. 1167; 21st December, 1933, p. 1240; 25th January, 1934, p. 130; 22nd March, 1934, p. 843; 13th December, 1934, p. 1186; 20th December, 1934, p. 1219; 11th April, 1935, p. 1087; 28th November, 1935, p. 1285; 19th December, 1935, p. 1447; 19th December, 1935, p. 1446; 14th January, 1937, p. 34; 2nd September, 1937, p. 561; 3rd February, 1938, p. 233; 23rd November, 1939, p. 1380; 21st November, 1940, p. 1042; 9th November, 1944, p. 617.

Under s. 8 (1) (*d*): *Gazette* 12th December, 1907, p. 1297; 6th May, 1909, p. 847; 20th May, 1909, p. 954; 9th December, 1909, p. 1127; 27th March, 1913, p. 585; 8th June, 1916, p. 1217; 3rd August, 1916, p. 181; 1st February, 1917, p. 239; 10th June, 1920, p. 1399; 1st March, 1923, p. 486; 24th May, 1923, p. 1140; 5th April, 1923, p. 773; 24th December, 1925, p. 1661 (partly revoked 17th February, 1927, p. 337); 17th June, 1926, p. 1509; 6th September, 1928, p. 529; 31st October, 1929, p. 1005; 25th December, 1930, p. 1293; 17th December, 1931, p. 1115; 29th March, 1934, p. 931; 21st February, 1935, p. 548; 16th September, 1937, p. 697; 28th April, 1938, p. 898; 28th July, 1938, p. 165; 13th October, 1938, p. 975; 6th April, 1939, p. 835; 14th September, 1939, p. 745; 11th January, 1940, p. 34 (republished 18th January, 1940, p. 70); 12th December, 1940, pp. 1425, 1426; 30th January, 1941, p. 95; 27th March, 1941, p. 439; 30th October, 1941, p. 845; 26th August, 1943, p. 230; 25th November, 1943, p. 691; 21st September, 1944, p. 357; 28th February, 1946, p. 341; 2nd September, 1948, p. 906; 2nd September, 1948, p. 906; 28th October, 1948, p. 1345; 6th April, 1950, p. 726.

Under s. 8 (1) (*e*): *Gazette* 10th February, 1938, p. 293.

Under s. 8 (1) (*f*): *Gazette* 7th June, 1923, p. 1246; 12th November, 1936, p. 1065; 10th June, 1937, p. 1281.

Under s. 8 (1) (*h*): *Gazette* 12th December, 1935, p. 1390.

Regulations: *Gazette* 11th December, 1919, p. 1462 (gun, game licence forms); 17th May, 1923, p. 1082 (shipping opossum skins, Kangaroo Island); 24th May, 1928, p. 1087 (gun, game licence fees); 20th December, 1928, p. 1278 (prohibiting sale of ducks, teal, and maned goose); 19th June, 1930, p. 1137; 19th August, 1937, p. 440 (skin dealer's fee); 13th October, 1932, p. 743 (fee for permit to take animals and birds); 26th March, 1936, p. 714 (dealers in birds and fees).

Apiaries Act, 1931-1943.

Commencement: 22nd January, 1932; *Gazette* 21st January, 1932, p. 67.
Administration: Committed to the Minister of Agriculture *Gazette* 16th June, 1932, p. 1067.
s. 11. Proclamations: *Gazette* 19th May, 1932, p. 899; 30th November, 1933, p. 1091, 4th February, 1937, p. 229; 9th February, 1939, pp. 373 and 374; 19th November, 1942, p. 1015.
s. 12. Proclamation: *Gazette* 27th January, 1944, p. 92.
s. 13. Proclamations: *Gazette* 11th February, 1932, p. 255; 5th June, 1941, p. 812.
Regulations: *Gazette* 21st January, 1932, p. 68; 6th April, 1933, p. 551; 20th February, 1936, p. 457.

Arbitration Act, 1891-1934.

Rules of the Local Court: *Gazette* 8th July, 1909, p. 42.

Architects Act, 1939.

Commencement: 1st March, 1940; *Gazette* 15th February, 1940, p. 369.
Administration: Committed to the Chief Secretary; *Gazette* 22nd February, 1940, p. 409.
By-laws: *Gazette* 2nd May, 1940, p. 953; 19th September, 1946, p. 491.

Art Gallery Act, 1939.

Commencement: 1st February, 1940: *Gazette* 18th January, 1940, p. 69.
Regulations: *Gazette* 29th August, 1940, p. 451.

Associations Incorporation Act, 1929-1935.

Commencement: 16th December, 1929; *Gazette* 12th December, 1929, p. 1267.
Regulations: *Gazette* 12th December, 1929, p. 1268; 9th July, 1931, p. 34; 28th May, 1942, p. 791.

Auctioneers Act, 1934.

Commencement: 1st January, 1935; *Gazette* 20th December, 1934, p. 1217.

Audit Act, 1921-1949.

Commencement: 29th March, 1923; *Gazette* 29th March, 1923, p. 690.
Regulations: *Gazette* 31st October, 1940, p. 921; 15th April, 1943, p. 494; 3rd January, 1946, p. 22; 31st July, 1947, p. 252; 15th July, 1948, p. 294.
Regulations applicable to the South Australian Railways Commissioner: *Gazette* 16th March, 1944, p. 302; 3rd January, 1946, p. 21.

Bailiffs and Inquiry Agents Licensing Act, 1945.

Commencement: 1st April, 1946: *Gazette* 28th March, 1946, p. 503
Regulations: *Gazette* 28th March, 1946, p. 532.
Rules of Court: *Gazette* 9th May, 1946, p. 887.

Bakehouses Registration Act, 1945-1947.

Commencement: 7th March, 1946; *Gazette* 7th March, 1946, p. 385.
Regulations: *Gazette* 7th March, 1946, p. 424; 27th June, 1946, p. 1150; 3rd June, 1948, p. 1190

Barley Marketing Act, 1947.

Commencement; 16th September, 1948; *Gazette* 16th September, 1948, p. 1068.
Regulations as to the election of the Australian Barley Board; *Gazette* 20th September 1948, p. 1119.
General regulations; *Gazette* 11th November, 1948, p. 1498.

Bills of Sale Act, 1886-1940.

Regulations appointing fees payable to the Registrar-General: *Gazette* 9th January, 1941, p. 31.

Births and Deaths Registration Act, 1936-1947.

Commencement: 1st May, 1937; *Gazette* 28th January, 1937, p. 188.
Commencement of Births and Deaths Registration Act Amendment Act, 1947: 1st July, 1948; *Gazette* 25th December, 1947, p. 2227.
Administration: Committed to the Chief Secretary; *Gazette* 18th February, 1937, p. 334.
Regulations; *Gazette* 10th June, 1948, p. 1198.

Botanic Garden Act, 1935-1940.

By-laws: *Gazette* 26th May, 1949, p. 1442.

Brands Act, 1933-1948.

Administration: Committed to the Minister of Agriculture *Gazette* 3rd January, 1935, p. 1.
s. 22 (4) Proclamation: *Gazette* 24th December, 1936, p. 1322.
s. 53. Notice: *Gazette* 21st June, 1934, p. 1471.

Bread Act, 1936-1949

Commencement: 1st April, 1937; *Gazette* 11th February, 1937, p. 286.
s. 11. Proclamation: *Gazette* 1st July, 1937, p. 1.

Broadening of Gauge (South-Eastern Railways) Act, 1944.

Commencement: 15th February, 1945; *Gazette* 15th February, 1945, p. 271.

Building Act, 1923-1946.

Administration: Committed to the Minister of Local Government *Gazette* 7th February. 1924, p. 324.
s. 3 (1) (*b*). For proclamations made under the Building Act, 1881, or the District Councils Act, 1914, see the footnote in Volume 1, p. 425, of the South Australian Statutes, 1837-1936.
s. 3 (1) (*c*). Proclamations:
(i.) Municipalities: *Gazette* 6th March, 1924, p. 595; 17th April, 1924, p. 925; 21st May, 1925, p. 945; 18th March, 1926, p. 793; 30th June, 1927, p. 1406; 16th December, 1937, p. 1710; 17th March, 1938, p. 607; 27th October, 1938, p. 1100; 23rd January, 1941, p. 71; 21st October, 1943, p. 501; 15th February, 1945, p. 271; 11th April, 1946, p. 573; 9th May, 1946, p. 841; 10th July, 1947, p. 37; 4th August, 1949, p. 293.
(ii). District Council Districts: *Gazette* 29th May, 1924, p. 1207; 4th September, 1924, p. 1451; 24th July, 1924, p. 162; 16th October, 1924, p. 1018; 12th March, 1925, p. 433; 31st March, 1927, p. 741; 8th October, 1925, p. 846; 26th June, 1930, p. 1192; 22nd September, 1927, p. 712; 22nd March, 1928, p. 605; 17th May, 1928, p. 1033; 18th July, 1929, p. 113; 31st October, 1929, p. 1008; 14th November, 1929, p. 1085; 24th March, 1932, p. 547; 3rd November, 1932, p. 886; 30th August, 1934, p. 427; 13th August, 1936.

Building Act, 1923-1946—*continued.*

p. 249; 8th March, 1934, p. 462; 5th December, 1935, p. 1333; 17th September, 1925, p. 680; 4th June, 1936, p. 1133; 14th January, 1926, p. 46; 29th April, 1937, p. 945; 16th September, 1937, p. 698; 10th February, 1938, p. 295; 8th December, 1938, p. 1451; 15th December, 1938, p. 1498; 9th March, 1939, p. 570; 15th June, 1939, p. 1418; 16th May, 1940, p. 1058; 11th July, 1940, p. 33; 24th October, 1940, p. 842; 6th March, 1941, p. 335; 25th September, 1941. p. 624; 26th August, 1943, p. 231; 3rd February, 1944, p. 145; 2nd November, 1944, p. 577; 18th January, 1945, p. 57; 15th February, 1945, p. 271; 7th June, 1945, p. 845; 1st November, 1945, p. 632; 24th January, 1946, p. 119; 25th July, 1946, p. 139; 24th October, 1946, p. 1045; 24th October, 1946, p. 1045, 1046; 27th March, 1947, p. 901; 27th November, 1947, p. 1711; 8th January, 1948, p. 1; 8th April, 1948, p. 731; 12th May, 1949, p. 1147; 7th July, 1949, p. 3.

s. 3 (3). Proclamation: *Gazette* 13th January, 1944, p. 17.

Regulations in substitution for the second, third, fourth, sixth and seventh schedules: *Gazette*, 12th December, 1940, p. 1441. (These regulations are reprinted in the 1940 volume, pp. 416-526). Amending regulations: *Gazette* 11th April, 1946, p. 636; 5th September, 1946, p. 445; 20th November, 1947, p. 1706; 27th October, 1949, p. 1061.

Regulations as to qualifications of building surveyors: *Gazette* 24th October, 1946, p. 1106.

Regulations prescribing forms: *Gazette* 26th June, 1924, p. 1411; 27th February, 1930, p. 443.

Building Materials Act, 1949.

Administration: Committed to the Treasurer, *Gazette* 8th December, 1949, p. 1412.

s. 7. Notice: *Gazette* 15th December, 1949, p. 1561.

Building Societies Act, 1881-1938.

Commencement: 16th December, 1881; *Gazette* 15th December, 1881, p. 1747.

Regulations as to fees: *Gazette* 30th March, 1882, p. 1034.

Regulations as to qualifications of auditors: *Gazette* 29th March, 1934, p. 932.

General regulations: *Gazette* 20th July, 1939, p. 199.

Bush Fires Act, 1933-1946.

Administration: Committed to the Minister of Agriculture *Gazette* 24th December, 1936, p. 1321.

s. 15b. Proclamation: *Gazette* 10th October, 1946, p. 771.

s. 23. Proclamation: *Gazette* 27th February, 1936, p. 486.

Regulations: *Gazette* 11th July, 1940, p. 73; 8th March, 1945, p. 400; 23rd October, 1947, p. 1302; 25th December, 1947, p. 2266; 16th December, 1948, p. 1857.

Business Agents Act, 1938-1949.

Commencement: 1st April, 1939; *Gazette* 19th January, 1939, p. 122.

Regulations: *Gazette* 9th March, 1939, p. 600; 24th August, 1939, p. 551; 30th May, 1940, p. 1164.

Cattle Compensation Act, 1939-1948.

Commencement: 1st March, 1940; *Gazette* 15th February, 1940, p. 369.

Administration: Committed to the Minister of Agriculture *Gazette* 15th February, 1940, p. 369.

Regulations: *Gazette* 15th January, 1940, p. 403.

Chaff and Hay Act, 1922-1938.

Regulations: *Gazette* 17th November, 1938, p. 1269.

Chaff and Hay (Acquisition Act), 1944.

Administration: Committed to the Minister of Agriculture *Gazette* 5th October, 1944, p. 415.

s. 5. Proclamation: *Gazette* 12th October, 1944, p. 447.

Regulations: *Gazette* 19th October, 1944, p. 514.

Children's Protection Act, 1936.

Commencement: 1st April, 1937; *Gazette* 11th February, 1937, p. 286.

Citrus Marketing Act, 1931.

Commencement: At 1st May, 1950, this Act had not been brought into operation.

Administration: Committed to the Minister of Agriculture *Gazette* 5th December, 1931, p. 1065.

Regulations for holding poll under section 39: *Gazette* 5th December, 1931, p. 1065.

Collections for Charitable Purposes Act, 1939-1947.

Commencement : 1st February, 1940 ; *Gazette* 23rd November, 1939, p. 1379.
Administration : Committed to the Chief Secretary, *Gazette* 23rd November, 1939, p. 1379.
s. 5. Proclamation : *Gazette* 23rd November, 1939, p. 1379.
s. 16. Proclamations : *Gazette* 4th December, 1947, p. 1751 ; 4th December, 1947, p. 1751-1752 ; 4th December, 1947, p. 1752.

Companies Act, 1934-1939.

Commencement : 1st March, 1935 ; *Gazette* 13th December, 1934, p. 1185.
Regulations : *Gazette* 8th May, 1941, p. 694 ; 3rd September, 1942, p. 362 ; 14th July, 1949, p. 81.
Rules of Court : *Gazette* 8th February, 1940, p. 233 (Rule 147 and the fourth schedule disallowed, *Gazette* 19th September, 1940, p. 570) ; 14th October, 1948, p. 1271.

Compulsory Acquisition of Land Act, 1925.

Commencement : 27th February, 1928 ; *Gazette* 23rd February, 1928, p. 397.
Rules of Court : *Gazette* 10th May, 1928, p. 968.

Consolidation of Regulations Act, 1937.

s. 2. Proclamation : *Gazette* 1st June, 1944, p. 673 ; 20th April, 1950, p. 813.

Constitution Act, 1934-1949.

Commencement : 1st January, 1935 ; *Gazette* 20th December, 1934, p. 1217.

Control of Advertisements Act, 1916-1935.

Administration : Committed to the Minister of Immigration *Gazette* 3rd July, 1924, p. 1.
Regulations : *Gazette* 5th April, 1928, p. 726 ; 20th February, 1936, p. 458.

Control of Waters Act, 1919-1925.

Regulations : *Gazette* 25th October, 1934, p. 847.

Convicted Inebriates Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.
s. 3. Proclamation : *Gazette* 26th February, 1914, p. 515.
Regulations : *Gazette* 16th July, 1914, p. 117 ; 2nd March, 1916, p. 413 ; 16th June, 1921, p. 1270 ; 17th July, 1924, p. 112 ; 3rd September, 1925, p. 572 ; 11th August, 1927, p. 348 ; 17th October, 1929, p. 891 ; 31st October, 1929, p. 1010.

Coroners Act, 1935.

Regulations : *Gazette* 17th June, 1937, p. 1308.

Country Factories Act, 1945.

s. 2. Proclamation : *Gazette* 30th May, 1946, p. 977.
Regulations : *Gazette* 30th May, 1946, p. 1012.

Cremation Act, 1891-1936.

Regulations : *Gazette* 27th June, 1901, p. 1324 ; 3rd March, 1904, p. 462 ; 19th April, 1923, p. 866 ; 2nd October, 1930, p. 665 ; 5th February, 1942, p. 238.
Regulation under the Fees Regulation Act, 1927, relating to fees for cremation : *Gazette* 24th November, 1927, p. 1229.

Criminal Law Consolidation Act, 1935-1940.

Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.
s. 321. Proclamations : *Gazette* 6th April, 1911, p. 603 ; 26th August, 1937, p. 497.
Rules of Court as to criminal appeals were made 1st September, 1925, but have not been published in the *Gazette*.
Rules of Court as to costs and treatment of appellant : *Gazette* 5th November, 1925, p. 1231.
Rules of Court as to payment for transcripts and documents : *Gazette* 19th November, 1925, p. 1358.
Regulations as to habitual criminals : *Gazette* 6th April, 1911, p. 606 ; 23rd November, 1916, p. 997.
Regulations as to payments to witnesses and others at criminal prosecutions : *Gazette* 12th January, 1950, p. 89.
Regulation as to places of confinement under section 77 (2) : *Gazette* 6th March 1924, p. 596.

Crown Lands Act, 1929-1944.

Regulations: *Gazette* 16th October, 1941, p. 789.
Regulations under the Crown Lands Act, 1929-1939, and the Fees Regulation Act, 1927, relating to the fee payable on noting instrument on Crown lease, etc ; *Gazette* 18th July, 1940, p. 86.
Notice setting out conditions for application for licences under Part XIV.: *Gazette* 19th February, 1942, p. 301.

Dairy Cattle Improvement Act, 1921-1940.

Administration: Committed to the Minister of Agriculture *Gazette* 2nd February, 1922, p. 471.
s. 7a. Notice: *Gazette* 30th January, 1941, p. 97.
Regulations: *Gazette* 8th July, 1937, p. 30; 9th September, 1937, p. 661; 28th September, 1939, p. 904; 31st July, 1941, p. 209; 6th May, 1948, p. 930.

Dairy Industry Act, 1928-1942.

Commencement: 8th August, 1929; *Gazette* 8th August, 1929, p. 329.
s. 2. Proclamations: *Gazette* 8th August, 1929, p. 329; 19th July, 1934, p. 74; 21st January, 1937, p. 85; 11th November, 1937, p. 1297.
General regulations: *Gazette* 24th July, 1947, p. 145.

Dairy Produce Act, 1934-1946.

Commencement: 13th December, 1934; *Gazette* 13th December, 1934, p. 1185.
Administration: Committed to the Minister of Agriculture *Gazette* 27th May, 1937, p. 1205.
Regulations: *Gazette* 11th April, 1935, p. 1119; 9th January, 1936, p. 26; 18th November, 1937, p. 1348.

Dangerous Drugs Act, 1934.

Commencement: 1st October, 1937; *Gazette* 15th April, 1937, p. 789.
Administration: Committed to the Chief Secretary *Gazette* 15th April, 1937, p. 789.
s. 4. Proclamations: *Gazette* 15th April, 1937, p. 790; 23rd September, 1937, p. 749; 23rd September, 1937, p. 750; 20th February, 1941, p. 225; 9th May, 1946, p. 841; 22nd April, 1948, p. 825.
Regulations: *Gazette* 23rd September, 1937, p. 797; 9th December, 1937, p. 1588; 29th January, 1942, p. 145; 12th June, 1947, p. 1671; 23rd October, 1947, p. 1301.

Debt Adjustment Act, 1929-1932.

Regulations: *Gazette* 16th January, 1930, p. 83.

Dentists Act, 1931-1936.

Rules of Court: *Gazette* 4th August, 1932, p. 183.
Regulations: *Gazette* 8th December, 1904, p. 1047; 26th October, 1905, p. 886; 26th March, 1908, p. 564; 30th April, 1914, p. 1005; 31st January, 1918, p. 181; 24th May, 1934, p. 1315; 28th June, 1934, p. 1520; 5th July, 1934, p. 2; 20th June, 1940, p. 1399; 5th September, 1940, p. 513.
Regulation under the Fees Regulation Act, 1927, relating to the fee payable on publication of the register of dentists: *Gazette* 11th November, 1937, p. 1307.

Discharged Soldiers Settlement Act, 1934-1940.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 644.
Regulations: *Gazette* 2nd December, 1920, p. 1429; 11th August, 1921, p. 270; 19th January, 1922, p. 100; 2nd March, 1922, p. 729; 6th April, 1922, p. 988; 30th August, 1923, p. 493; 31st January, 1924, p. 211; 7th August, 1924, p. 283; 18th February, 1926, p. 326; 17th February, 1927, p. 339; 28th April, 1927, p. 935; 12th May, 1927, p. 1044; 21st January, 1932, p. 69; 7th June, 1934, p. 1395; 18th April, 1935, p. 1136; 24th December, 1936, p. 1337; 30th January, 1941, p. 98.

Dog Fence Act, 1946-1949.

Commencement: 17th June, 1947: *Gazette* 12th June, 1947, p. 1637.
Administration: Committed to the Minister of Lands *Gazette* 27th February, 1947, p. 745.
s. 19. Proclamations: *Gazette* 3rd July, 1947, p. 1; 2nd October, 1947, p. 970.

Draught Stallions Act, 1932-1934.

Commencement: 1st July, 1933; *Gazette* 8th June, 1933, p. 973.
Administration: Committed to the Minister of Agriculture *Gazette* 8th June, 1933, p. 973.
s. 3 (3). Proclamations: *Gazette* 8th June, 1933, p. 973; 22nd December, 1938, p. 1542.
Regulations: *Gazette* 22nd June, 1933, p. 1054; 18th June, 1936, p. 1210; 13th July 1944, p. 30.

Dried Fruits Act, 1934-1941.

Administration: Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.

Regulations: *Gazette* 14th February, 1935, p. 495; 30th January, 1936, p. 272; 15th December, 1938, p. 1501; 22nd January, 1942, p. 106; 6th August, 1942, p. 204.

Drought Relief Act, 1940.

Administration: Committed to the Minister of Agriculture *Gazette* 15th June, 1944, p. 717,
Regulations: *Gazette*, 16th October, 1941, p. 802.

Drought and Frost Relief Act, 1944.

Administration: Committed to the Minister of Agriculture *Gazette* 22nd March, 1945, p. 447.

Regulations: *Gazette* 25th January, 1945, p. 141.

Drought Relief Act, 1945.

Administration: Committed to the Minister of Agriculture *Gazette* 7th February, 1946, p. 206.
Regulations: *Gazette* 23rd May, 1946, p. 938.

Early Closing Act, 1926-1945.

Administration: Committed to the Minister of Industry *Gazette* 8th February, 1912, p. 225.

s. 14. Proclamations: *Gazette* 15th August, 1912, p. 376; 15th January, 1914, p. 127; 19th February, 1914, p. 449; 9th April, 1914, p. 858; 30th July, 1914, p. 262; 20th August, 1914, p. 488; 27th August, 1914, p. 533; 27th August, 1914, p. 534; 10th September, 1914, p. 624; 3rd December, 1914, p. 1187; 17th December, 1914, p. 1267; 21st January, 1915, p. 127; 6th May, 1915, p. 1089; 10th June, 1915, p. 1333; 19th August, 1915, p. 691; 20th January, 1916, p. 93; 27th July, 1916, p. 125; 1st May, 1919, p. 798; 11th December, 1919, p. 1461; 15th April, 1920, p. 1061; 10th June, 1920, p. 1399; 4th November, 1920, p. 1168; 11th November, 1920, p. 1199; 25th August, 1921, p. 382; 1st September, 1921, p. 442; 22nd September, 1921, p. 633; 10th November, 1921, p. 1105; 15th December, 1921, p. 1388; 22nd December, 1921, p. 1458; 2nd February, 1922, p. 472; 16th February, 1922, p. 568; 23rd February, 1922, p. 640; 9th March, 1922, p. 787; 15th June, 1922, p. 1487; 6th July, 1922, p. 1; 27th July, 1922, p. 165; 28th June, 1923, p. 1375; 19th July, 1923, p. 107; 23rd August, 1923, p. 414; 11th October, 1923, p. 834; 21st February, 1924, p. 457; 11th September, 1924, p. 654; 8th January, 1925, p. 26; 5th February, 1925, p. 195; 29th October, 1925, p. 1161; 12th August, 1926, p. 372; 2nd December, 1926, p. 1401; 2nd December, 1926, p. 1402; 20th January, 1927, p. 121; 27th October, 1927, p. 1007; 12th April, 1928, p. 773; 3rd December, 1938, p. 1171; 6th July, 1939, p. 1; 30th January, 1941, p. 95; 9th April, 1942, p. 523; 8th March, 1945, p. 371; 11th October, 1945, p. 549; 7th February, 1946, p. 205.

s. 15. Proclamation: *Gazette* 13th August, 1914, p. 425.

s. 23. Notices: *Gazette* 17th June, 1926, p. 1514; 24th December, 1925, p. 1665; 18th October, 1928, p. 903; 21st May, 1936, p. 1054; 15th September, 1938, p. 698.

s. 25*e*. Notice: *Gazette* 10th August, 1935, p. 242.

s. 59. Notices: *Gazette* 1st October, 1914, p. 769; 2nd January, 1936, p. 3; 6th October, 1927, p. 855; 29th May, 1913, p. 1148; 14th August, 1913, p. 428; 20th March, 1924, p. 715; 3rd August. 1939, p. 299; 6th June, 1940, p. 1258.

s. 69. Notices: *Gazette*: 1st October, 1914, p. 769; 17th February, 1938, p. 368; 11th May, 1939, p. 1084; 8th July, 1943, p. 29.

Regulations: *Gazette* 2nd June, 1927, p. 1217; 1st December, 1932, p. 1038; 23rd December, 1937, p. 1810; 11th October, 1945, p. 550; 8th January, 1948, p. 3.

Easter Act, 1929.

Commencement: At 1st May, 1950, this Act had not been brought into operation.

Economic Stability Act, 1946.

s. 11. Proclamations: *Gazette* 24th December, 1946, p. 1499; 7th August, 1947, p. 265; 30th October, 1947, p. 1303.

Education Act, 1915-1949.

Commencement: 13th January, 1916; *Gazette* 13th January, 1916, p. 43.

General regulations: *Gazette* 18th March, 1949, p. 689; 4th August, 1949, p. 343; 25th, August, 1949, p. 589; 29th September, 1949, p. 837; 27th October, 1949, p. 1064; 3rd November, 1949, p. 1087; 17th November, 1949, p. 1284; 12th January, 1950 p. 92; 19th January, 1950, p. 109; 9th February, 1950, p. 288; 13th April, 1950, p. 783.

Electoral Act, 1929-1946.

Commencement: 19th December, 1929; *Gazette* 19th December, 1929, p. 1305.
Administration: Committed to the Attorney-General *Gazette* 20th May, 1937, p. 1150.
s. 13. Proclamation: *Gazette* 23rd June, 1949, p. 1816.

Electoral Act, 1929-1946—*continued.*

s. 14. Notices: *Gazette* 13th February, 1930, p. 323; 20th February, 1930, p. 374; 13th March, 1930, p. 531; 17th November, 1932, p. 959 1st December, 1932, p. 1040; 23rd February, 1933, p. 285; 9th March, 1933, p. 373; 30th March, 1933, p. 522; 1st February, 1934, p. 196; 2nd August, 1934, p. 186; 16th August, 1934, p. 312; 23rd August, 1934, p. 375; 30th May, 1935, p. 1464; 6th June, 1935, p. 1502; 16th January, 1941, p. 40; 20th February, 1941, p. 234; 20th March, 1941, p. 422.

s. 80. Proclamation: Gazette 9th February, 1950, p. 283.

General regulations: *Gazette* 28th November, 1940, p. 1223; 24th July, 1941, p. 126; 7th May, 1942, p. 674; 6th May, 1943, p. 596; 23rd March, 1944, p. 373; 28th September, 1944, p. 413; 20th February, 1947, p. 737; 10th June, 1948, p. 1209; 17th November, 1949, p. 1283.

Regulations as to joint Commonwealth and State electoral rolls: *Gazette* 10th February, 1921, p. 279; 16th May, 1929, p. 1003.

Electrical Articles and Materials Act, 1940.

Administration: Committed to the Minister of Industry and Employment: *Gazette* 30th January, 1941, p. 95.

Electricity Act, 1943.

Administration: Committed to the Commissioner of Public Works, *Gazette* 24th February, 1944, p. 213.

Electricity Trust of South Australia Act, 1946-1949.

Commencement: 30th August, 1946; *Gazette* 30th August, 1946, p. 387.
Commencement of Part IVa: 6th February, 1948: *Gazette* 5th February, 1948, p. 311.
Administration: Committed to the Minister of Works: *Gazette* 10th October, 1946, p. 771.
s. 27: Proclamation of 1st September, 1946, as the "appointed day": *Gazette* 30th August, 1946, p. 387.

Emergency Powers Act, 1941.

Administration: Committed to the Treasurer *Gazette* 11th December, 1941, p. 1361.
Regulations: *Gazette* 18th December, 1941, p. 1499; 18th December, 1941, p. 1503; 25th December, 1941, p. 1512; 8th January, 1942, p. 53; 5th February, 1942, p. 238; 19th February, 1942, p. 326; 2nd April, 1942, p. 497; 9th April, 1942, p. 525; 16th April, 1942, p. 575; 16th April, 1942, p. 577; 16th April, 1942, p. 578; 7th May, 1942, p. 673; 14th May, 1942, p. 713; 23rd July, 1942, p. 78; 24th December, 1942, p. 1217; 4th February, 1943, p. 133; 18th February, 1943, p. 190; 25th February, 1943, p. 222; 4th March, 1943, p. 244; 25th March, 1943, p. 377; 1st April, 1943, p. 411; 15th April, 1943, p. 493; 22nd, April, 1943, p. 499; 29th April, 1943, p. 550; 6th May, 1943, p. 600; 19th August 1943, p. 227; 26th August, 1943, p. 231; 20th January, 1944, p. 53; 3rd February, 1944, p. 146; 30th March, 1944, p. 384; 4th May, 1944, p. 546; 11th May, 1944, p. 582; 31st August, 1944, p. 268; 21st December, 1944, p. 876; 18th January, 1945, p. 77; 29th March, 1945, p. 495; 19th April, 1945, p. 594; 28th March, 1946, p. 530; 5th January, 1950, p. 5.

The above regulations relate to the following matters:—

Administration: *Gazette* 18th December, 1941, p. 1499; 8th January, 1942, p. 53; 16th April, 1942, p. 575.
Air raid shelters: *Gazette* 8th January, 1942, p. 53.
Aliens, disqualification from holding office in councils or voting at council elections or polls: *Gazette* 14th May, 1942, p. 713.
Animals, destruction of: *Gazette* 16th April, 1942, p. 575.
Bank holiday cancellation: *Gazette* 18th December, 1941, p. 1503.
Chaff supplies: *Gazette* 31st August, 1944, p. 268.
Civil Defence Force: *Gazette* 18th December, 1941, p. 1499; 19th February, 1942, p. 326; 16th April, 1942, p. 575; 7th May, 1942, p. 673.
District council elections and polls: *Gazette*, 9th April, 1942, p. 525; 14th May, 1942, p. 713; 25th March, 1943, p. 377; 6th May, 1943, p. 600; 30th March, 1944, p. 384; 4th May, 1944, p. 546: 29th March, 1945, p. 495; 19th April, 1945, p. 594; 28th March, 1946, p. 530.
District councils' powers: *Gazette* 18th December, 1941, p. 1499; 25th December, 1941, p. 1512; 8th January, 1942, p. 53; 4th February, 1943, p. 133; 25th February, 1943, p. 222; 1st April, 1943, p. 411; 31st August, 1944, p. 268.
Fire fighting materials in houses: *Gazette* 5th February, 1942, p. 238.
Fruitcases, preservation of: *Gazette* 15th April, 1943, p. 493.
General: *Gazette* 25th December, 1941, p. 1512; 8th January, 1942, p. 53; 5th February, 1942, p. 238; 19th February, 1942, p. 326.
Harbours and ports: *Gazette* 16th April, 1942, p. 578.
Hay Supplies: *Gazette* 31st August, 1944, p. 268.

Emergency Powers Act, 1941—*continued.*

Hospital employees' duties in case of attack: *Gazette* 19th February, 1942, p. 326.
Industrial associations, returns as to: *Gazette* 29th April, 1943, p. 550.
Inoculation, compulsory: *Gazette* 19th February, 1942, p. 326.
Iron-tired trailers, use on improved main roads: *Gazette* 24th December, 1942, p. 1217.
Lights in buildings and streets: *Gazette* 25th December, 1941, p. 1512; 8th January, 1942, p. 53; 5th February, 1942, p. 238; 19th February, 1942, p. 326.
Lights on vehicles: *Gazette* 25th December, 1941, p. 1512; 8th January, 1942, p. 53; 5th February, 1942, p. 238; 23rd July, 1942, p. 78.
Medical officers under Mental Defectives Act, postponement of leave of: *Gazette* 11th May, 1944, p. 582; 5th January, 1950, p. 5.
Milk shelters on roads: *Gazette* 1st April, 1943, p. 411.
Motor vehicle registration fees: *Gazette*, 4th March, 1943, p. 244.
Municipal council elections and polls: *Gazette* 9th April, 1942, p. 525; 14th May, 1942, p. 713; 25th March, 1943, p. 377; 6th May, 1943, p. 600; 30th March, 1944, p. 384; 4th May, 1944, p. 546: 29th March, 1945, p. 495; 19th April, 1945, p. 524; 28th March, 1946, p. 530.
Municipal councils' powers: *Gazette* 18th December, 1941, p. 1499; 25th December, 1941, p. 1512; 8th January, 1942, p. 53; 4th February, 1943, p. 133; 25th February, 1943, p. 222; 1st April 1943, p. 411; 31st August, 1944, p. 268.
Protection of persons and property: *Gazette* 25th December, 1941, p. 1512; 8th January, 1942, p. 53: 5th February, 1942, p. 238; 19th February, 1942, p. 326; 16th April, 1942, p. 575; 18th February, 1943, p. 190; 19th August, 1943, p. 227.
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s. 89. Proclamations : *Gazette* 17th August, 1899, p. 344 ; 24th August, 1899, p. 407 ; 4th July, 1901, p. 1 ; 5th September, 1901, p. 503 ; 21st November, 1901, p. 1009 ; 20th March, 1902, p. 675 ; 9th January, 1908, p. 33 ; 23rd January, 1908, p. 107 ; 27th February, 1908, p. 358 ; 16th September, 1909, p. 561 ; 13th January, 1910, p. 31 ; 1st June, 1916, p. 161 ; 10th August, 1916, p. 237 ; 7th September, 1916, p. 460 ; 7th June, 1917, p. 944 ; 23rd June, 1938, p. 1485.

Model regulations for the guidance of local boards : *Gazette* 29th June, 1899, p. 1442.

General regulations : *Gazette* 25th November, 1948, p. 1593.

Regulation under the Fees Regulation Act, 1927, relating to fees for examination of plans and inspection of bacteriolytic tanks : *Gazette* 24th November, 1927, p. 1226.

Hide and Leather Industries Act, 1948.

Commencement : 1st January, 1949 ; *Gazette* 23rd December, 1948, p. 1866.

Hide, Skin, and Wool Dealers Act, 1915-1935.

Regulations : *Gazette* 26th November, 1936, p. 1150.

Highways Act, 1926-1949.

Commencement : 3rd February, 1927 ; *Gazette* 3rd February, 1927, p. 258.

Administration : Committed to the Minister of Local Government *Gazette* 10th February, 1927, p. 297.

s. 30. Proclamations : *Gazette* 9th June, 1938, p. 1285 ; 8th December, 1938, p. 1452 ; 2nd February, 1939, p. 334 ; 9th March, 1939, p. 569 ; 30th March, 1939, p. 739 ; 14th September, 1939, p. 746 ; 21st September, 1939, p. 814 ; 26th October, 1939, p. 1157 ; 23rd November, 1939, pp. 1379 and 1380 ; 4th January, 1940, p. 2 (republished 18th January, 1940, p. 70), 15th February, 1940, p. 369 ; 22nd February, 1940, pp. 409 and 410 ; 28th March, 1940, pp. 645 and 646 ; 8th August, 1940, pp. 222 and 223 ; 29th August, 1940, p. 405 ; 12th September, 1940, p. 516 ; 24th October, 1940, p. 841 ; 20th February, 1941, p. 229 ; 6th March, 1941, p. 335 : 24th April, 1941, p. 587 ; 15th May, 1941, p. 717 ; 5th June, 1941, p. 812 ; 26th June, 1941, p. 923 ; 14th August, 1941, p. 265 ; 25th September, 1941, p. 623 ; 3rd December, 1942, p. 1089 ; 20th May, 1943, p. 628 ; 28th October, 1943, p. 544.

Regulations as to the preservation of trees : *Gazette* 19th September, 1929, p. 701.

Regulations as to the opening of Birkenhead Bridge : *Gazette* 5th December, 1940, p. 1289.

Regulations as to the control of traffic, etc., at Birkenhead and Jervois Bridges : *Gazette* 8th November, 1945, p. 696.

Hire-Purchase Agreements Act, 1931.

Rules of Local Court under section 5 : *Gazette* 18th February, 1932, p. 312.

Homes Act, 1941-1949.

s. 10. Proclamation : 5th July, 1945, p. 1.
Regulations : *Gazette* 15th January, 1942, p. 67 ; 13th June, 1946, p. 1095.

Homestead Act, 1895-1935.

Regulations : *Gazette* 6th February, 1896, p. 289.

Honey Marketing Act, 1949.

Commencement : 12th January, 1950 ; *Gazette* 12th January, 1950, p. 41.

Hospitals Act, 1934-1941.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 642.
Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.
s 5. Proclamations : *Gazette* 16th January, 1868, p. 51 ; 23rd March, 1882, p. 960 ; 12th October, 1905, p. 728 ; 1st March, 1934, p. 405 ; 9th August, 1934, p. 251 ; 24th September, 1936, p. 626 ; 3rd December, 1936, p. 1195 ; 1st July, 1937, p. 1 ; 26th January, 1939, p. 246 ; 16th March, 1939, p. 616 ; 17th August, 1939, p. 421.
s. 15. Proclamation : *Gazette* 21st November, 1912, p. 1093.
s. 37. Notices : *Gazette* 25th March, 1920, p. 935 ; 23rd September, 1920, p. 849 ; 21st July, 1921, p. 95 ; 29th September, 1921, p. 714 ; 18th January, 1923, p. 93 ; 25th December, 1924, p. 1625 ; 13th May, 1926, p. 1233 ; 24th November, 1927, p. 1223 ; 28th June, 1928, p. 1623 ; 10th October, 1929, p. 854 ; 19th December, 1929, p. 1307 ; 11th September, 1930, p. 583 ; 6th February, 1936, p. 301 ; 3rd September, 1936, p. 417 ; 30th November 1939, p. 1437 ; 30th November, 1939, p. 1438 ; 4th April, 1946, p. 536 ; 28th November, 1946, p. 1328 ; 28th August, 1947, p. 587.
s. 43. Proclamations : *Gazette* 20th January, 1927, p. 122 ; 27th January, 1927, p. 178 ; 17th February, 1927, p. 338 ; 3rd March, 1927, p. 513 ; 24th March, 1927, p. 674 ; 19th May, 1927, p. 1099 ; 14th July, 1927, p. 45 ; 12th April, 1928, p. 774 ; 22nd November, 1928, p. 1094 ; 23rd May, 1929, p. 1051 ; 23rd May, 1929, p. 1052 ; 20th February, 1930, p. 371 ; 15th May, 1930, p. 892 ; 29th October, 1936, p. 949; 7th March, 1940, p. 494; 1st August, 1940, p. 183 ; 15th August, 1940, p. 273 ; 5th June, 1947, p. 1606.
s. 48. Proclamations : *Gazette* 8th January, 1931, p. 26 ; 30th November, 1939, p. 1436; 20th June, 1946, p. 1097.
Regulations relating to the following hospitals :—
Royal Adelaide Hospital : *Gazette* 23rd February, 1922, p. 641 ; 7th December 1922, p. 1460 ; 28th August, 1924, p. 555 ; 24th December, 1925, p. 1665 ; 19th August, 1926, p. 440 ; 27th January, 1927, p. 179 ; 19th January, 1933, p. 76 ; 10th January, 1935, p. 267 ; 16th July, 1936, p. 67 ; 15th September, 1938, p. 697 ; 24th August, 1939, p. 496 ; 25th January, 1940, p. 167 ; 9th May, 1940, p. 987 ; 7th October, 1948, p. 1217.
Bedford Park Sanatorium : *Gazette* 15th March, 1934, p. 788.
Lady Weigall Hospital, Barmera : *Gazette* 8th October, 1936, p. 735.
The Morris Hospital, Northfield : *Gazette* 30th August, 1934, p. 431.
Mount Gambier Hospital : *Gazette* 27th January, 1938, p. 217.
Port Augusta Hospital : *Gazette* 8th September, 1938, p. 662.
Port Lincoln Hospital : *Gazette* 4th November, 1937, p. 1269.
Port Pirie Hospital : *Gazette* 11th October, 1928, p. 806.
Wallaroo Hospital : *Gazette* 21st January, 1937, p. 162.
General regulations relating to the powers of the Inspector-General of Hospitals : *Gazette* 27th September, 1923, p. 727.
Regulations relating to rating for hospital purposes : *Gazette* 19th August, 1920, p. 383.

Hospital Benefits Act, 1945.

Commencement : 17th January, 1946 : *Gazette* 17th January, 1946, p. 71.

Hospital Benefits (Amending Agreement) Act, 1948.

Commencement : 17th February, 1949 ; *Gazette* 17th February, 1949, p. 403.

Housing Improvement Act, 1940-1947.

Commencement : 19th December, 1940 ; *Gazette* 19th December, 1940, p. 1551.
Administration : Committed to the Treasurer ; *Gazette* 19th December, 1940, p. 1551.
s. 5. Proclamation committing execution of Act to the South Australian Housing Trust ; 19th December, 1940, p. 1551.
s. 6. Proclamation : *Gazette* 19th May, 1949, p. 1212.
s. 49. Proclamation : *Gazette* 9th October, 1941, p. 713.
Regulations under section 6 ; *Gazette* 19th December, 1940, p. 1587.
Regulations as to standards of habitation : *Gazette* 29th May, 1941, p. 806 ; 8th January 1942, p. 57.
Rules of Local Court : *Gazette* 10th July, 1941, p. 45.

Immigration Act, 1923-1937.

Administration : Committed to the Minister of Immigration *Gazette* 24th April, 1924, p. 973.
Regulations : *Gazette* 1st March, 1928, p. 454 ; 3rd May, 1928, p. 917.

Impounding Act, 1920-1947.

Administration : Committed to the Minister of Local Government *Gazette* 22nd April 1937, p. 849.

Income Tax Assessment Act, 1936-1946.

s. 132. Proclamation : *Gazette* 18th February, 1937, p. 334.
Regulations under the Taxation Act, 1884, and its amendments : *Gazette* 22nd January, 1885, p. 203 ; 29th December, 1904, p. 1205 ; 24th December, 1908, p. 1257.
Regulations under the Taxation Act, 1915, and its amendments : *Gazette* 20th December, 1917, p. 1320 ; 3rd January, 1918, p. 6 ; 20th December, 1923, p. 1436 ; 21st August, 1924, p. 403 ; 9th April, 1925, p. 627 ; 23rd July, 1925, p. 199.
Regulations under the Taxation Act, 1927, and its amendments : *Gazette* 29th December, 1927, p. 1681 ; 28th June, 1928, p. 1624 ; 4th July, 1929, p. 17 ; 19th December, 1929, p. 1307 ; 10th July, 1930, p. 49 ; 4th August, 1932, p. 182 ; 13th June, 1935, p. 1576.
Regulations under the Income Tax Assessment Act, 1936 : *Gazette* 24th December, 1936, p. 1367 ; 18th February, 1937, p. 375 ; 27th May, 1937, p. 1206.

Industrial and Provident Societies Act, 1923-1935.

Regulations : *Gazette* 13th November, 1924, p. 1316.
Rules of Court under section 9 (3) : *Gazette* 2nd October, 1924, p. 830.

Industrial Code, 1920-1949.

Rules of the Industrial Court : *Gazette* 24th August, 1944, p. 229 ; 20th September, 1945, p. 467.
Regulations as to Industrial Boards : *Gazette* 28th April, 1921, p. 939 ; 2nd June, 1921, p. 1179 ; 18th August, 1921, p. 320 ; 13th January, 1944, p. 43 ; 25th November, 1948, p. 1579.
Regulations as to jurisdiction of Industrial Boards : *Gazette* 21st February, 1946, p. 331 ; 30th May, 1946, p. 1018.
Rules as to the Board of Industry: *Gazette* 13th January, 1921, p. 54 ; 27th January, 1921, p. 158 ; 14th April, 1921, p. 712.
Regulations as to the Board of Industry : *Gazette* 28th January, 1937, p. 188.
Regulations as to factories and shops : *Gazette* 28th April, 1921, p. 942 ; 24th November, 1927, p. 1226; 7th December, 1944, p. 800.

Inebriates Act, 1908-1934.

Regulations : *Gazette* 26th October, 1911, p. 859 ; 8th August, 1912, p. 300 ; 7th January, 1915, p. 2.
Rules of Court : *Gazette* 26th October, 1911, p. 864.

Infectious Diseases Hospital Transfer Act, 1947.

s. 3, Notice fixing 1st April, 1948, as the "appointed day" : *Gazette*, 25th March, 1948, p. 644.
s. 8. Commencement : 16th September, 1948 ; *Gazette* 16th September, 1948, p. 1068.

Inflammable Oils Act, 1908-1935.

Commencement : 1st June, 1909 ; *Gazette* 4th March 1909, p. 444.
Administration : Committed to the Minister of Industry *Gazette*, 17th November, 1932, p. 953.
s. 46. Proclamation : *Gazette* 28th October, 1920, p. 1120.
General regulations : *Gazette* 28th June, 1934, p. 1513 ; 6th May, 1943, p. 595 ; 9th May, 1946, p. 886 ; 19th September, 1946, p. 667. ; 21st April, 1949, p. 997.
Regulations for control of ships carrying inflammable oils : *Gazette* 22nd November, 1934, p. 1086; 27th February, 1941, p. 279.

Institute of Medical and Veterinary Science Act, 1937-1944.

Commencement : 9th June, 1938 ; *Gazette* 9th June, 1938, p. 1270.
Regulations : *Gazette* 30th June, 1938, p. 1568 ; 22nd December, 1949, p. 1581.

Insurance Companies (Deposits) Act, 1924-1931.

Regulations : *Gazette* 4th April, 1929, p. 752.

Interest on Crown Advances and Leases Act, 1944.

s. 2. Notice : *Gazette* 25th January, 1945, p. 91.
s. 3. Notice : *Gazette* 25th January, 1945, p. 91.

Interstate Destitute Persons Relief Act, 1910-1943.

Commencement: 5th January, 1911; *Gazette* 5th January, 1911, p. 1.
s. 5. Proclamations: *Gazette* 23rd March, 1911, p. 499; 20th February, 1913, p. 343, 2nd October, 1913, p. 762; 5th August, 1915, p. 555; 21st July, 1921, p. 95.
Regulations: *Gazette* 27th April, 1911, p. 720.

Irrigation Act, 1930-1946.

Commencement: 5th February, 1931; *Gazette* 5th February, 1931, p. 189.
ss. 16, 17, and 18. Proclamations relating to irrigation areas: *Gazette* 11th July, 1907, p. 43; 12th November, 1908, p. 933; 25th March, 1909, p. 572; 29th April, 1909, p. 785; 27th January, 1910, p. 104; 13th October, 1910, p. 744; 3rd November, 1910, p. 919; 24th November, 1910, p. 1063; 19th September, 1912, p. 677; 12th June, 1913, p. 1268; 21st May, 1914, p. 1106; 4th February, 1915, p. 276; 25th February, 1915, p. 484; 25th February, 1915, p. 485; 2nd September, 1915, p. 800; 17th February, 1916, p. 299; 17th August, 1916, p. 289; 28th September, 1916, p. 568; 9th November, 1916, p. 910; 13th June, 1918, p. 1117; 30th October, 1919, p. 1083; 11th August, 1921, p. 269; 15th December, 1921, p. 1386; 26th January, 1922, p. 158; 27th April, 1922, p. 1119; 24th August, 1922, p. 413; 7th September, 1922, p. 545; 12th April, 1923, p. 819; 17th May, 1923, p. 1074; 12th July, 1923, p. 49; 16th August, 1923, p. 350; 5th June, 1924, p. 1271; 4th June, 1925, p. 1085; 9th July, 1925, p. 51; 24th September, 1925, p. 739; 9th September, 1926, p. 614; 22nd December, 1927, p. 1609; 17th May, 1928, p. 1035; 25th September, 1930, p. 621; 13th November, 1930, p. 986; 8th January, 1931, p. 26; 17th January, 1935, p. 292; 14th October, 1943, p. 475; 22nd January, 1948, p. 167; 12th August, 1948, p. 647; 30th September, 1948, p. 1168; 8th September, 1949, p. 647.
Regulations: *Gazette* 20th June, 1928, p. 1642; 3rd July, 1930, p. 2.

Irrigation on Private Property Act, 1939-1949.

Commencement: 5th January, 1940: *Gazette* 4th January, 1940, p. 1.
s. 9. Proclamations: *Gazette* 12th December, 1940, p. 1425; 6th February, 1941, p. 148; 27th September, 1945, p. 490.

Juries Act, 1927-1937.

Commencement: 6th January, 1928; *Gazette* 5th January, 1928, p. 1.
s. 9. Proclamation: *Gazette* 27th October, 1938, p. 1100.
s. 77. Proclamation: *Gazette* 12th January, 1950, p. 43.

Justices Act, 1921-1943.

Commencement: 26th July, 1922; *Gazette* 29th June, 1922, p. 1575.
Rules of the Supreme Court as to appeals under Part VI.: *Gazette* 22nd September, 1938, p. 776.
Rules made by the Governor under section 203: *Gazette* 27th February, 1930, p. 443; 3rd April, 1930, p. 650; 6th April, 1933, p. 552; 29th April, 1937, p. 947; 1st September, 1938, p. 499; 15th June, 1944, p. 718.
Regulations as to payment to witnesses and others for attendance at courts of summary jurisdiction; *Gazette* 12th January, 1950, p. 91.
Rules under the Maintenance Orders (Facilities for Enforcement) Act, 1922, and the Justices Act, 1921: *Gazette* 25th October, 1923, p. 953; 26th February, 1931, p. 374.
Rules under the Licensing Act, 1932, and the Justices Act, 1921: *Gazette* 29th April, 1937, p. 945; 11th April, 1946, p. 653.

Juvenile Courts Act, 1941.

Commencement: 1st July, 1942; *Gazette* 18th June, 1942, p. 847.
Administration: Committed to the Attorney-General; *Gazette* 18th June, 1942, p. 847.

Land Agents Act, 1925-1936.

Commencement: 7th January, 1926; *Gazette* 7th January, 1926, p. 1.
Administration: Committed to the Attorney-General *Gazette* 28th January, 1926, p. 152.
Regulations: *Gazette* 28th January, 1926, p. 153; 11th February, 1926, p. 267; 18th March, 1926, p. 794; 9th February, 1928, p. 262; 16th February, 1928, p. 331; 15th July, 1937, p. 115; 11th January, 1940, p. 67; 14th March, 1940, p. 540; 24th January, 1946, p. 169.

Landlord and Tenant Act, 1936.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.

Landlord and Tenant (Control of Rents) Act, 1942-1949.

Commencement: 1st January, 1943; *Gazette* 3rd December, 1942, p. 1089.
Commencement of Part IIIB.: 16th August, 1948; *Gazette* 13th August, 1948, p. 703.
Administration: Committed to the Attorney-General; *Gazette* 10th December, 1942, p. 1123.
s. 26b. Notice: *Gazette* 18th March, 1948, p. 627.
s. 26e. Notice: *Gazette* 15th January, 1948, p. 124.
Regulations: *Gazette* 26th January, 1950, p. 178.
Rules of Local Court: *Gazette* 1st May, 1947, p. 1121; 10th December, 1949, p. 1516.

Landlord and Tenant (Rent Reduction) Act, 1932-1936.

Commencement: 24th November, 1932; *Gazette* 24th November, 1932, p. 1001.
Rules of the Local Court: *Gazette* 22nd December, 1932, p. 1209.

Land Settlement Act, 1944-1949.

Regulations: *Gazette* 5th April, 1945, p. 500.

Land Tax Act, 1936-1948.

Commencement: 7th January, 1937; *Gazette* 7th January, 1937, p. 1.
s. 45. Proclamation: *Gazette* 15th December, 1949, p. 1508.
Regulations under the Taxation Act, 1884, and its amendments: *Gazette* 22nd January, 1885, p. 203; 29th December, 1904, p. 1205; 24th December, 1908, p. 1257.
Regulations under the Taxation Act, 1915, and its amendments: *Gazette* 20th December, 1917, p. 1320; 3rd January, 1918, p. 6; 20th December, 1923, p. 1436; 21st August, 1924, p. 403; 9th April, 1925, p. 627; 23rd July, 1925, p. 199.
Regulations under the Taxation Act, 1927, and its amendments: *Gazette* 29th December, 1927, p. 1681; 28th June, 1928, p. 1624; 4th July, 1929, p. 17; 19th December, 1929, p. 1311; 10th July, 1930, p. 49; 4th August, 1932, p. 182; 13th June, 1935, p. 1576.

Law of Property Act, 1936-1945.

Commencement: 1st November, 1937; *Gazette* 25th March, 1937, p. 646
Regulations: *Gazette* 13th February, 1947, p. 681.

Legal Practitioners Act, 1936-1948.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.
Rules of Court as to the statutory committee: *Gazette* 9th November, 1916, p. 943.
Rules of Court as to trust accounts and other matters: *Gazette* 31st August, 1939, p. 573.

Levi Park Act, 1948.

s. 7. Notice: *Gazette* 27th January, 1949, p. 191.

Libraries and Institutes Act, 1939-1948.

Commencement: 1st February, 1940; *Gazette* 18th January, 1940, p. 69.
s. 36. Proclamations: 7th March, 1940, p. 494; 8th August, 1940, p. 221; 12th December, 1940, p. 1427; 4th December, 1941, p. 1193; 23rd April, 1942, p. 613; 20th August, 1942, p. 264; 12th November, 1942, p. 985; 25th March, 1943, p. 333; 25th November, 1943, p. 691; 22nd June, 1944, p. 735; 20th July, 1944, p. 67; 20th July, 1944, p. 68; 19th October, 1944, p. 472; 22nd February, 1945, p. 309; 26th July, 1945, p. 99; 20th August, 1945, p. 247; 6th June, 1946, p. 1021; 12th February, 1948, p. 360; 2nd June, 1949, p. 1500; 27th October, 1949, p. 1010; 22nd December, 1949, p. 1579; 16th March, 1950, p. 585.
Regulations relating to the Public Library and other premises: *Gazette* 5th December, 1940, p. 1288; 14th February, 1946, p. 241.
Regulations relating to the lending of books from the Public Library: *Gazette* 14th February, 1946, p. 239.
Regulations relating to the Institutes Association: *Gazette* 6th October, 1910, p. 714; 23rd April, 1936, p. 890; 14th July, 1938, p. 78; 1st August, 1940, p. 191; 3rd January, 1946, p. 24.

Licensing Act, 1932-1949.

Commencement: 8th December, 1932; *Gazette* 8th December, 1932, p. 1079.
s. 5. Order: *Gazette* 11th October, 1917, p. 852.
s. 114. Proclamations: *Gazette* 26th May, 1932, p. 963; 8th June, 1933, p. 974; 29th June, 1933, p. 1093; 10th August, 1939, p. 352.
s. 223. Proclamation: *Gazette* 28th July, 1938, p. 166.
s. 230. For table of resolutions carried at local option polls prior to 26th April, 1937, see the footnote in Volume 4, p. 502 of the South Australian Statutes, 1837-1936. Notices of subsequent resolution: *Gazette* 8th June, 1944, p. 702 (Hindmarsh, Norwood and Semaphore districts); 20th March, 1947, p. 889 (Adelaide and Murray districts); 23rd March, 1950, p. 662 (Semaphore and Port Pirie Districts); 30th March, 1950, p. 684 (Stuart and Glenelg Districts).
Regulations as to polls under section 62: *Gazette* 22nd December, 1932, p. 1187; 17th February, 1944, p. 87.

Licensing Act, 1932-1949—*continued.*

Regulation as to permits under section 150a; *Gazette*, 11th April, 1946, p. 653.
Regulations under section 189 as to declarations by *bona fide* travellers: *Gazette* 6th February, 1936, p. 302.
Regulations under section 195 as to declarations by *bona fide* lodgers: *Gazette* 17th December, 1931, p. 1118.
Regulations under section 197a as to permits to sell liquor in restaurants: *Gazette* 30th January, 1936, p. 271.
Regulations under section 199 as to permits to sell or consume liquor on special occasions: *Gazette* 29th April, 1937, p. 945.
Regulations under section 235 amending the regulations as to local option polls and contained in schedule W: *Gazette* 26th January, 1950, p. 169.
Regulations as to proof of notices: *Gazette* 14th October, 1937, p. 1027.
Regulations as to licensing districts: *Gazette* 28th July, 1938, p. 168.
Regulation under the Fees Regulation Act, 1927, as to the fee payable for a permit under section 150a of the Licensing Act; *Gazette* 11th April, 1946, p. 651.

Life Assurance Companies Act, 1936-1941.

Regulations: *Gazette* 27th June, 1889, p. 1800; 2nd October, 1941, p. 676.

Lifts Regulation Act, 1908-1934.

Regulations: *Gazette* 21st November, 1935, p. 1273.

Liquid Fuel Act, 1941.

Commencement: At 1st May, 1950, this Act had not been brought into operation.

Liquid Fuel Act, 1949.

Regulations: *Gazette* 10th November, 1949, p. 1197.
Liquid Fuel (Rationing Orders) No. 1.; *Gazette* 15th November, 1949, p. 1221; No. 2, *Gazette* 15th November, 1949, p. 1222.

Loans for Fencing and Water Piping Act, 1938-1945.

Commencement: 1st February, 1939; *Gazette* 19th January, 1939, p. 121.
s. 13 (7). Notice: *Gazette* 2nd February, 1939, p. 343.

Loans to Producers Act, 1927-1946.

Regulations: *Gazette* 21st July, 1927, p. 126; 6th March, 1930, p. 484; 8th April, 1948, p. 768.

Local Courts Act, 1926-1947.

Commencement: 7th March, 1927; *Gazette* 10th February, 1927, p. 297.
s. 8. Proclamation: *Gazette* 12th February, 1948, p. 359.
s. 294. Proclamations: *Gazette* 5th November, 1936, p. 1005; 8th May, 1947, p. 1425; 20th January, 1949, p. 113; 15th December, 1949, p. 1507.
General rules of Court: *Gazette* 24tht February, 1927, p. 413.
Further rules of Court as to Local Court actions: *Gazette* 19th December, 1929, p. 1344; 17th September, 1931, p. 494; 27th January, 1938, p. 169; 20th November, 1941, p. 985; 9th January, 1947, p. 23; 17th April, 1947, p. 1062; 31st July, 1947, p. 261; 26th August, 1948, p. 902; 1st September, 1949, p. 607.
Rules of Court as to bailiffs' fees: *Gazette* 20th October, 1932, p. 802.
Rules of Court as to transferring judgments: *Gazette* 26th December, 1935, p. 1635.
Rules of Court as to appeals under the Bailiffs and Inquiry Agents Licensing Act, 1945: *Gazette* 9th May, 1946, p. 887.
Rules of Court as to applications under section 5 of the Hire-Purchase Agreements Act, 1931: *Gazette* 18th February, 1932, p. 312.
Rules of Court as to appeals under the Housing Improvement Act, 1940: *Gazette* 10th July, 1941, p. 45.
Rules of Court as to appeals under the Landlord and Tenant (Control of Rents) Act, 1942: *Gazette* 1st May, 1947, p. 1121; 15th December, 1949, p. 1516.
Rules of Court as to procedure under the Landlord and Tenant (Rent Reduction) Act, 1932-1936: *Gazette* 22nd December, 1932, p. 1209.
Rules of Court in respect of section 309 of the Local Government Act, 1934; *Gazette* 4th November, 1948, p. 1425.
Regulations as to applications under section 10 of the Marine Stores Act, 1898-1936: *Gazette* 22nd June, 1899, p. 1357.
Rules of Court as to applications under the Mortgagors Relief Act, 1931-1936: *Gazette* 28th January, 1932, p. 158.
Rules of Court as to proceedings under the National Security (Landlord and Tenant) Regulations: *Gazette* 20th September, 1945, p. 487.
Rules of Court in aid of the National Security (War Service Moratorium) Regulations: *Gazette* 26th June, 1941, p. 926; 4th October, 1945, p. 528; 15th August, 1946, p. 302.
Rules of Court as to appeals against refusal of drivers' licences under the Road Traffic Act, 1934-1938: *Gazette* 4th March, 1937, p. 484.

Local Courts Act, 1926-1947.—*continued.*

Regulations as to applications to Local Courts under the Second-hand Dealers Act, 1919-1934: *Gazette* 26th March, 1936, p. 705.

Rules of Court as to appeals under section 53 or section 96 of the South-Eastern Drainage Act 1931-1947: *Gazette* 5th May, 1932, p. 779.

Rules of Court under the Warehousemen's Liens Act, 1941: *Gazette* 26th March, 1942, p. 477.

Rules of Court under the Workmen's Compensation Act, 1932-1938: *Gazette* 4th May, 1933, p. 723; 2nd July, 1942, p. 22.

Regulations under the Workmen's Liens Act, 1893-1936: *Gazette* 21st February, 1895, p. 453.

Rules of the Supreme Court as to Local Court appeals: *Gazette* 31st March, 1927, p. 745; rules dated 6th February, 1928 (not published in the *Gazette*); 22nd March, 1934, p. 853; 4th November, 1937, p. 1230.

Local Government Act, 1934-1949.

Commencement: 2nd November, 1934: *Gazette* 25th October, 1934, p. 845.

Administration: Committed to the Minister of Local Government *Gazette* 25th October, 1934, p. 845.

s. 48. Proclamations: *Gazette* 23rd December, 1943, p. 810; 11th April, 1946, p. 573; 21st November, 1946, p. 1279; 20th April, 1950, p. 813.

s. 75. Proclamations: *Gazette* 18th May, 1939, p. 1206; 20th February, 1947, p. 685.

s. 163b. Notice: *Gazette* 28th September, 1939, p. 868.

s. 179. Proclamations: *Gazette* 8th August, 1908, p. 249; 25th February, 1909, p. 387; 22nd December, 1910, p. 1300; 12th January, 1911, p. 45; 19th January, 1911, p. 95; 28th December, 1911, p. 1360; 28th March, 1912, p. 585; 17th April, 1913, p. 725; 26th June, 1913, p. 1343; 13th July, 1922, p. 54; 25th March, 1926, p. 866; 11th August, 1927, p. 347; 18th August, 1927, p. 411; 8th September, 1927, p. 599; 22nd September, 1927, p. 713; 18th October, 1928, p. 874; 15th November, 1928, p. 1053; 24th December, 1930, p. 1293; 22nd August, 1946, p. 308.

s. 495. Proclamations: *Gazette* 21st September, 1922, p. 675; 31st July, 1924, p. 226; 28th February, 1935, p. 592; 28th November, 1935, p. 1285; 14th January, 1937, p. 33; 12th June, 1941, p. 862; 1st October, 1942, p. 494; 12th September, 1946, p. 449.

s. 625. Proclamations: *Gazette* 7th December, 1944, 1944, p. 779; 10th June, 1948, p. 1195; 30th September, 1948, p. 1168; 8th December, 1949, p. 1411; 22nd December, 1949, p. 1579.

s. 647. Proclamation: *Gazette* 3rd May, 1894, p. 1009.

Regulations relating to Local Government Auditors' Certificates: *Gazette* 20th February, 1936, p. 459.

Regulations as to qualifications of officers: *Gazette* 13th October, 1938, p. 1023; 16th March, 1939, p. 670; 22nd August, 1940, p. 400; 16th November, 1944, p. 704; 16th May, 1946, p. 895; 24th October, 1946, p. 1113.

Regulations relating to reflections on barriers: *Gazette* 19th December, 1935, p. 1447.

Regulations relating to the charges of the Crown Solicitor under section 674: *Gazette* 31st January, 1935, p. 371.

Regulations relating to cemeteries generally: *Gazette* 5th October, 1944, p. 444.

Regulations relating to the West Terrace Cemetery: *Gazette* 2nd October, 1930, p. 662; 31st October, 1940, p. 960; 5th February, 1942, p. 237.

Rules as to appeals by clerks: *Gazette* 27th March, 1947, p. 925.

Rules of the Local Court in respect of section 309: *Gazette* 4th November, 1948, p. 1425.

Model by-laws: *Gazette* 17th September, 1936, p. 562. Amendments of model by-laws: 13th May, 1937, p. 1089 and 13th October, 1938, p. 976, (amendments of model by-law No. I.); 18th August, 1938, p. 335 (amendment of model by-law No. VII.); 19th October, 1939, p. 1095 (amendment of model by-law No. XVIII.); 5th October, 1944, p. 415 (amendment of model by-law No. XXI.); 12th September, 1940, p. 515 (amendment of model by-law No. XXIV.); 4th September, 1941, p. 458 (amendment of model by-law No. XXV.); 12th September, 1940, p. 515 (amendment of model by-law No. XXVII.); 4th September, 1941 (amendment of model by-law No. XXIX.); 12th September, 1940, p. 515 (amendment of model by-law No. XXXII.); 5th October, 1944, p. 415 (amendment of model by-law No. XXXIV.).

Local Government (Forestry Reserves) Act, 1944.

Administration: Committed to the Minister of Forests *Gazette* 25th January, 1945, p. 86.

Lottery and Gaming Act, 1936-1949.

Commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1938; 19th December, 1938: *Gazette* 15th December, 1938, p. 1497.

ss. 32 and 32a. Proclamations: *Gazette* 13th February, 1936, p. 398; 12th March, 1936, p. 593; 23rd July, 1936, p. 109; 24th December, 1936, p. 1321; 18th February, 1937, p. 334; 21st October, 1937, p. 1053; 13th April, 1939, p. 887; 9th September, 1948, p. 955; 28th October, 1948, p. 1345; 9th December, 1948, p. 1744; 7th July, 1949, p. 1; 5th January, 1950, p. 2.

Lottery and Gaming Act, 1936-1949.—*continued.*

s. 42. Directions as to procedure: *Gazette* 31st January, 1946, p. 194.
Rules and regulations as to the totalizator: *Gazette* 27th May, 1937, p. 1207. (These rules and regulations are reprinted in Volume 5, pp. 455-458 of the South Australian Statutes, 1837-1936, and in the 1938 volume, pp. 427-430.); 7th December, 1939, p. 1556.
Regulations as to betting tickets: *Gazette* 20th December, 1933, p. 1231; 6th March, 1941, p. 337.
Rules as to bookmakers: *Gazette* 13th February, 1947, p. 651; 23rd September, 1948, p. 1147; 2nd December, 1948, p. 1686; 21st July, 1949, p. 208; 28th July, 1949, p. 280; 1st December, 1949, p. 1361.

Lower River Broughton Irrigation Trust Act, 1938-1940.

Commencement: 2nd February, 1939: *Gazette* 2nd February, 1939, p. 334.
Administration: Committed to the Commissioner of Public Works *Gazette* 16th February, 1939, p. 422.
ss. 7 and 8. Proclamation: *Gazette* 20th July ,1939, p. 114.

Maintenance Act, 1926-1948.

Commencement: 7th April, 1927; *Gazette* 7th April, 1927, p. 791.
s. 152. Proclamations: *Gazette* 11th June, 1891, p. 1582; 2nd April, 1896, p. 731; 20th January, 1898, p. 81; 9th October, 1947, p. 1034.
s. 153. Proclamations: *Gazette* 3rd August, 1922, p. 217; 17th December, 1942, p. 1150; 9th October, 1947, p. 1033.
Regulations: *Gazette* 24th February, 1927, p. 400; 7th April, 1927, p. 793; 15th April, 1943, p. 495; 1st November, 1945, p. 673; 2nd May, 1946, p. 837; 10th February, 1949, p. 336; 3rd March, 1949, p. 537.

Maintenance Orders (Facilities for Enforcement) Act, 1922-1925.

s. 12. Proclamations: *Gazette* 7th December, 1922, p. 1458; 24th May, 1923, p. 1140; 20th March, 1924, p. 711; 12th November, 1925, p. 1298; 12th November, 1925, p. 1299; 17th December, 1925, p. 1606; 17th December, 1925, p. 1607; 24th December, 1925, p. 1661; 7th July, 1927, p. 1; 29th November, 1928, p. 1138; 15th November, 1929, p. 401; 10th April, 1941, p. 521; 10th December, 1942, p. 1124; 17th December, 1942, p. 1150; 9th December, 1948, p. 1743.
Rules made under the above Act, and the Justices Act, 1921: *Gazette* 25th October, 1923, p. 953; 26th February, 1931, p. 374.
Rules of Court made under the above Act, and the Supreme Court Acts, 1878 and 1926: *Gazette* 16th February, 1928, p. 316.

Manufacturing Industries Protection Act, 1937.

Administration: Committed to the Minister of Industry and Employment *Gazette* 17th February, 1938, p. 357.
s. 3. Proclamations: *Gazette* 5th May, 1938, p. 938; 11th August, 1938, p. 273; 20th April, 1939, p. 915.

Margarine Act, 1939-1948.

Regulations: *Gazette* 29th February, 1940, p. 490; 8th January, 1942, p. 55.

Marine Act, 1936-1947.

Commencement: 1st July, 1937; *Gazette* 25th March, 1937, p. 641.
Administration: Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 641.
Regulations and rules made under the Marine Board and Navigation Acts, 1881-1933, and the Marine Act, 1936:—
River Murray navigation: *Gazette* 30th October, 1884, p. 1641; 26th January, 1893, p. 157; 4th October, 1906, p. 714; 15th January, 1942, p. 64; 20th June, 1946, p. 1099.
Adjustment of compasses: *Gazette* 9th August, 1900, p. 367; 30th May, 1935, p. 1433.
Engagement and discharge of seamen: *Gazette* 16th April, 1883, p. 1429; 4th August, 1887, p. 246; 26th September, 1889, p. 1354.
Receiver of Wreck: *Gazette* 26th April, 1883, p. 1429.
Survey, etc., of vessels: *Gazette* 15th April, 1880, p. 1259; 26th April, 1883, p. 1429; 1st July, 1886, p. 2; 30th November, 1899, p. 1197; 9th October, 1913, p. 815; 23rd June, 1921, p. 1318; 30th May, 1935, p. 1433; 8th August, 1935, p. 237.
Examination of masters and mates: *Gazette* 22nd October, 1903, p. 839; 7th December, 1905, p. 1214; 9th December, 1926, p. 1470.
Examination of engineers: *Gazette* 16th October, 1902, p. 763; 16th July, 1908, p. 95; 17th March, 1949, p. 654.

Marine Act, 1936-1947.—*continued.*

Court of Survey (Rules) : *Gazette* 19th November, 1885, p. 1328.
Court of Marine Inquiry (Rules): *Gazette* 27th February, 1936, p. 506.
Miscellaneous : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 2nd November, 1911, p. 911 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680 ; 8th May, 1913, p. 1002.

The Marine Stores Act, 1898-1947.

Commencement : 2nd March, 1899 ; *Gazette* 2nd March, 1899, p. 401.
Regulations : *Gazette* 22nd June, 1899, p. 1357 ; 24th September, 1908, p. 632 ; 22nd December, 1921, p. 1458.
Regulations under the Fees Regulation Act, 1927, as to fee for dealer's licence : *Gazette* 24th November, 1927, p. 1227.

Marketing of Eggs Act, 1941-1949.

Regulations : *Gazette* 4th June, 1942, p. 818 ; 18th December, 1947, p. 2219.

The Markets Clauses Act, 1870-1937.

s. 49. Proclamation : *Gazette* 24th October, 1889, p. 1584.

Marriage Act, 1936-1944.

Commencement : 1st May, 1937 ; *Gazette* 28th January, 1937, p. 187.
Administration : Committed to the Chief Secretary *Gazette* 18th February, 1937, p. 334.

Matrimonial Causes Act, 1929-1941.

Commencement : 20th March, 1930 ; *Gazette* 20th March, 1930, p. 561.
Rules of Court : *Gazette* 5th December, 1935, p. 1349.
(These rules are incorporated in the second schedule of the above Act, see Volume 5, pp. 710-728 of the South Australian Statutes, 1837-1936.)
Rules of Court as to increase of costs : *Gazette* 17th June, 1937, p. 1312.

Medical Practitioners Act, 1919-1946.

Regulations : *Gazette* 29th April, 1920, p. 1137 ; 26th May, 1921, p. 1111.

Mental Defectives Act, 1935-1945.

Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.
Commencement of Part VIIA. : 1st January, 1942 ; *Gazette* 17th July, 1941, p. 83.
Administration : Committed to the Chief Secretary *Gazette* 5th March, 1936, p. 537.
s. 12. Proclamations : *Gazette* 23rd March, 1922, p. 876 ; 2nd May, 1929, p. 903 ; 17th August, 1939, p. 421 ; 17th August, 1939, p. 422.
s. 16. Proclamation : *Gazette* 24th October, 1940, p. 841.
s. 122. Proclamations : *Gazette* 21st January, 1915. p. 127 ; 26th October, 1922, p. 941.
Regulations relating to the Parkside Mental Hospital : *Gazette* 2nd December, 1915, p. 1559 ; 20th January, 1916, p. 94 ; 21st December, 1922, p. 1560 ; 28th June, 1923, p. 1375 ; 27th January, 1927, p. 179 ; 10th January, 1935, p. 265.
Regulations relating to the Enfield Receiving House : *Gazette* 18th January, 1923, p. 98 ; 18th April, 1940, p. 862 ; 2nd November, 1944, p. 614.
Regulations relating to the Northfield Mental Hospital : *Gazette* 13th August, 1931, p. 255 ; 18th April, 1940, p. 862 ; 2nd November, 1944, p. 613.
Regulations relating to voluntary boarders : *Gazette* 23rd May, 1929, p. 1052.
Regulations relating to criminal mental defectives : *Gazette* 24th October, 1940, p. 886.
Regulations relating to powers to write off charges, &c. : *Gazette* 10th August, 1916, p. 237.
Regulation for the alteration of forms in certain schedules to the Act : *Gazette* 27th May, 1937, p. 1206.
Regulations relating to private mental hospitals : *Gazette* 7th August, 1941, p. 254
Rules of Court : *Gazette* 3rd September, 1914, p. 585.

Metropolitan and Export Abattoirs Act, 1936-1948.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 645
General regulations : *Gazette* 16th January, 1913, p. 107 ; 5th June, 1913, p. 1257 ; 12th June, 1919, p. 1037 ; 12th June, 1919, p. 1038 ; 2nd February, 1922, p. 508 ; 2nd February, 1922, p. 509 ; 13th November, 1924, p. 1329 ; 27th November, 1924, p. 1407 ; 4th October, 1934, p. 686 ; 1st April, 1937, p. 723 ; 8th April, 1937, p. 754 ; 1st July, 1937, p. 15 ; 16th December, 1937, p. 1729 ; 16th December, 1937, p. 1730 ; 12th May, 1938, p. 978 ; 12th May, 1938, p. 980 ; 25th August, 1938, p. 405 ; 8th June, 1939, p. 1415 ; 7th December, 1939, p. 1558 ; 28th March, 1940, p. 673 ; 15th January, 1942, p. 78 ; 15th January, 1942, p. 79 ; 14th May, 1942, p. 712 ; 18th

Metropolitan and Export Abattoirs Act, 1936-1948.—*continued.*

November, 1943, p. 652 ; 21st August, 1947, p. 582 ; 28th August, 1947, p. 627 ; 22nd April, 1948, p. 863 ; 12th August, 1948, p. 650 ; 23rd December, 1948, p. 1916 ; 6th October, 1949, p. 847.

Regulations as to the milch cow market : *Gazette* 29th May, 1913, p. 1204 ; 2nd February, 1922, p. 509.

Regulations as to branding of stock : *Gazette* 29th May, 1913, p. 1205.

Regulations as to inspection of small goods : *Gazette* 4th April, 1918, p. 662.

Regulations as to inspection of meat in shops : *Gazette* 2nd February, 1922, p. 508.

Regulations as to muzzling of dogs and use of sticks in handling stock : *Gazette* 4th October, 1934, p. 686.

Regulations as to the election of the board : *Gazette* 1st February, 1934, p. 194 ; 28th May, 1942, p. 791.

Metropolitan Drainage Act, 1935.

ss. 7, 8, and 15. Notices: *Gazette* 26th June, 1941, p. 946 ; 27th April, 1944, p. 544.

ss. 10, 11, and 15. Notices : *Gazette* 16th June, 1938, p. 1458 : 28th March, 1940, p. 649.

Regulations : *Gazette* 7th July, 1938, p. 2.

Metropolitan Milk Supply Act, 1946-1948.

Commencement of Part III. : 2nd October, 1947 ; *Gazette* 2nd October, 1947, p. 970.

s. 18. Notices : *Gazette* 2nd October, 1947, p. 1002 ; 27th May, 1948, p. 1151 ; 12th May, 1949, p. 1191.

s. 28. Notice : *Gazette* 2nd October, 1947, p. 1002.

s. 31. Notice : *Gazette* 2nd October, 1947, p. 1002.

s. 43. Notice : *Gazette* 27th May, 1948, p. 1151.

Regulations fixing the price of milk : *Gazette* 21st July, 1949, p. 209.

Regulations fixing the price of cream ; *Gazette* 21st July, 1949, p. 209.

General regulations : *Gazette* 13th November, 1947, p. 1649 ; 17th February, 1949, p. 437.

Mines and Works Inspection Act, 1920-1935.

Commencement : 20th January, 1921 ; *Gazette* 20th January, 1921, p. 106.

Administration : Committed to the Minister of Mines *Gazette* 17th March, 1921, p. 537.

Regulations : *Gazette* 6th October, 1949, p. 861.

Mining Act, 1930-1946.

Regulations : 16th October, 1947, p. 1139 ; 9th September, 1948, p. 970.

Mining (Petroleum) Act, 1940.

Commencement : 31st July, 1941 ; *Gazette* 31st July, 1941, p. 165.

Regulations : *Gazette* 31st July, 1941, p. 211.

Moneylenders Act, 1940.

Commencement : 1st April, 1941 ; *Gazette* 9th January, 1941, p. 11.

Administration : Committed to the Chief Secretary : *Gazette* 9th January, 1941, p. 12.

Regulations : *Gazette* 27th March, 1941, p. 445.

Mortgagors Relief Act, 1931-1943.

Commencement : 5th December, 1931 ; *Gazette* 5th December, 1931, p. 1065.

Rules of the Local Court : *Gazette* 28th January, 1932, p. 158.

Municipal Tramways Trust Act, 1935-1949.

By-laws as to fares and routes : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 8th June, 1922, p. 1478 ; 18th October, 1923, p. 901 ; 16th April, 1925, p. 681 ; 8th August, 1929, p. 342 ; 7th November, 1929, p. 1048 ; 19th December, 1929, p. 1343 ; 26th December, 1929, p. 1362 ; 30th January, 1930, p. 186 ; 20th February, 1930, p. 374 ; 21st August, 1930, p. 357 ; 8th June, 1939, p. 1414 ; 26th June, 1947, p. 1714 ; 22nd January, 1948, p. 208 ; 26th February, 1948, p. 469 ; 20th April, 1950, p. 815.

By-laws regulating passenger traffic generally, and the conduct of passengers : *Gazette* 14th July, 1910, p. 47 ; 26th December, 1912, p. 1324 ; 14th January, 1915, p. 61 ; 18th September, 1919, p. 665 ; 20th January, 1921, p. 109 ; 24th March, 1921, p. 596 ; 11th August, 1921, p. 272 ; 8th June, 1922, p. 1478 ; 16th April, 1925, p. 681.

By-laws as to tramway sections : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 27th November, 1919, p. 1357 ; 24th May, 1923, p. 1142 ; 7th February, 1924, p. 329 ; 3rd April, 1924, p. 825 ; 29th May, 1924, p. 1210 ; 16th October, 1924, p. 957 ; 24th December, 1925, p. 1665 ; 22nd September, 1927, p. 759.

By-laws regulating ordinary traffic where tramways laid : *Gazette* 14th July, 1910, p. 47 ; 21st August, 1924, p. 436 ; 26th December, 1929, p. 1362.

Municipal Tramways Trust Act, 1935-1949—*continued.*

General by-laws: *Gazette* 14th July, 1910, p. 47; 18th September, 1919, p. 665; 16th April, 1925, p. 681; 18th January, 1940, p. 115.
Regulations as to the election of members of the trust: *Gazette* 29th November, 1945, p. 812.

Museum Act, 1939.

Commencement: 1st February, 1940; *Gazette* 18th January, 1940, p. 69.
Regulations: *Gazette* 28th March, 1940, p. 672.

The National Park Act, 1891-1935.

By-laws: *Gazette* 17th July, 1947, p. 97; 30th September, 1948, p. 1168.

The National Pleasure Resorts Act, 1914-1935.

Administration: Committed to the Minister of Immigration *Gazette* 22nd May, 1924, p. 1141.
By-laws: *Gazette* 29th October, 1925, p. 1165.

Native Plants Protection Act, 1939.

Administration: Committed to the Minister of Afforestation; *Gazette* 10th October, 1940, p. 745.
s. 3. Proclamation: *Gazette* 10th October, 1940, p. 745.
Regulations: *Gazette* 1st August, 1946, p. 183.

Northern Areas and Whyalla Water Supply Act, 1940.

Commencement: 3rd October, 1940; *Gazette* 3rd October, 1940, p. 675.

The Northern Territory Surrender Act, 1907.

Commencement: 1st January, 1911; *Gazette* 22nd December, 1910, p. 1299.

Northern Territory Surrender Act Amendment Act, 1919.

Commencement: 1st January, 1920; *Gazette* 25th December, 1919, p. 1573.

Notification of Births Act, 1926-1936.

Regulations: *Gazette* 22nd December, 1927, p. 1611.

Noxious Insects Act, 1934.

Administration: Committed to the Minister of Agriculture *Gazette* 10th January, 1935, p. 263.
s. 3. Proclamations: *Gazette* 10th January, 1935, p. 263; 21st February, 1935, p. 547.
Regulations: *Gazette* 10th January, 1935, p. 264.

Noxious Trades Act, 1943.

Commencement: 1st January, 1949: *Gazette* 9th December, 1948, p. 1744.
Administration: Committed to the Minister of Health: *Gazette* 17th February, 1944, p. 88.
Regulations: *Gazette* 9th December, 1948, p. 1787; 9th December, 1948, p. 1789.

Noxious Weeds Act, 1931-1939.

Commencement: 17th March, 1932; *Gazette* 17th March, 1932, p. 511.
Administration: Committed to the Minister of Agriculture *Gazette* 7th January, 1932, p. 1.
ss. 14 and 28. Notice: *Gazette* 18th November, 1948, p. 1574.
Regulations: *Gazette* 12th May, 1938, p. 1020; 20th October, 1938, p. 1042; 16th February, 1939, p. 423; 30th March, 1939, p. 743; 20th April, 1939, p. 976; 27th April, 1939, p. 983; 18th May, 1939, p. 1207; 28th March, 1940, p. 672; 11th April, 1940, p. 819; 18th April, 1940, p. 863; 23rd May, 1940, p. 1112; 20th June, 1940, p. 1398; 18th July, 1940, p. 86; 10th October, 1940, p. 774; 9th January, 1941, p. 30; 30th January, 1941, p. 102; 13th February, 1941, p. 183; 3rd April, 1941, p. 513; 15th May, 1941, p. 718; 26th June, 1941, p. 962; 3rd July, 1941, p. 33; 17th July, 1941, p. 123; 11th September, 1941, p. 518; 2nd October, 1941, p. 676; 12th February, 1942, p. 245; 5th March, 1942, p. 371; 23rd July, 1942, p. 78; 6th August, 1942, p. 164; 21st January, 1943, p. 61; 22nd April, 1943, p. 499; 22nd July, 1943, p. 115; 29th July, 1943, p. 118; 16th September, 1943, p. 332; 23rd September, 1943, p. 410; 9th November, 1944, p. 657; 9th November, 1944, p. 658; 25th July, 1946, p. 141; 29th August, 1946, p. 348; 4th September, 1947, p. 688; 11th September, 1947, p. 690; 11th September, 1947, p. 691; 30th October, 1947, p. 1367; 30th October, 1947, p. 1367; 13th November, 1947, p. 1658.

Nurses Registration Act, 1920-1949.

Commencement : 2nd May, 1921 ; *Gazette* 28th April, 1921, p. 939.
Regulations as to the nomination of members of the board and duties of registrar : *Gazette* 7th February, 1924, p. 326.
Regulations relating to applications for registration : *Gazette* 2nd February, 1922, p. 472 ; 9th February, 1922, p. 524 ; 21st December, 1922, p. 1560.
Regulations as to training and examination of nurses : *Gazette* 5th October, 1922, p. 783 ; 7th February, 1924, p. 324 ; 10th July, 1924, p. 56 ; 12th March, 1925, p. 434 ; 20th August, 1931, p. 306 ; 17th December, 1931, p. 1116 ; 7th July, 1932, p. 1 (disallowed *Gazette* 13th October, 1932, p. 744) ; 11th August, 1932, p. 238.
Regulations as to training and examination of midwives : *Gazette* 5th April, 1923, p. 773 ; 30th October, 1924, p. 1079 ; 24th September, 1931, p. 575 ; 6th September, 1934, p. 479 ; 4th June, 1936, p. 1134.
Regulations as to infectious diseases training : *Gazette* 19th August, 1943, p. 226.
Regulations as to special nursing certificates, etc. : *Gazette* 21st September, 1939, p. 856.
Regulations as to the practice of midwives : *Gazette* 7th February, 1924, p. 324.
Regulations relating to the wearing of badges : *Gazette* 15th July, 1926, p. 84 ; 23rd August, 1928, p. 414.
Regulations as to the form of consent to legal proceedings : *Gazette* 11th September, 1930, p. 531.

Offenders Probation Act, 1913-1945.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.
Regulations : *Gazette* 26th February, 1914, p. 516 ; 7th February, 1946, p. 235.

Opticians Act, 1920-1949.

Commencement : 23rd June, 1921 ; *Gazette* 23rd June, 1921, p. 1315.
General regulations : *Gazette* 28th February, 1929, p. 470 ; 27th June, 1929, p. 1494 ; 5th September, 1929, p. 570 ; 8th March, 1934, p. 462 ; 4th April, 1940, p. 679 ; 28th March, 1946, p. 529 ; 13th March, 1947, p. 850.
Regulations under the Fees Regulation Act, 1927, as to the fees for perusing rules of the Board of Optical Registration, and for publishing the list of registered persons : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307.

Pastoral Act, 1936-1948.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
s. 49. Proclamations : *Gazette* 6th August, 1936, p. 207 ; 11th February, 1937, p. 286 ; 22nd April, 1937, p. 850 ; 10th June, 1937, p. 1281 ; 24th June, 1937, p. 1363 ; 5th August, 1937, p. 309 ; 16th September, 1937, p. 698 ; 18th November, 1937, p. 1345 ; 2nd December, 1937, p. 1514 ; 10th February, 1938, p. 296 ; 24th March, 1938, p. 660 ; 27th October, 1938, p. 1100 ; 11th January, 1940, p. 33 ; 15th August, 1940, p. 274 ; 23rd December, 1943, p. 809 ; 14th March, 1946, p. 431 ; 19th September, 1946, p. 489 ; 24th December, 1946, p. 1499.
Regulations : *Gazette* 18th January, 1923, p. 103 ; 20th March, 1930, p. 565 ; 17th March, 1938, p. 609.

Pest Destroyers Act, 1919-1935.

Regulations : *Gazette* 18th October, 1934, p. 774 ; 31st January, 1935, p. 372.

Pharmacy Act, 1935-1947.

Regulations : *Gazette* 21st July, 1892, p. 141 ; 4th October, 1906, p. 714 ; 29th October, 1914, p. 947 ; 8th May, 1930, p. 859 ; 29th May, 1930, p. 1009 ; 30th July, 1931, p. 165 ; 7th September, 1933, p. 467 ; 8th March, 1934, p. 474 0 9th June, 1938, p. 1441 (regulation 67 disallowed, *Gazette* 15th September, 1938, p. 697) ; 25th September, 1941, p. 639 ; 18th December, 1947, p. 2221 ; 28th April, 1949, p. 1032.
Regulations under the Fees Regulation Act, 1927, relating to the charges of the Crown Solicitor for perusing and settling regulations, and to the fee for publishing a list of registered chemists : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307.

Phylloxera Act, 1936-1948.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Physiotherapists Act, 1945-1949.

Commencement : 6th June, 1946 ; *Gazette* 6th June, 1946, p. 1021.
Administration : Committed to the Chief Secretary, *Gazette* 17th January, 1946, p. 71 ; 3rd October, 1946, p. 747.
Regulations : *Gazette* 13th February, 1947, p. 677 ; 31st July, 1947, p. 260 ; 25th September, 1947, p. 933 ; 22nd January, 1948, p. 210 ; 15th July, 1948, p. 292 ; 2nd June, 1949, p. 1719.

Pistol Licence Act, 1929.

Commencement: 1st January, 1940; *Gazette* 19th December, 1929, p. 1305.
Regulations: *Gazette* 5th December, 1929, p. 1216.

The Places of Public Entertainment Act, 1913-1934.

Administration: Committed to the Chief Secretary *Gazette* 11th December, 1913, p. 1679.
s. 4. Proclamations: *Gazette* 18th December, 1913, p. 1734; 15th July, 1915, p. 331; 7th October, 1915, p. 1020; 8th February, 1917, p. 263; 9th May, 1918, p. 945; 24th October, 1918, p. 916; 21st August, 1919, p. 379; 24th August, 1922, p. 415; 24th May, 1923, p. 1137; 5th March, 1925, p. 390; 26th November, 1925, p. 1405; 18th March, 1926, p. 794; 30th September, 1926, p. 802; 27th September, 1928, p. 686; 19th September, 1929, p. 698; 6th August, 1931, p. 203; 19th April, 1934, p. 1057; 7th June, 1934, p. 1393; 1st November, 1934, p. 885; 13th December, 1934, p. 1186; 14th February, 1935, p. 463; 4th July, 1935, p. 1; 5th September, 1935, p. 517; 14th November, 1935, p. 1133; 13th February, 1936, p. 397; 18th March, 1937, p. 586; 9th September, 1937, p. 639; 9th November, 1939, p. 1259; 15th July, 1943, p. 53; 20th December, 1945, p. 909; 7th November, 1946, p. 1173; 23rd January, 1947, p. 475; 1st May, 1947, p. 1117; 16th September, 1948, p. 1068; 6th January, 1949, p. 1; 20th January, 1949, p. 114; 20th January, 1949, p. 114; 11th August, 1949, p. 357.
Regulations: *Gazette* 17th May, 1923, p. 1075; 14th February, 1924, p. 394; 22nd January, 1925, p. 102; 31st July, 1930, p. 186; 4th December, 1930, p. 1131; 19th October, 1939, p. 1155; 14th October, 1943, p. 491; 19th October, 1944, p. 516; 9th August, 1945, p. 206.

Police Act, 1936-1946.

Commencement: 1st April, 1937; *Gazette* 25th March, 1937, p. 646.
s. 43. Proclamation: *Gazette* 14th June, 1934, p. 1434.
Regulations made by the Commissioner of Police for the general government of the police force: *Gazette* 30th September, 1920, p. 907; 23rd July, 1931, p. 100.
Regulations made by the Commissioner of Police relating to appointments, transfers, and promotions to plain clothes and detective police were approved by the Chief Secretary on 13th April, 1921, but have not been published in the *Gazette*.
Regulations made by the Governor as to promotions: *Gazette* 10th November, 1921, p. 1105.
Regulations made by the Governor as to police officers engaging in business: *Gazette* 29th August, 1935, p. 514.
Regulations made by the Governor as to appeals to the appeal board: *Gazette* 11th February, 1926, p. 265.
Regulations made by the Governor under section 149a relating to penalties for local government offences: *Gazette* 23rd March, 1939, p. 732; 14th December, 1939, p. 1612; 6th March, 1941, p. 337.

Police Pensions Act, 1929-1949.

Commencement: 1st January, 1930; *Gazette* 19th December, 1929, p. 1305.
General regulations: *Gazette* 19th December, 1929, p. 1307.
Regulations as to contributions of members on leave without pay: *Gazette* 10th October, 1935, p. 754; 18th January, 1940, p. 73.

Port Lincoln Abattoirs Act, 1937.

Commencement: 23rd March, 1939; *Gazette* 23rd March, 1939, p. 671.
Regulations: *Gazette* 23rd March, 1939, p. 734; 18th September, 1941, p. 621; 20th November, 1947, p. 1705; 21st October, 1948, p. 1296; 22nd September, 1949, p. 768.

Potato Marketing Act, 1948.

Commencement: 24th February, 1949; *Gazette* 24th February, 1948, p. 484.
s. 2. Notice of affirmative result of poll: *Gazette* 17th February, 1949, p. 467.
s. 12. Notices: *Gazette* 3rd November, 1949, p. 1156; 19th January, 1950, p. 105; 6th April, 1950, p. 758.
s. 20. Order: *Gazette* 3rd November, 1949, p. 1156.
Regulations: *Gazette* 17th March, 1949, p. 649; 22nd September, 1949, p. 765; 26th January, 1950, p. 176.

Prevention of Cruelty to Animals Act, 1936-1949.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 644.

Prices Act, 1948-1949.

Commencement: 20th September, 1948; *Gazette* 16th September, 1948, p. 1067.
Administration: Committed to the Treasurer *Gazette* 16th September, 1948, p. 1067.
s. 5 (4). Notices: *Gazette* 20th September, 1948, p. 1119; 20th September, 1948, p. 1119; 7th October, 1948, p. 1218; 7th October, 1948, p. 1218; 16th November, 1948, p. 1503; 14th April, 1949, p. 941; 5th May, 1949, p. 1093; 12th May, 1949, p. 1149; 7th July, 1949, p. 5; 22nd September, 1949, p. 764.

Prices Act, 1948-1949—*continued.*

s. 12 (2). Notices: *Gazette* 20th January, 1949, p. 117; 20th January, 1949, p. 120; 4th August, 1949, p. 302; 4th August, 1949, p. 305.

s. 19. Proclamations of declared goods and services: *Gazette* 20th September, 1948, p. 1115; 4th November, 1948, p. 1422; 2nd December, 1948, p. 1681; 23rd December, 1948, p. 1865; 13th January, 1949, p. 51; 24th February, 1949, p. 483; 31st March, 1949, p. 839; 14th April, 1949, p. 940; 14th April, 1949, p. 940; 14th April, 1949, p. 940; 16th June, 1949, p. 1787; 23rd June, 1949, p. 1815; 30th June, 1949, p. 1867; 30th June, 1949, p. 1867; 28th July, 1949, p. 229; 4th August, 1949, p. 294; 13th October, 1949, p. 913; 3rd November, 1949, p. 1085; 24th November, 1949, p. 1287; 12th January, 1950, p. 42; 19th January, 1950, p. 102; 9th February, 1950, p. 283; 16th February, 1950, p. 358; 30th March, 1950 p. 679; 27th April, 1950, p. 901.

ss. 21 and 24. Orders fixing maximum prices of declared goods and declared services:—

Barley: *Gazette* Prices Order No. 24, 7th April, 1949, p. 891.

Boot and shoe repairs: *Gazette* Prices Order No. 81, 23rd March, 1950, p. 644.

Bran and pollard: *Gazette* Prices Order No. 71, 12th January, 1950, p. 45.

Bread: *Gazette* Prices Order No. 73, 19th January, 1950, p. 104; No. 74, 19th January, 1950, p. 104.

Bricks—Adelaide Metropolitan area: *Gazette* Prices Order No. 46, 28th July, 1949, p. 230.

Bricks—country areas: *Gazette* Prices Order No. 47, 28th July, 1949, p. 231.

Brown onions: *Gazette* Prices Order No. 78, 23rd February, 1950, p. 430.

Builders hardware: *Gazette* Prices Order No. 60, 17th October, 1949, p. 1011.

Clothing, etc., sales by retail: *Gazette* Prices Order No. 52, 4th August, 1949, p. 298.

Cooking and kitchen utensils: *Gazette* Prices Order No. 39, 23rd June, 1949, p. 1835.

Copper bars, blocks, ingots and pigs: *Gazette* Prices Order No. 38, 23rd June, 1949, p. 1835.

Crockery, chinaware, earthenware or glass (imported): *Gazette* Prices Order No. 51, 4th August, 1949, p. 297.

Eggs: *Gazette* Prices Order No. 76, 9th February, 1950, p. 286.

Firewood and mallee roots: *Gazette* Prices Order No. 69, 15th December, 1949, p. 1512.

Floor coverings: *Gazette* Prices Order No. 64, 10th December, 1949, p. 1167.

Footwear: *Gazette* Prices Orders No. 34, 9th June, 1949, p. 1728; No. 42, 30th June, 1949, p. 1871.

Furniture—retail: *Gazette* Prices Order No. 16, 24th February, 1949, p. 485.

Hand tools: *Gazette* Prices Order No. 43, 15th July, 1949, p. 161.

Hessian and Liverpool twill cloth: *Gazette* Prices Order No. 14, 20th January, 1949, p. 122.

Jams and jellies: *Gazette* Prices Order No. 79, 23rd March, 1950, p. 643.

Leather: *Gazette* Prices Order No. 80, 23rd March, 1950, p. 644.

Mattresses and pillows: *Gazette* Prices Order No. 50, 4th August, 1949, p. 296.

Meat: *Gazette* Prices Order No. 67, 24th November, 1949, p. 1289.

Petroleum and shale products: *Gazette* Prices Order No. 82, 27th April, 1950. p. 905.

Pig lead: *Gazette* Prices Order No. 31, 14th April, 1949, p. 943.

Potatoes: *Gazette* Prices Order No. 70, 12th January, 1950, p. 44.

Ready-made garments: *Gazette* Prices Order No. 53, 4th August, 1949, p. 300.

Rubber garden hose: *Gazette* Prices Order No. 58, 20th October, 1949, p. 955.

Safety matches: *Gazette* Prices Order No. 25, 7th April, 1949, p. 889.

Salt, loose, fine: *Gazette* Prices Order No. 10, 23rd December, 1948, p. 1868.

Scrap copper: *Gazette* Prices Order No. 37, 23rd June, 1949, p. 1835.

Scrap lead: *Gazette* Prices Order No. 30, 14th April, 1949, p. 943.

Sheets, tea towels, etc.: *Gazette* Prices Order No. 77, 9th February, 1950, p. 287.

Shirts, flannels, underpants and pyjamas: *Gazette* Prices Order No. 54, 4th August, 1949, p. 303.

Smallgoods: *Gazette* Prices Order No. 75, 19th January, 1950, p. 105.

Sugar: *Gazette* Prices Order No. 66, 17th November, 1949, p. 1225.

Wattle bark: *Gazette* Prices Order No. 57, 13th October, 1949, p. 914.

Wax matches: *Gazette* Prices Order No. 33, 16th June, 1949, p. 1788.

Wool furnishing materials: *Gazette* Prices Order No. 41, 30th June, 1949, p. 1871.

Zinc bars, blocks and ingots: *Gazette* Prices Order No. 32, 12th May, 1949, p. 1149.

s. 27 (5). Notices of exemption: *Gazette* 16th November, 1948, p. 1505; 16th November, 1948, p. 1508; 24th March, 1949, p. 793; 7th April, 1949, p. 890; 3rd November, 1949, p. 1086; 10th November, 1949, p. 1168; 12th January, 1950, p. 46.

s. 35 (2). Orders of exemption: *Gazette* 20th January, 1949, p. 115; 22nd September, 1949, p. 764.

Regulations: *Gazette* 3rd March, 1949 ,p. 537; 19th May, 1949, p. 1420.

Primary Producers Assistance Act, 1943.

Commencement: 1st January, 1944; *Gazette* 23rd December, 1943, p. 810.

Administration: Committed to the Minister of Agriculture *Gazette* 18th May, 1944, p. 613.

Primary Producers' Debts Act, 1935-1943.

Administration : Committed to the Minister of Agriculture *Gazette* 18th May, 1944, p. 613.
Regulations : *Gazette* 11th July, 1935, p. 75 ; 18th June, 1936, p. 1210.

Prisons Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
s. 13. Proclamations : *Gazette* 7th September, 1939, p. 690 ; 8th August, 1940, p. 221.
s. 18. Proclamation : *Gazette* 21st September, 1939, p. 813.
General prison regulations : *Gazette* 15th October, 1936, p. 809 ; 21st July, 1949, p. 207.
Police prison regulations : *Gazette* 30th August, 1906, p. 453 ; 13th August, 1908, p. 309.

Proof of Sunrise and Sunset Act, 1923.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1923, p. 1435.

Public Charities Funds Act, 1935-1940.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.
Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 643.
s. 4. Proclamation : *Gazette* 19th December, 1940, p. 1552.

Public Parks Act, 1943.

Administration : Committed to the Minister of Local Government *Gazette* 27th January, 1944, p. 92.

Public Service Act, 1936-1949.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.
Commencement of sections 4 to 10 of the Public Service Act Amendment Act, 1948 : 14th June, 1949 ; *Gazette* 2nd June, 1949, p. 1500.
Commencement of section 11 of the Public Service Act Amendment Act, 1948 : 16th December, 1948 : *Gazette* 16th December, 1948, p. 1801.
s. 6 (2). Proclamations : *Gazette* 22nd June, 1944, p. 735 ; 17th July, 1947, p. 93 ; 23rd June, 1949, p. 1829 ; 21st July, 1949, p. 167 ; 23rd February, 1950, p. 427.
s. 25. Proclamations : *Gazette* 14th June, 1917, p. 992 ; 30th January, 1919, p. 231 ; 4th September, 1919, p. 517 ; 4th December, 1919, p. 1411 ; 22nd July, 1920, p. 117 ; 28th October, 1920, p. 1119 ; 13th October, 1921, p. 866 ; 23rd February, 1922, p. 641 ; 29th March, 1923, p. 689 ; 31st March, 1927, p. 741 ; 7th April, 1927, p. 791 ; 16th June, 1927, p. 1301 ; 8th December, 1927, p. 1514 ; 13th December, 1928, p. 1214 ; 31st January, 1929, p. 217 ; 28th March, 1929, p. 635 ; 3rd October, 1929, p. 802 ; 13th November, 1930, p. 985 ; 20th November, 1930, p. 1025 ; 2nd April, 1936, p. 734 ; 2nd July, 1936, p. 1 ; 8th October, 1936, p. 698 ; 14th March, 1940, p. 537 ; 16th March, 1944, p. 301 ; 21st September, 1944, p. 357 ; 12th February, 1948, p. 360 ; 19th February, 1948, p. 399 ; 11th November, 1948, p. 1459.
s. 45. Notices : *Gazette* 9th September, 1937, p. 667 ; 16th September, 1937, p. 699.
Regulations : *Gazette* 16th February, 1922, p. 569 ; 13th July, 1922, p. 54 ; 18th October, 1926, p. 965 (Nos. 2-10, inclusive, not now in force) ; 20th March, 1924, p. 711 ; 19th June, 1924, p. 1360 ; 10th May, 1928, p. 964 ; 1st November, 1928, p. 978 ; 14th August, 1930, p. 296 ; 3rd September, 1936, p. 418 ; 12th November, 1936, p. 1065 ; 31st March, 1938, p. 708 ; 13th October, 1938, p. 1032 ; 7th November, 1940, p. 1006 ; 18th September, 1941, p. 1503 ; 20th July, 1944, p. 110 ; 19th April, 1945, p. 595 ; 20th September, 1945, p. 485 ; 14th March, 1946, p. 432 ; 6th May, 1948, p. 928 ; 10th June, 1948, p. 1204 ; 17th March, 1949, p. 653 ; 14th July, 1949, p. 67 ; 20th October, 1949, p. 999 ; 10th November, 1949, p. 1196 ; 19th January, 1950, p. 108.

Public Supply and Tender Act, 1914-1940.

Commencement : 17th December, 1914 ; *Gazette* 17th December, 1914, p. 1265.
Administration : Committed to the Commissioner of Public Works ; *Gazette* 17th December, 1914, p. 1265.
Regulations : *Gazette* 6th November, 1930, p. 961 ; 28th May, 1931, p. 855.

Public Works Standing Committee Act, 1927-1944.

Regulations : *Gazette* 5th September, 1940, p. 513.

The Real Property Act, 1886-1945.

Commencement of Real Property Act Amendment Act, 1939 : 1st February, 1940 ; *Gazette* 11th January, 1940, p. 38 (republished 18th January, 1940, p. 70).
Regulations under the Fees Regulation Act, 1927, relating to fees : *Gazette* 24th November 1927, p. 1229 ; 30th August, 1934, p. 428.

Real Property (Registration of Titles) Act, 1945.

Regulations : *Gazette* 12th September, 1946, p. 486.

Recreation Grounds (Regulations) Act, 1931-1935.

Regulations as to the Adelaide Oval: *Gazette* 18th August, 1932, p. 273.
Regulations as to Mortlock Park: *Gazette* 2nd November, 1933, p. 931.
Regulations as to the Norwood Oval: *Gazette* 19th January, 1933, p. 70.
Regulations as to the Unley Oval: *Gazette* 15th June, 1933, p. 1007; 29th January, 1948, p. 229.

Redhill to Port Augusta Railway Agreement Act, 1935.

Commencement: 20th December, 1935; *Gazette* 19th December, 1935, p. 1445.

Registration of Business Names Act, 1928-1946.

Commencement: 1st October, 1928; *Gazette* 27th September, 1928, p. 686.
Regulations: *Gazette* 27th September, 1928, p. 688; 28th May, 1942, p. 791.

Registration of Deeds Act, 1935.

Rules and regulations: *Gazette* 13th February, 1919, p. 325; 29th November, 1945, p. 811.

Registration of Dogs Act, 1924-1948.

Administration: Committed to the Minister of Local Government *Gazette* 18th December, 1924, p. 1561.
s. 6. Proclamations: *Gazette* 30th March, 1933, p. 520; 27th April, 1933, p. 657; 18th January, 1934, p. 77; 13th June, 1935, p. 1511; 20th February, 1936, p. 442; 26th March, 1936, p. 689; 8th April, 1937, p. 745; 30th March, 1944, p. 382; 8th June, 1944, p. 699; 19th April, 1945, p. 551; 7th June, 1945, p. 845; 27th March, 1947, p. 901.
Regulations: *Gazette* 22nd January, 1925, p. 100; 9th February, 1928, p. 261.

Renmark Irrigation Trust Act, 1936-1948.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 643.
Administration: Committed to the Minister of Irrigation *Gazette* 1st February, 1945, p. 145.
By-laws: *Gazette* 15th November, 1923, p. 1177; 24th July, 1930, p. 180.

River Murray Waters Act, 1935-1948.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 645.
Commencement of River Murray Waters Act Amendment Act, 1948: 7th July, 1949; *Gazette* 7th July, 1949, p. 1.
Regulations as to the use of surplus water: *Gazette* 23rd August, 1917, p. 481.
Notice as to records to be kept of water diverted from the River Murray: *Gazette* 22nd November, 1917, p. 1144.
Regulations (made by the River Murray Commission) as to tolls for use of lock at Blanchetown: *Gazette* 23rd March, 1922, p. 933.
River Murray traffic regulations: *Gazette* 24th September, 1936, p. 646.
Regulations for protection of locks and barrages: *Gazette* 18th July, 1940, p. 87.

River Torrens (Prohibition of Excavations) Act, 1927-1934.

Administration: Committed to the Commissioner of Public Works *Gazette* 17th June, 1937, p. 1306.

River Torrens Protection Act, 1949.

Commencement: At 1st May, 1950, this Act had not been brought into operation.

Road and Railway Transport Act, 1930-1939.

Administration: Committed to the Minister of Railways *Gazette* 12th March, 1931, p. 471.
s. 10. Order: *Gazette* 16th July, 1942, p. 46.
s. 27e. Commencement: 14th March 1940: *Gazette* 14th March, 1940, p. 538.
Regulations: *Gazette* 25th March, 1943, p. 379; 29th September, 1949, p. 837.

Roads (Opening and Closing) Act, 1932-1946.

Regulations: *Gazette* 9th December, 1948, p. 1746.
Regulations under the Fees Regulation Act, 1927, relating to fees payable on issue of title, *Gazette* 31st May, 1928, p. 1147.

Road Traffic Act, 1934-1948.

Commencement of the Road Traffic Act, 1934 (except section 110): 2nd January, 1935; *Gazette* 20th December, 1934, p. 1217.

Commencement of section 110 of the Road Traffic Act, 1934: 1st March, 1935; *Gazette* 20th December, 1934, p. 1217.

Commencement of the Road Traffic Act Amendment Act, 1936 (except sections 153 and 154): 1st April, 1937; *Gazette* 18th March, 1937, p. 585.

Commencement of section 153 of the Road Traffic Act Amendment Act, 1936: 3rd December, 1936; *Gazette* 3rd December, 1936, p. 1193.

Commencement of section 154 of the Road Traffic Act Amendment Act, 1936: 1st December, 1937; *Gazette* 18th November, 1937, p. 1345.

Commencement of the Road Traffic Act Amendment Act, 1948 (except sections 4 and 14); 6th January, 1949; *Gazette* 6th January, 1949, p. 1.

Commencement of section 4 of the Road Traffic Act Amendment Act, 1948: 1st June, 1949: *Gazette* 31st March, 1949, p. 839.

Administration of Parts I., II., and III.: Committed to the Treasurer *Gazette* 20th December, 1934, p. 1217.

Administration of Parts IV. and V.: Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1217.

Administration of Parts IIA. and VI.: Committed to the Treasurer *Gazette* 18th March, 1937, p. 586.

Administration of Part VII.: Committed to the Minister of Local Government *Gazette* 18th March, 1937, p. 586.

s. 10. Proclamations: *Gazette* 2nd October, 1930, p. 662; 21st April, 1932, p. 696; 6th October, 1932, p. 686; 24th May, 1934, p. 1282; 20th December, 1934, p. 1219; 2nd May, 1935, p. 1225; 23rd May, 1935, p. 1383; 30th April 1936, p. 933; 4th June, 1936, p. 1133; 6th August, 1936, p. 207; 19th November, 1936, p. 1111; 8th April, 1937, p. 745; 20th April, 1937, p. 945; 16th September, 1937, p. 697; 6th April, 1939, p. 835; 29th June, 1939, p. 1501; 14th March, 1940, p. 537; 9th May, 1940, p. 986; 24th July, 1947, p. 129; 14th October, 1948, p. 1267; 23rd December, 1948, p. 1866; 10th February, 1949, p. 335; 4th August, 1949, p. 293, 9th March, 1950, p. 533.

s. 71. Proclamations: 27th January, 1938, p. 165; 10th February, 1938, p. 293.

s. 110. Proclamations: *Gazette* 25th April, 1940, p. 867; 11th November, 1943, p. 603.

s. 130a. Notices: *Gazette* 26th January, 1939, p. 315; 9th February, 1939, p. 378; 2nd March, 1939, p. 553; 9th March, 1939, p. 590; 31st August, 1939, p. 558; 23rd November, 1939, p. 139; 18th January, 1940, p. 74; 8th February, 1940, p. 218; 15th February, 1940, pp. 372 and 373; 14th March, 1940, p. 549; 23rd May, 1940, p. 1111; 8th August, 1940, p. 224; 24th October, 1940, p. 843; 28th November, 1940, p. 1218; 19th December, 1940, p. 1555; 20th February, 1941, p. 259; 13th March, 1941, p. 372; 22nd May, 1941, p. 743; 3rd July, 1941, p. 3; 15th January, 1942, p. 70; 23rd November, 1944, p. 723; 17th May, 1945, p. 679; 4th October, 1945, p. 525; 24th January, 1946, p. 121; 21st March, 1946, p. 479; 9th May, 1946, p. 865; 15th August, 1946, p. 291; 12th September, 1946, p. 452; 27th February, 1947, p. 763; 8th May, 1947, p. 1429; 15th May, 1947, p. 1467; 10th July, 1947, p. 69; 16th October, 1947, p. 1127; 11th December, 1947, p. 1968; 22nd April, 1948, p. 862; 27th May, 1948, p. 1128; 5th August, 1948, p. 592; 23rd September, 1948, p. 1146; 4th November, 1948, p. 1448; 3rd February, 1949, p. 274; 17th March, 1949, p. 679; 11th August, 1949, p. 370; 17th November, 1949, p. 1269; 23rd February, 1950, p. 457; 23rd March, 1950, p. 653; 6th April, 1950, p. 773; 20th April, 1950, p. 874.

s. 130b. Notices: *Gazette* 15th August, 1940, p. 278; 26th June, 1941, p. 962; 18th September, 1941, p. 617; 28th May, 1942, p. 763; 1st April, 1943, p. 393; 9th December, 1943, p. 756; 13th June, 1946, p. 1087; 17th October, 1946, p. 1002; 2nd October, 1947, p. 973; 30th October, 1947, p. 1353; 2nd September, 1948, p. 909; 7th October, 1948, p. 1240; 28th October, 1948, p. 1348; 7th April, 1949 p. 928; 14th April, 1949, p. 972; 2nd June, 1949, p. 1512,; 16th June, 1949, p. 1790; 21st July, 1949, p. 180; 22nd September, 1949, p. 801; 9th February, 1950, p. 344.

s. 143. Proclamation: *Gazette* 18th March, 1937, p. 586.

s. 151. Proclamation: *Gazette* 19th October, 1939, p. 1094.

Regulations: *Gazette* 1st February, 1945, p. 161; 9th August, 1945, p. 218; 3rd January, 1946, p. 24; 8th August, 1946, p. 214; 18th March, 1948, p. 638; 16th December, 1948, p. 1858.

Rules of Local Court as to appeals under section 32: *Gazette* 4th March, 1937, p. 484.

Sale of Fruit Act, 1915-1935.

Regulations: *Gazette* 3rd December, 1936, p. 1195; 25th December, 1947, p. 2265.

Sale of Goods Act, 1895-1943.

s. 57a. Commencement: 1st July, 1938: *Gazette* 9th June, 1938, p. 1270.

Sandalwood Act, 1930-1949.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 4th December, 1930, p. 1129.
Regulations : *Gazette* 7th July, 1932, p. 2 ; 6th December, 1934, p. 1142.

Sand Drift Act, 1923-1935.

Commencement : 8th May, 1924 ; *Gazette* 8th May, 1924, p. 1057.
Administration : Committed to the Minister of Local Government *Gazette* 24th January, 1924, p. 151.
s. 4 (1). Proclamation : *Gazette* 6th February, 1941, p. 148.
s. 28. Proclamations : *Gazette* 14th October, 1926, p. 922 ; 24th February, 1927, p. 397 ; 5th January, 1928, p. 2 ; 23rd May, 1929, p. 1051 ; 13th August, 1931, p. 253 ; 19th September, 1935, p. 637 ; 10th October, 1935, p. 754 ; 26th January, 1939, p. 246 ; 2nd May, 1940, p. 897 ; 20th June, 1940, p. 1350 ; 29th August, 1940, p. 405 ; 23rd April, 1942, p. 613 ; 10th June, 1943, p. 706.
Regulations : *Gazette* 19th January, 1928, p. 91 ; 1st November, 1945, p. 672.

The Savings Bank of South Australia Act, 1929-1949.

Rules : *Gazette* 4th March, 1943, p. 272.

Scaffolding Inspection Act, 1934-1940.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 642.
Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 642.
s. 3. Proclamations : *Gazette* 17th October, 1940, p. 777 ; 13th February, 1941, p. 181.
Regulations amending the second schedule : *Gazette* 14th September, 1944, p. 324.

School of Mines and Industries Act, 1892-1934.

Commencement : 1st February, 1893 ; *Gazette* 19th January, 1893, p. 96.
s. 8. Proclamation : *Gazette* 7th January, 1935, p. 407.
Rules and regulations : *Gazette* 30th July, 1942, p. 122 ; 10th July, 1947, p. 89 ; 5th May, 1949, p. 1093 ; 27th October, 1949, p. 1010.

Second-hand Dealers Act, 1919-1949.

Commencement : 12th August, 1920 ; *Gazette* 12th August, 1920, p. 315.
Administration : Committed to the Chief Secretary *Gazette* 19th August, 1920, p. 379.
Regulations : *Gazette* 26th March, 1936, p. 705 ; 26th May, 1938, p. 1151 ; 23rd June, 1938, p. 1533 ; 3rd August, 1939, p. 345 ; 9th November, 1939, p. 1262 ; 19th September, 1946, p. 668 ; 13th November, 1947, p. 1657.

Settled Estates Act, 1880-1943.

Rules of Court : *Gazette* 5th April, 1883, p. 1174.

Sewerage Act, 1929-1946.

s. 79. Proclamation : *Gazette* 27th May, 1926, p. 1365.
Regulations : *Gazette* 15th August, 1935, p. 359 ; 10th September, 1942, p. 403 ; 26th September, 1946, p. 733.
Regulation under the Fees Regulation Act, 1927, fixing fees for services relating to sewers: *Gazette* 20th September, 1934, p. 596.

Sharebrokers Act, 1945.

Commencement : 1st July, 1946 ; *Gazette* 27th June, 1946, p. 1121.
Regulations : *Gazette* 27th June, 1946, p. 1172.

Shearers Accommodation Act, 1922-1947.

Administration : Committed to the Minister of Industry *Gazette* 18th January, 1923, p. 93.

Soil Conservation Act, 1939-1947.

Administration : Committed to the Minister of Agriculture *Gazette* 4th January, 1940, p. 3.
s. 6a. Proclamations : *Gazette* 29th May, 1947, p. 1559 ; 12th June, 1947, p. 1637 ; 26th June, 1947, p. 1709 ; 17th July, 1947, p. 94 ; 23rd October, 1947, p. 1255 ; 22nd April, 1948, p. 825 ; 9th September, 1948, p. 955 ; 30th September, 1948, p. 1167.
s. 9. Proclamations : *Gazette* 29th April, 1943, p. 549 ; 24th July, 1947, p. 131.
Regulations : *Gazette* 15th February, 1945, p. 273 ; 2nd October, 1947, p. 1027.

South Australian Housing Trust Act, 1936-1948.

Administration : Committed to the Treasurer *Gazette* 14th January, 1937, p. 33.

South Australian Railways Commissioner's Act, 1936-1941.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.
s. 53n. Proclamation : *Gazette* 29th October, 1942, p. 889.
By-laws—

1. General by-laws governing passengers and public—By-law A : *Gazette* 16th August, 1906, p. 355 ; by-law D : *Gazette* 24th June, 1920, p. 1487.
2. Unauthorised crossings—By-law E : *Gazette* 5th March, 1931, p. 419.
3. Removal of goods from railway premises—By-law F : *Gazette* 7th January, 1932, p. 20.
4. Tickets covering combined services—By-law G : *Gazette* 12th July, 1934, p. 42.
5. Conduct of passengers and persons on railway premises—By-law H : *Gazette* 17th February, 1938, p. 359 ; By-law K : *Gazette* 17th May, 1945, p. 699.
6. Rates and conditions for the carriage of merchandise, minerals, livestock, &c.—By-law 226 : *Gazette* 9th March, 1934, p. 541 ; by-law 229 (livestock) : *Gazette* 25th April, 1935, p. 1198 ; by-law 232 (crude oil, kerosene, and motor spirit) : *Gazette* 18th June, 1936, p. 1212 : by-law No. 236 (carriage of perishable traffic) : *Gazette* 4th January, 1940, p. 31 ; by-law No. 237 (carriage of motor vehicles) ; *Gazette* 17th April, 1941, p. 558 : by-law No. 244 (carriage of freight, livestock, etc.,) : *Gazette* 17th February, 1949, p. 419.
7. Passenger rates and conditions—By-law 228 : *Gazette* 4th January, 1935, p. 41 : 28th September, 1939, p. 905 ; by-law 233 : *Gazette* 16th September, p. 704 : by-law No. 238 : *Gazette* 1st July, 1943, p. 23 ; by-law No. 239 : *Gazette* 12th April, 1945, p. 547 ; by-law No. 243 : *Gazette* 17th February, 1949, p. 433.
8. Use of railway facilities for loading and unloading merchandise other than rail-borne merchandise—By-law 230 : *Gazette* 23rd January, 1936, p. 218.

Regulations—

1. Employment, rules, duties, &c., of staff—Regulation No. 56 : *Gazette* 2nd November, 1922, p. 990 ; regulation No. 86 : *Gazette* 28th March, 1929, p. 652 ; regulation No. 88 : *Gazette* 27th June, 1929, p. 1495 ; regulation No. 90 : *Gazette* 23rd January, 1930, p. 139 ; regulation No. 105 : *Gazette* 7th March, 1935, p. 688 ; regulation No. 108 : *Gazette* 30th May, 1935, p. 1439 ; regulation No. 123 : *Gazette*, 13th March, 1941, p. 370 ; regulation No. 125 : *Gazette* 2nd April, 1942, p. 498 ; regulation No. 128 : *Gazette* 24th December, 1942, p. 1218.
2. Employment on other than railway duties—Regulation No. 120 : *Gazette* 9th May, 1940, p. 1054.
3. Locomotive workshop rules—Regulation No. 89 : *Gazette* 21st November, 1929, p. 1125
4. Branches of railway service—Regulation No. 99 : *Gazette* 14th January, 1932, p. 32.
5. Classification of officers—Regulation No. 111 : *Gazette* 24th September, 1936, p. 643 ; regulation No. 114 : *Gazette* 14th October, 1937, p. 1029 ; regulation No. 115 : *Gazette* 14th October, 1937, p. 1030 ; regulation No. 119 : *Gazette* 28th November, 1940, p. 1211 ; regulation No. 136 : *Gazette* 29th April, 1948, p. 921.
6. Home stations and travelling allowances—Regulation No. 65 : *Gazette* 21st August, 1924, p. 469 ; regulation No. 67 : *Gazette* 11th September, 1924, p. 658.
7. Transfers—Regulation No. 66 : *Gazette* 11th September, 1924, p. 658.
8. Leave of absence, holidays, sick leave, hours of duty—Regulation No. 68 : *Gazette* 20th November, 1924, p. 1338 ; regulation No. 69 : *Gazette* 23rd July, 1925, p. 182 ; regulation No. 118 : *Gazette* 3rd November, 1938, p. 1182 ; regulation No. 131 : *Gazette* 9th May, 1946, p. 899 ; regulation No. 134 : *Gazette* 21st November, 1946, p. 1322.
9. Injuries, sickness, and medical standards—Regulation No. 107 : *Gazette* 18th April, 1935, p. 1142.
10. Clothing and equipment—Regulation No. 91: *Gazette* 28th August, 1930, p. 410.
11. The Railways Institute—Regulation No. 79 : *Gazette* 28th July, 1927, p. 218; regulation No. 84 : *Gazette* 8th March, 1928, p. 509 ; regulation No. 101, *Gazette* 25th February, 1932, p. 381.
12. The Railways Service Appeal Board—*Gazette* 11th February, 1904, p. 253 ; 18th December, 1941, p. 1504.
13. The Railway Officers Classification Board : *Gazette* 19th January, 1939, p. 239 ; 19th October, 1939, p. 1155 ; 3rd October, 1940, p. 733.
14. Audit regulations : *Gazette* 16th March, 1944, p. 302 ; 3rd January, 1946, p. 21.

South-Eastern Drainage Act, 1931-1948.

Commencement : 1st January, 1932 ; *Gazette* 17th December, 1931, p. 1115.
Administration : Committed to the Minister of Irrigation *Gazette* 17th December, 1931, p. 1115.
Rules of Court as to appeals under section 53 or section 96 : *Gazette* 5th May, 1932, p. 779.

Stamp Duties Act, 1923-1947.

Regulations : *Gazette* 24th July, 1924, p. 169.

The Standard Time Act, 1898.

Commencement : 1st May, 1899 ; *Gazette* 9th February, 1899, p. 245.

State Bank Act, 1925-1941.

Commencement : 1st February, 1926 ; *Gazette* 28th January, 1926, p. 151.
Administration : Committed to the Treasurer *Gazette* 28th January, 1926, p. 151.
Regulations : *Gazette* 21st November, 1929, p. 1137.

Statutory Salaries and Fees Act, 1947.

Regulations relating to the Board of Management of the Adelaide Hospital, the Board of Trustees of the Savings Bank of South Australia, the Municipal Tramways Trust, and the Commissioners of Charitable Funds : *Gazette* 30th September, 1948, p. 1170 ; 2nd December, 1948, p. 1728.
Regulation relating to the Fire Brigades Board : *Gazette* 27th January, 1949, p. 193.
Regulation relating to the South Australian Housing Trust : *Gazette* 19th May, 1949, p. 1420.

Steam Boilers and Enginedrivers Act, 1935.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.
Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 643.
Regulations relating to the examination of boilers : *Gazette* 11th February, 1932, p. 257 ; 12th March, 1936, p. 593.
Regulations relating to the Enginedrivers' Board and examinations : *Gazette* 2nd April, 1925, p. 578 ; 23rd September, 1937, p. 765.

Stock and Poultry Diseases Act, 1934-1946.

Commencement of Stock and Poultry Diseases Act Amendment Act, 1946 : 27th February, 1947 ; *Gazette* 27th February, 1947, p. 743.
Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.
s. 5 (1). Proclamation of " disease ": *Gazette* 19th January, 1950, p. 101.
s. 5 (1). Notices under definition of " stock ": *Gazette* 27th May, 1937, p. 1211 ; 5th April, 1945, p. 503.
s. 6. Proclamations : *Gazette* 15th December, 1932, p. 1143 ; 10th December, 1942, p. 1124 ; 26th August, 1943, p. 230 ; 27th February, 1947, p. 744 ; 21st July, 1949, p. 165 ; 21st July, 1949, p. 166.
ss. 29 and 30. Notice : *Gazette* 30th October, 1947, p. 1356.
s. 48. Proclamation : *Gazette* 5th April, 1945, p. 499.
Regulations : *Gazette* 27th June, 1946, p. 1151 ; 27th February, 1947, p. 778; 4th September, 1947, p. 687 ; 25th December, 1947, p. 2266 ; 10th June, 1948, p. 1210 ; 19th August, 1948, p. 712 ; 27th January, 1949, p. 192 ; 2nd February, 1950, p. 251.

Stock Foods Act, 1941-1948.

Commencement: 1st April, 1942; *Gazette* 29th January, 1942, p. 143.
Administration: Committed to the Minister of Agriculture: *Gazette* 29th January, 1942, p. 143.
Regulations : *Gazette* 29th January, 1942, p. 146 ; 15th July, 1948, p. 294.

Stock Licks Act, 1931.

Commencement : 3rd April, 1932 ; *Gazette* 17th March, 1932, p. 511.
Administration : Committed to the Minister of Agriculture *Gazette* 31st December, 1931 p. 1227.
Regulations: *Gazette* 17th March, 1932, p. 513.

Stock Medicines Act, 1939.

Commencement : 1st July, 1940 ; *Gazette* 21st March, 1940, p. 589.
Administration : Committed to the Minister of Agriculture *Gazette* 21st March, 1940, p. 589.
s. 4. Proclamation : *Gazette* 24th June, 1948, p. 1304.
Regulations : *Gazette* 21st March, 1940, p. 592.

Subdivided Land Debts Act, 1932-1934.

s. 8. Notice : *Gazette* 26th January, 1933, p. 111.
Regulations : *Gazette* 19th January, 1933, p. 72.

Succession Duties Act, 1929-1949.

s. 6. Proclamations : *Gazette* 2nd July, 1925, p. 1 ; 16th June, 1932, p. 1067 ; 23rd January, 1936, p. 208 ; 12th November, 1942, p. 985 ; 20th February, 1947, p. 684.
Regulation : *Gazette* 20th January, 1949, p. 129.
Regulation under the Fees Regulation Act, 1927, providing for the fee payable to the Public Trustee on the preparation of a certain succession duty form : *Gazette* 3rd December, 1931, p. 1033.

Superannuation Act, 1926-1949.

Commencement : 22nd December, 1926 ; *Gazette* 23rd December, 1926, p. 1565.
Administration : Committed to the Treasurer *Gazette* 23rd December, 1926, p. 1565.
s. 3. Notice of " appointed day " : *Gazette* 24th February, 1927, p. 400.
s. 23. Notice : *Gazette* 24th February, 1927, p. 400.
Regulations : *Gazette* 22nd December, 1926, p 1566 ; 16th June, 1927, p. 1306 ; 20th December, 1928, p. 1293 ; 10th September, 1931, p. 430 ; 23rd November, 1933, p. 1055 ; 11th July, 1940, p. 72 ; 20th November, 1947, p. 1705.
Regulations as to superannuation rights of officers transferred from Commonwealth : *Gazette* 29th May, 1947, p. 1601.
Rules of Court : *Gazette* 12th May, 1932, p. 869.

Supreme Court Act, 1935-1947.

Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.
s. 52. Proclamations : *Gazette* 21st March, 1878, p. 620 ; 14th July, 1881, p. 92 ; 3rd March, 1892, p. 527 ; 21st January, 1897, p. 92 ; 14th September, 1939, p. 745.

Rules of Court—

Actions and other proceedings in the Court : Supreme Court Rules : *Gazette* 7th May, 1947, p. 1153 ; 28th October, 1948, p. 1350. The following Rules of Cour have operation to the extent set out in the fourth schedule to the Supreme Court Rules : Rules of Court, 1913, dated 10th December, 1913 (not published in the *Gazette*); Rules of Court, 1937 : *Gazette* 4th November, 1937, p. 1205.
Administration and probate : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021 ; 2nd June, 1938, p. 1265.
Administration of Justice Act, 1922—Procedure : Rules dated 25th October, 1922. Not published in the *Gazette*.
Adoption of Children Act, 1925—Procedure : Rules dated 23rd December, 1926. Not published in the *Gazette*.
Companies Act, 1934 : *Gazette* 8th February, 1940, p. 233. (Rule 147 and the fourth schedule disallowed, *Gazette* 19th September, 1940, p. 570) ; 14th October, 1948, p. 1271.
Compulsory Acquisition of Land Act, 1925—Procedure : *Gazette* 10th May, 1928, p. 968.
Criminal appeals : Dated 1st September, 1925. Not published in the *Gazette*.
Criminal sittings : *Gazette* 4th August, 1932, p. 191 ; 1st December, 1949, p. 1408.
Criminal trials : *Gazette* 15th June, 1944, p. 730.
Dentists Act, 1931—Appeals : *Gazette* 4th August, 1932, p. 183.
Detention of ships : Rules of Court, 1913, Order 53, Rule 17. Not published in the *Gazette*.
Evidence on Commission Act, 1857 (Imp.) : *Gazette* 20th February, 1908, p. 313.
Guardianship of Infants Act, 1887—Procedure : *Gazette* 1st May, 1890, p. 1215.
Harbors Act, 1913—Appeals and other proceedings : *Gazette* 19th April, 1917, p. 639.
Industrial and Provident Societies Act, 1924—Appeals : *Gazette* 2nd October, 1924, p. 830.
Inebriates Act, 1908—Applications : *Gazette* 26th October, 1911, p. 864.
Justices Act, 1921—Appeals : *Gazette* 22nd September, 1938, p. 776.
Law Society Act, 1915—Procedure of Statutory Committee : *Gazette* 9th November, 1916, p. 943.
Legal Practitioners—Admission : *Gazette* 27th August, 1936, p. 357.
Legal practitioners—Trust accounts and other matter *Gazette* 31st August 1939, p. 573.
Local Courts Act, 1926—Appeals : *Gazette* 31st March, 1927, p. 745 ; rules dated 6th February, 1928 (not published in the *Gazette*) ; 22nd March, 1934, p. 853 ; 4th November, 1937, p. 1230.
Maintenance Orders (Facilities for Enforcement) Acts, 1922 and 1925 : *Gazette* 16th February, 1928, p. 316.
Matrimonial Causes Act, 1929 : Rules in the second schedule to the Matrimonial Causes Act, 1929. Amendments *Gazette* 5th December, 1935, p. 1349.
Mental Defectives Act, 1913—Applications : *Gazette* 3rd September, 1914, p. 585. [Rules made under the Lunatics Act, 1864, on 3rd September, 1869, and 10th August, 1875, may also be applied in any case where the court or judge so orders.]

Supreme Court Act, 1935-1947—*continued.*

Rules of Court—*continued*—

Prize Court Rules :—Proclamation as to war with Germany, *Gazette* 7th September, 1939, p. 689.
Proclamation as to war with Italy : *Gazette* 13th June, 1940, p. 1273.
Application of rules to Supreme Court : *Gazette* 28th September, 1939, p. 865.
Probate and letters of administration : see administration and probate.
Revenue jurisdiction : Schedule to Act, 7, 1867.
Service and Execution of Process Act, 1901-1934 (Commonwealth) : *Gazette* 19th April, 1917, p. 646 ; 4th November, 1937, p. 1247.
Settled Estates Act, 1880—Procedure : *Gazette* 5th April, 1883, p. 1174.
Superannuation Act, 1926—Appeals : Dated 26th August, 1930. Not published in the *Gazette*.
Testators Family Maintenance Act, 1918—Applications : Dated 27th May, 1922. Not published in the *Gazette*.
Trustee Act, 1936 : *Gazette* 4th November, 1937, p. 1225 ; 16th December, 1948, p. 1804.
Workmen's Compensation Act, 1932—Appeals . *Gazette* 4th November, 1937, p. 1229.

Surveyors Act, 1935-1949.

Commencement : 26th March, 1936 ; *Gazette* 26th March, 1936, p. 689.
Regulations as to examinations and licensing of surveyors : *Gazette* 1st July, 1948, p. 112.
Regulations as to surveys, etc. : *Gazette* 16th November, 1939, p. 1367.
Regulation under the Fees Regulation Act, 1927, relating to the fee payable for the publication of a list of licensed surveyors : *Gazette* 11th November, 1937, p. 1307.

Swine Compensation Act, 1936-1946.

Commencement : 1st March, 1937 ; *Gazette* 24th December, 1936, p. 1321.
Administration : Committed to the Minister of Agriculture *Gazette* 24th December, 1936, p. 1322.
Regulations : *Gazette* 16th January, 1941, p. 35 ; 9th November, 1944, p. 656 ; 5th June, 1947, p. 1632 ; 26th August, 1948, p. 864.

Tatiara Drainage Trust Act, 1949.

Commencement : At 1st May, 1950, this Act had not been brought into operation.

Technical Education of Apprentices Act, 1917-1940.

Administration : Committed to the Minister of Education *Gazette* 7th February, 1918, p. 232.
s. 3. Proclamations : *Gazette* 29th May, 1919, p. 951 ; 12th January, 1922, p. 41 ; 29th October, 1942, p. 889 ; 19th October, 1944, p. 471 ; 25th January, 1945, p. 85 ; 5th August, 1948, p. 587.
s. 5. Notices : *Gazette* 29th May, 1919, p. 953 ; 28th October, 1920, p. 1125 ; 21st July, 1921, p. 99.
Regulations : *Gazette* 18th July, 1918, p. 94 ; 31st May, 1945, p. 838 ; 6th April, 1950, p. 728.

Testator's Family Maintenance Act, 1918-1943.

Rules of Court were made 27th May, 1922, but have not been published in the *Gazette*.

Textile Products Description Act, 1944.

Commencement : At 1st May, 1950, this Act had not been brought into operation.
Administration : Committed to the Minister of Industry and Employment *Gazette* 11th January, 1945, p. 27.

Tobacco Industry Protection Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 28th February, 1935, p. 591.
Regulations : *Gazette* 28th February, 1935, p. 592 ; 2nd May, 1935, p. 1225.

Town Planning Act, 1929.

Commencement : 15th January, 1930 ; *Gazette* 16th January, 1930, p. 69.
Administration : Committed to the Attorney-General *Gazette* 20th February, 1930, p. 369.
Regulations : *Gazette* 13th March, 1930, p. 526 ; 15th December, 1938, p. 1502.

The Travelling Stock Waybills Act, 1911-1947.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd June, 1937, p. 1254.

Trespassing on Land Act, 1928.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1928, p. 1277.
s. 2. Proclamations : *Gazette* 20th December, 1928, p. 1278; 12th September, 1940, p. 516, 18th March, 1943, p. 309.

Trustee Act, 1936-1946.

Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.
Commencement of Trustee Act Amendment Act, 1941; 8th December, 1941; *Gazette* 4th December, 1941, p. 1193.
s. 5 (1) (*f*). Proclamations : *Gazette* 21st June, 1894, p. 1381 ; 8th February, 1900, p. 228 ; 21st February, 1901, p. 367 ; 6th October, 1904, p. 635 ; 7th June, 1906, p. 996 ; 1st June, 1911, p. 1071 ; 21st May, 1914, p. 1105 ; 17th August, 1922, p. 333 ; 7th September, 1922, p. 545 ; 1st March, 1928, p. 453 ; 19th May, 1932, p. 899.
s. 5 (2). Proclamations : *Gazette* 15th May, 1902, p. 1025 ; 17th August, 1922, p. 333 ; 11th October, 1923, p. 834.
Rules of Court : *Gazette* 4th November, 1937, p. 1225 ; 16th December, 1948, p. 1804.

Unemployment Relief Council Act, 1930.

Administration : Committed to the Minister of Industry and Employment *Gazette* 11th May, 1933, p. 789.
Regulations : *Gazette* 9th July, 1931, p. 33 ; 12th November, 1936, p. 1066.

Use of Firearms Restriction Act, 1917-1934.

Administration : Committed to the Chief Secretary *Gazette* 20th December, 1917, p. 1319.

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