

## INCREASE OF RENT (WAR RESTRICTIONS).

11° and 12° GEO. VI., No. L.

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No. 50 of 1947.

**AN ACT to amend the Increase of Rent (War Restrictions) Act, 1939-1947.**

[Assented to 19th December, 1947.]

**BE** it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the *Increase of Rent (War Restrictions) Act Amendment Act, 1947*, and shall be read as one with the Increase of Rent (War Restrictions) Act, 1939-1947 (Act No. 45 of 1939 reprinted as amended by Nos. 48 of 1941 and 34 of 1943 pursuant to the Amendments Incorporation Act, 1938, and further amended by Nos. 34 of 1945, 10 of 1946 and 5 of 1947), hereinafter referred to as the principal Act.

Citation of  
principal  
Act as  
amended.

2. The principal Act as amended by this Act may be cited as the Increase of Rent (War Restrictions) Act, 1939-1947.

3. Section two of the principal Act is amended by— Amendment of s. 2.

(a) inserting after the word “thereof” in line 2 of the definition of “Land” the words “and includes a caravan while used as a dwelling, and any land and conveniences occupied or enjoyed in any connection therewith”;

(b) adding at the end of the definition of “Lease” the words “and includes an agreement for a license for a caravan to occupy land for any period during which the caravan is to be used, or is being used as a dwelling”;

(c) inserting before the words “Standard rent” in line seventeen the following:—

“Share accommodation” means any premises leased, or intended to be leased for the purpose of residence, including premises leased with goods therewith, and forming part of other premises, but does not include any premises forming a complete residence in themselves.

Provided that “Share accommodation” shall include a caravan while used as a dwelling and any land and conveniences occupied or enjoyed in connection therewith.

4. Section five subsection (1) of the principal Act is amended by inserting after the word “effected” in line eight of paragraph (i) the words “may be made by the lessor after service of written notice as hereinafter provided.” Amendment of s. 5 (1).

5. Section six of the principal Act is amended by substituting for subsection (1) the following— Amendment of s. 6 (1).

(1) The lessee of any premises, or any rent inspector appointed under the hand of the Minister may by notice require the lessor to furnish him with a statutory declaration as to the standard rent thereof and the lessor shall furnish a statutory declaration accordingly within seven days after the receipt by him of the notice.

Sections 6A  
and 6B added.

6. The principal Act is amended by adding after the word "fact" in section six subsection (3) line five the following sections—

6A. A person shall not, whether as principal or agent, or in any other capacity—

(a) pay, give or receive, or offer, promise or agree to pay, give or receive, any sum of money or other consideration—

(i) for obtaining or making available a key of any premises (including any dwelling-house), or

(ii) for information as to a tenancy, or as to the possibility or likelihood of obtaining a tenancy, of any premises (including any dwelling-house);

(b) make any representation or do any other act whereby a person is informed that, upon the purchase or exchange of any goods he will receive or obtain or be entitled to receive or obtain the grant, transfer or assignment, renewal or extension of a lease or consent to a sub-lease of any premises (including any dwelling-house);

(c) in any prosecution for a contravention of the last preceding paragraph it shall be a defence if the defendant proves that—

(i) at the time of the representation or act he specified a price for the purchase and that the price so specified was not unreasonable; or

(ii) the proposed exchange was not unfair.

6B. Where the lessor has since the thirty-first day of August, one thousand nine hundred and thirty-nine reduced the rent of any premises below the standard rent he may, by leave of the Court, charge the standard rent aforesaid as from a date to be fixed by the said Court. In the event of an

existing lease the lessor shall give two weeks' notice in writing of his intention to apply to the Court for leave to charge the standard rent as aforesaid.

7. Section seven subsection (1) paragraph (a) subparagraph (i) of the principal Act is amended by deleting in lines five, six and seven the words "within three months from the date of any lease thereof," and inserting in lieu thereof the words "at any time," and subparagraph (iii) of the principal Act is amended by—

Amendment  
of s. 7.

(a) inserting after the word "rent" in line five the following—

(iv) a lease of any land where the tenant has sub-let any part and where, in the opinion of the Court, it is just and reasonable that the rent paid by the tenant shall be in excess of the standard rent: Provided that a rent inspector appointed under the hand of the Minister shall have previously determined the fair rent to be charged to any sub-lessee.

(b) substituting for the figure in brackets thus "(iv)" the figure in brackets thus "(v)" in line eighteen.

8. Section ten of the principal Act is amended by inserting before the word "No" in line one the words "Except in the case of proceedings in respect of an alleged offence against any of the provisions of this Act."

Amendment  
of s. 10.

9. The principal Act is amended by adding after the word "occupied" in section twelve line eight the following sections—

Sections 12A  
and 12B  
added.

12A. (1) The lessor or the lessee of shared accommodation may make application in writing to a rent inspector appointed under the hand of the Minister to determine the fair rent thereof, including also premises with goods leased therewith. The rent inspector may determine the fair rent of the

Determination  
of rent of  
shared  
accommo-  
dation.

shared accommodation, or of shared accommodation together with goods leased therewith, and such determination shall come into force on a date fixed by him, but the date so fixed shall not be earlier than seven days after the date of the determination. The lessor and lessee concerned shall be notified in writing of such determination and the date fixed on which it comes into force.

(2) Where any fair rent has been determined in pursuance of this section it shall, as from the date on which the determination comes into force and until varied by the court on appeal or by a subsequent determination of the rent inspector, be the rent of the shared accommodation in respect of which it was fixed.

(3) The rent inspector may, for the purposes of this section, enter on and inspect any premises.

Appeal from  
determination.

12B. The lessor or lessee of any shared accommodation in respect of which a determination has been made under the last preceding section may within fourteen days after the giving of the notice of the determination, appeal to the court from the determination of the rent inspector. Every notice of appeal shall be deemed an application and the provisions of section seven subsection (2) of this Act shall apply thereto. While any such appeal is pending the determination of the rent inspector shall continue to have full force and effect.

Amendment  
of s. 13.

10. Section thirteen of the principal Act is amended by adding after the words "dwelling-house" in subsection (3) line four the following subsection:—

(4) For the purpose of this section "dwelling-house" includes any flat or any part of a dwelling-house or of a flat leased or intended to be leased separately for the purposes of residence.

Amendment  
of s. 14.

11. Section fourteen of the principal Act is amended by substituting for subsection (2) the following:—

(2) The record and any previous like records shall be available for inspection when requested by

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any tenant of the premises, or by any rent inspector appointed under the hand of the Minister, within fourteen days after such request.

12. Section fifteen is amended by adding after the word "Act" in the last line the following:— Amendment  
of s. 15.

Provided that the provisions of this section shall not apply in respect of premises, for which a publican's general license, an hotel license, a wayside house license or an Australian wine and beer license, under the Licensing Act, 1911, subsists, at the expiration of not less than three months' notice to quit.

Provided further, that nothing herein contained shall affect or derogate from the rights of the lessee under any existing lease or, subject to this Act, shall entitle the lessor to charge, whether by way of premium or otherwise, any rent for the land in excess of the standard rent.

13. Section seventeen of the principal Act is amended by— Amendment  
of s. 17.

(a) inserting before the word "Any" in line one the figure one in brackets thus "(1),"

(b) inserting before the word "Prosecutions" in line nine the figure two in brackets thus, "(2)," and

(c) adding after the word "brought" in line seventeen a subsection as follows:—

(3) Any person guilty of an offence against this Act for which no specific penalty is provided shall be liable on conviction to a penalty not exceeding fifty pounds.