

**RENTS AND TENANCIES EMERGENCY
PROVISIONS.**

2^d Elizabeth II., No. XLV.

No. 45 of 1953.

**AN ACT to amend the Rents and Tenancies
Emergency Provisions Act, 1951-1952.**

[Assented to 29th December, 1953.]

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

1. (1) This Act may be cited as the *Rents and Tenancies Emergency Provisions Act Amendment Act, 1953.*

Short title
and citation.

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(2) In this Act the Rents and Tenancies Emergency Provisions Act, 1951-1952,

Act No. 47 of 1951 as amended by Acts Nos. 8 and 63 of 1952,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Rents and Tenancies Emergency Provisions Act, 1951-1953.

S. 11
amended.

2. Section eleven of the principal Act is amended—
- (a) by adding after the word, “term” in line two of subsection (1) the words, “subject to the provisions of section twelve A of this Act”; and
 - (b) by adding after the word, “inspector” in line four of subsection (2) the words, “and subject to the provisions of section twelve A of this Act”.

S. 12
amended.

3. Section twelve of the principal Act is amended by adding before the word, “Rent” in line one, the words, “subject to the provisions of section twelve A of this Act”.

4. The principal Act is amended by adding after section twelve the following section:—

S. 12A
added.

12A. On the thirtieth day of April, one thousand nine hundred and fifty-four the provisions of sections ten, eleven and twelve of this Act cease to operate and the provisions of section thirteen of this Act operate in their stead on and after the first day of May, one thousand nine hundred and fifty-four during the operation of this Act.

S. 13
amended.

5. Section thirteen of the principal Act is amended—

- (a) by adding after the subsection designation, “(1)” the paragraph designation, “(a)”;
- (b) by adding to subsection (1) the following paragraph:—
 - (b) on and after the first day of May, one thousand nine hundred and fifty-four, the rent of premises for any

period during the operation of this Act shall be such as is agreed between the lessor and the lessee, but whether the lessor and lessee have or have not agreed, or negotiated for agreement, as to the rent the lessor or lessee may subject to the provisions of subsection (4) of this section and of section fifteen of this Act, from time to time make application for the amount of rent of the premises to be determined;

- (c) by substituting for the words, "The lessor or the lessee may make application in writing to a rent inspector appointed under the hand of the Minister to" in lines three, four and five of paragraph (a) of subsection (2) the words, "a rent inspector may upon application being made to him by the lessor or the lessee, or of his own motion,";
- (d) by adding after the word, "force" being the last word in paragraph (a) of subsection (2) the words, "and of their rights of appeal mentioned in subsection (4) of this section";
- (e) by substituting for the word, "may" at the end of line two of subsection (3) the word, "shall"; and
- (f) by substituting for the passage commencing with the word, "shall" in line four and ending with the word, "terms" in line seven of subsection (3) the passage, "so that the rent determined for
 - (a) premises which are leased otherwise than in parts, yields a fair net annual return being not less than two per centum per annum and not more than eight per centum per annum on the capital value of the premises at the date of the application; or
 - (b) premises being part of premises which part is leased separately, yields a fair net annual return determined on the basis mentioned in paragraph

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(a) of this subsection with such additional return, if any, as the Court or the inspector as the case may be, is hereby authorised to determine and does determine as fit in the particular circumstances of the case; but the Court or the inspector shall not during the term of a lease of premises which has been or may be entered into for a fixed term exceeding twelve months, alter the rent reserved by the lease”.

S. 17
amended.

6. Section seventeen of the principal Act is amended by adding before the words, “The provisions” in line one of subsection (2) the words, “Subject to the provisions of section twenty A of this Act”.

S. 18
amended.

7. Section eighteen of the principal Act is amended by adding after the word, “Act” in line one of subsection (1) the words, “and subject to the provisions of section twenty A of this Act”.

S. 19
amended.

8. Section nineteen of the principal Act is amended by adding after the word, “section” in line three of subsection (1) the words, “but subject to the provisions of section twenty A of this Act”.

S. 20
amended.

9. Section twenty of the principal Act is amended—

(a) by adding after the word, “Part” in line one of subsection (1) the words, “in general, and to the provisions of section twenty A of this Act in particular; and

(b) by substituting for the words, “a person in occupation” in lines five and six of subsection (6) the words, “the lessee or person in occupation”.

S. 20A
added.

10. The principal Act is amended by adding after section twenty the following sections:—

20A. On the thirtieth day of April, one thousand nine hundred and fifty-four the provisions of sections seventeen, eighteen, nine-

teen and twenty of this Act cease to operate and the provisions of section twenty B of this Act operate in their stead on and after the first day of May, one thousand nine hundred and fifty-four and during the operation of this Act.

20B. On and after the first day of May, one thousand nine hundred and fifty-four, the lessor of premises shall not during the operation of this Act commence or continue proceedings to recover possession of, or eject the lessee from, premises unless he has given to the lessee notice to quit of at least twenty-eight days or such longer period as that to which the lessee is entitled at law.

S. 20B
added.

11. Section twenty-one of the principal Act is repealed.

S. 21
repealed.

12. The principal Act is amended by adding after section twenty-four the following section:—

S. 24A
added.

24A. (1) For the purposes of this Act an inspector may—

Powers of
entry and
inspection.
Cf. s. 18E of
the repealed
Act.
Cf. C'ith
Regulations
83 and 84 and
cf. C'ith S.E.
No. 31 of 1947,
r. 29.
No. 2 of 1948,
s. 8.

- (a) enter on and inspect any land or premises;
- (b) require any person to furnish to the inspector such information as he requires;
- (c) require any person to answer any question put to him by the inspector;
- (d) require any person to produce any books, documents or writings in his custody or control,

in relation to any matter arising under the provisions of this Act.

(2) No person shall—

- (a) refuse or fail to furnish the information or to answer the question or to produce the books, documents or writings; or
- (b) give any information or make any answer which is false in any particular;
or

(c) hinder or obstruct an inspector in the course of his duties.

(3) A person shall not be obliged to furnish any information or to answer any question or to produce any books, documents or writings under this section unless he has first been informed by the inspector that he is required and obliged by virtue of this section, to furnish the information or to answer the question or to produce the books, documents or writings.

(4) A person shall be deemed to have failed to furnish information, or to produce books, documents or writings, required of him under this section if he does not furnish the information or produce the books, documents or writings—

(a) in the case of a requirement in writing—within fourteen days after receipt by him of the requirement; or

(b) in the case of an oral requirement—within fourteen days after the day upon which the requirement is made.

(5) A requirement under this section may be served by post on the person on whom it is made at his last-known place of abode or business.

s. 27A
added.

13. The principal Act is amended by adding after section twenty-seven the following section:—

Charging and
paying for
keys and for
information
relating to
tenancies
prohibited.
Cf. s. 6A of
the repealed
Act.

27A. (1) It is an offence for a person, whether a principal or agent or otherwise, and if an agent, whether he is or is not licensed under the Land Agents Act, 1922, to pay or give or receive, or to offer or promise or agree to pay or give or receive, a sum of money or other consideration—

(a) for obtaining or making available a key to any premises or any part of premises; or

(b) for information relating

(i) to tenancy occupation or use, however described; or

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(ii) to the possibility or likelihood of tenancy occupation or use, however described;

of any premises or part of premises.

(2) Subsection (1) of this section does not

- (a) apply to a person whose business is or includes the selling or cutting of keys at a reasonable charge; or
- (b) affect the right of a person, who is not precluded by section twelve of the Land Agents Act, 1922, from doing so, to sue for and recover commission, reward or remuneration, for effecting a leasing or letting or the acquisition under a leasing or letting of any premises or part of premises.

14. Section thirty-three of the principal Act is amended by substituting for the words, "one thousand nine hundred and fifty-three" in lines two and three the words, "one thousand nine hundred and fifty-four".

S. 33
amended.
Cr. No. 8 of
1952, s. 3.
