

# INCREASE OF RENT (WAR RESTRICTIONS).

12° GEO. VI., No. II.

No. 2 of 1948.

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

[Assented to 13th August, 1948.]

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:—

1. This Act may be cited as the *Increase of Rent (War Restrictions) Act Amendment Act, 1948*, and shall be read as one with the Increase of Rent (War Restrictions) Act, 1939-1947 (Act No. 45 of 1939, reprinted as Short title.

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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, 5 of 1947 and 50 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, 1939-1948.

Amendment of s. 2.

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

(a) inserting before the definition “Court” a definition as follows:—

“Commonwealth Regulations” means the National Security (Landlord and Tenant) Regulations in the form in which they were last in force prior to the coming into operation of the Increase of Rent (War Restrictions) Act Amendment Act, 1948;

(b) inserting after the definition “Court” a definition as follows:—

“inspector” means a rent inspector appointed under the hand of the Minister;

(c) substituting for the words “share accommodation” wherever they appear, the words “shared accommodation.”

Amendment of s. 4.  
Cf. C'1th S.R.  
No. 31 of  
1947, r. 4.

4. Section four of the principal Act is amended by—

(a) inserting the words “subject to the provisions of subsection (3) of this section” before the first word in each of subsections (1) and (2);

(b) adding a subsection as follows:—

(3) The provisions of this Act shall not bind—

(a) the Crown in right of the Commonwealth or the State;

(b) the State Housing Commission constituted under the provisions of the State Housing Act, 1946-1947;

(c) the McNess Housing Trust constituted pursuant to the provisions of the McNess Housing Act, 1930-1940;

(d) any Crown Instrumentality.

5. Section twelve A of the principal Act is amended by repealing subsection (3). Amendment of s. 12A.

6. The principal Act is amended by repealing section fifteen and substituting the following:— Repeal and substitution of s. 15.

15. (1) Except as provided by this Act and the regulations in operation from time to time pursuant to the provisions of this Act, the lessor of any premises shall not give 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. Recovery of possession of premises. Restriction on Eviction. Cf. C'ith. Regn. 58 as amended by S.R. No. 31 of 1947, r. 21.

(2) The provisions of the 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. Cf. Provisos added to s. 12 of No. 45 of 1939 (reprinted and referred to herein as s. 15 and hereby repealed) by No. 50 of 1947, s. 12.

(3) 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.

7. Section seventeen of the principal Act is amended by adding after subsection (2) a subsection as follows:— Amendment of s. 17.

(2a) Any person who contravenes, or fails to comply with any provision of this Act or any regulation in operation in pursuance of the provisions of this Act, shall be guilty of an offence against this Act.

8. The principal Act is amended by adding after section eighteen the following sections:— Sections 18A—18E added. Parts III and IV of C'ith Regns. to apply until regns. made under this Act.

18A. (1) Until regulations relating to the recovery of possession of premises and eviction are made pursuant to the provisions of the last preceding section, Parts III. and IV. of the Commonwealth Regulations with appropriate adaptations shall, subject to the provisions of, and by force of this Act come into operation and have the same effect as if made under the provisions of this Act and in operation.

Transitional  
and saving  
provisions.  
Cf. No. 30 of  
1918, ss. 15  
and 16.

(2) Subject to, and in so far as not inconsistent with, the provisions of this Act—

- (a) all prohibitions, exceptions, requirements, applications, orders, certificates and revocations and variations of certificates prescribed, made, issued or effected;
- (b) any right, title, interest and power created, acquired, accrued, established or exercisable;
- (c) any duty, obligation, liability and burden of proof, imposed, created or incurred;
- (d) any investigation, legal proceeding and remedy available, competent, commenced or being conducted or applied; and
- (e) all other acts, matters and things whatsoever, in existence or in force of operation,

pursuant to the provisions of Parts III. and IV. of the Commonwealth Regulations, shall with appropriate adaptations and subject to any amendment and any revocation which may be made pursuant to the provisions of the next succeeding subsection, subsist and inure for the purposes of this Act.

(3) Power to amend and revoke, from time to time, is hereby conferred—

- (a) in the case of regulations made or in force in pursuance of the provisions of this Act—upon the Governor;
- (b) in the case of certificates in operation for the purposes of this Act—upon the Minister.

(4) Regulations in operation pursuant to the provisions of this Act shall have effect notwithstanding the provisions of any other Act.

Threats and  
boycotts  
prohibited.  
Cf. C'1th.  
Regn. No. 80.

18B. (1) A person shall not, by any threat, endeavour to dissuade or prevent a lessor or lessee from making or prosecuting any application under the provisions of this Act or the regulation in operation pursuant to the provisions of this Act, or taking or continuing any proceedings in relation to which those provisions apply.

(2) The owner of any premises; and the agent of any such owner, shall not refuse, or procure any person to refuse, to lease the premises to any other person who desires to lease the same if the reason for that refusal is that that other person had made an application under the provisions of this Act or the regulations in operation pursuant to the provisions of this Act.

(3) A person shall not do, or procure 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 under the provisions of this Act or the regulations in operation pursuant to the provisions of this Act or of the regulations referred to in the Commonwealth Regulations as repealed Regulations or has taken any proceedings in relation to which those provisions apply.

18C. No covenant or agreement (whether entered into before or after the commencement of this Act) shall have any force or effect to deprive any lessee of any right, power, privilege or benefit provided for by this Act or the regulations in operation pursuant to the provisions of this Act.

Contracting out prohibited. Cf. C'ith. Regn. No. 81.

18D. A person shall not enter into or make any contract or arrangement, whether orally or in writing, for the purpose of, or which has the effect of, in any way, and whether directly or indirectly, defeating, evading, or preventing the operation of this Act or the regulations in operation pursuant to the provisions of this Act in any respect.

Contracts to evade Regulations prohibited. Cf. C'ith. Regn. No. 82.

18E. (1) For the purposes of this Act and any regulation in operation pursuant to the provisions of this Act an inspector may—

Powers of entry and inspection. Cf. C'ith. Regns. 83 and 84 and Cf. C'ith. S.R. No. 31 of 1947, r. 29.

- (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.

Repeal of  
s. 19.

9. Section nineteen of the principal Act is hereby repealed.

Amendment  
of s. 20.

10. Section twenty of the principal Act is amended by substituting for the words “one thousand nine hundred and forty-eight,” the words “one thousand nine hundred and forty-nine.”