

McNESS HOUSING TRUST.

4° GEO. VI., No. XXI.

No. 21 of 1940.**AN ACT to amend the McNess Housing Trust Act, 1930-1938.**

[Assented to 29th November, 1940.]

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 *McNess Housing Trust Act Amendment Act, 1940*, and shall be read as one with the McNess Housing Trust Act, 1930-1938 (No. 36 of 1930 as amended by the Acts No. 28 of 1937 and No. 30 of 1938), hereinafter referred to as the principal Act.

Amendment
of s. 3 of
principal Act.

2. Section three of the principal Act is amended as follows:—

(a) by inserting in the definition of "cottage" after the word "purchaser" in the last line of the said definition the words "or of the weekly tenant";

(b) by inserting after the definition of "The Trust" a new definition, as follows:—

"Weekly tenant" means a person who, being an eligible person, has proved to

the satisfaction of the Trust that he or she cannot rent a house as a tenant out of his or her own resources and who has entered into an agreement with the Trust for the weekly tenancy by him or her of a cottage under the provisions of this Act.

3. Section five of the principal Act is amended as follows:— Amendment of s. 5 of principal Act

(a) by inserting in paragraph (e) after the words “to sell,” where they first appear in line one of the said paragraph, the words “or to grant weekly tenancies of”;

(b) by deleting paragraph (g) and inserting in lieu thereof a paragraph, as follows:—

(g) to enforce agreements and take steps for the cancellation of agreements and the forfeiture of cottages, weekly tenancies of cottages, or leases under paragraph (e) of this section, where default has been made by a life tenant, purchaser, weekly tenant, or lessee in respect of the terms under which he holds the cottage or surplus land or lands of the Trust, as the case may be.

4. Section six of the principal Act is amended by inserting therein after the word “instalments” in line six the words “or rent.” Amendment of s. 6 of principal Act.

5. Section eight of the principal Act is amended by inserting in paragraph (c) of subsection (3) after the word “tenants” in line one of the said paragraph the words “weekly tenants.” Amendment of s. 8 of principal Act.

6. Section ten of the principal Act is amended as follows:— Amendment of s. 10 of principal Act

(a) by deleting subsection (2) and inserting in lieu thereof a subsection as follows:—

(2) Applications shall be of three kinds, namely:—

- (a) Applications for life tenures;
- (b) Applications for fee simple tenures;
- (c) Applications for weekly tenancies;

- (b) by inserting in subsection (5) after the word "person" in line two of the said subsection the words "and the application is for a life tenure or for a fee simple tenure";
- (c) by adding to the section after subsection (8) a new subsection as follows:—

(9) If the Trust is satisfied that the applicant is an eligible person, and the application is for a weekly tenancy, the Trust may allot a cottage to the applicant on a weekly tenancy under this Act, and upon the applicant signing the necessary documents required under the provisions of this Act he shall be entitled to enter into possession of and occupy as a weekly tenant under this Act the cottage so allotted to him.

New sections.

7. New sections are inserted in the principal Act after section seventeen under a subheading, as follows:—

Weekly Tenancies.

Weekly tenancies.

17A. (1) An application for a weekly tenancy of a cottage shall, if granted by the Trust, and subject to the completion by the applicant of the necessary documents and compliance by the applicant with the provisions of this Act, confer on the applicant the following rights and privileges, namely:—

- (a) the right to reside in and occupy as a weekly tenant at a weekly rental of five shillings, and for such period as the Trust may think proper under a tenancy which shall run from week to week, a cottage to be allotted by the Trust to the applicant for such purpose;
- (b) the weekly tenant shall be free from liability in respect of any rates, taxes, assessments, charges, and imposts which may, according to law be levied, assessed, charged, or imposed in respect of the cottage or the land upon which it is situated, and, in so far as the weekly tenant as occupier would ordinarily be liable in respect of such rates, taxes, assessments, charges, and imposts, he shall at all times be indemnified by the Trust against the same;

- (c) the weekly tenant shall not be liable to insure the cottage against fire or for the maintenance of the cottage in good order and condition:

Provided that, where the cottage falls into a condition of disrepair as the result of the wilful neglect or wrongful act of the weekly tenant, the Trust may forthwith, after written notice to the weekly tenant, cancel and determine the weekly tenancy of the cottage, and take such measures as may be necessary to recover from the weekly tenant possession of the cottage; and

- (d) the Trust shall at all times and at its own expense keep the cottage insured against damage by fire in the name of the Trust, and maintain the same in good order and condition and fit for habitation by the weekly tenant, save and except where the cottage falls into a condition of disrepair or becomes unfit for habitation as the result of the wilful neglect or wrongful act of the weekly tenant.

17B. (1) The granting of a weekly tenancy of a cottage under section eleven of this Act shall impose upon the weekly tenant the following obligations:—

Obligations
of weekly
tenant.

- (a) to pay weekly to the Trust at the office of the Workers' Homes Board, at Perth, or at such other place as that Board may from time to time appoint and the Trust approve, a weekly rental of five shillings;
- (b) to use and occupy the cottage in such manner as not wilfully by neglect or wrongful act to cause or suffer or permit the cottage to fall into a state of disrepair or to become uninhabitable;
- (c) not to commit or permit any nuisance in the cottage or on the premises whereon the same is situated;
- (d) to reside continuously in the cottage;

- (e) not to transfer, sublet, part with the possession of or otherwise dispose of the cottage or any part thereof or of the weekly tenancy thereof;
 - (f) not to commit or permit any act of destruction or waste to the materials of the cottage;
 - (g) not to do or omit to do or suffer anything to be done which may vitiate or prejudicially affect any policy of insurance effected by the Trust;
 - (h) not to make any structural alterations or additions to the cottage without first obtaining the written permission of the Trust;
 - (i) to permit the Workers' Homes Board or its servants or agents at all reasonable times to enter and inspect the cottage and to carry out any repairs, renovations, or other work necessary for the maintenance of the cottage in good and tenantable condition, without payment of any compensation to the weekly tenant in respect of any interference with his use and enjoyment of the cottage;
 - (j) to deliver up peaceably and quietly to the Trust or its agent possession of the cottage at the end or sooner determination of the weekly tenancy.
- (2) In case of the breach by the weekly tenant of any of the aforesaid obligations, the Trust may terminate the weekly tenancy and the rights and privileges granted in respect of the cottage under this Act and may re-enter and repossess the same.

Agreement
to be signed
by weekly
tenant.

17C. Before a prospective weekly tenant shall be permitted to enter into occupation of a cottage, he shall enter into an agreement with the Trust embodying the matters stated in paragraphs (a) to (j), both inclusive, of section seventeen B of this Act, including a condition to the effect that if the financial circumstances or condition of the weekly tenant shall have so altered to his advantage so that, in the opinion of the Trust, such tenant is no longer entitled to continue to enjoy the occupancy of the cottage under this Act, then it shall be lawful for the Trust,

on giving one week's notice in writing to such weekly tenant, to terminate the weekly tenancy and occupancy of the cottage, and to re-enter and resume possession thereof.

17D. The weekly rent paid by weekly tenants in respect of cottages occupied by them shall be paid to the Workers' Homes Board for the Trust, and shall be placed by that Board to the credit of the McNess Housing Trust Fund, but the same shall be appropriated for the payment of the following charges:—

Appropriation
of payments
of rent.

- (i) Insurance;
- (ii) Rates, taxes and other government and local authority assessments and imposts in respect of cottages let to weekly tenants;
- (iii) Maintenance and renovation of the cottage let to weekly tenants;
- (iv) After payment of the aforesaid charges, towards or on account of the capital cost of cottages let to weekly tenants, or towards or on account of the cost of erecting cottages to be let to weekly tenants under this Act.

8. Section twenty of the principal Act is amended by inserting after the word "purchaser" in line one the words "or weekly tenant."

Amendment
of s. 20 of
principal Act.

9. Section twenty-four of the principal Act is amended by inserting therein after the word "purchaser," where it appears in line five the words "or by a weekly tenant," and also by inserting therein after the word "purchaser" where it appears in line seven the words "or weekly tenant."

Amendment
of s. 24 of
principal Act.

10. The principal Act as amended by this Act may be cited as the McNess Housing Trust Act, 1930-1940.

Citation of
principal Act
as amended.