New South Wales



ANNO OUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 26, 1965.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts; and for purposes connected therewith.

[Assented to, 17th December, 1965.]

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

1. (1) This Act may be cited as the "Landlord and Short title Tenant (Amendment) Act, 1965".

(2) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1965.

Amendment of Act No. 25, 1948. (Part I-Preliminary.)

Part I of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—

Sec. 4. (Savings.)

(a) by omitting subsection one of section four:

Sec. 5A. (Certain premises excluded from

operation of Act.)

- (b) (i) by omitting from subparagraph (v) of paragraph (b) of subsection one of section 5A the words "(not being a lease of shared accommodation)";
 - (ii) by omitting from paragraph (c) of the same subsection the words "(not being a lease of shared accommodation)":
 - (iii) by omitting from subparagraph (v) of paragraph (d) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)":
- (iv) by omitting from subparagraph (iv) of paragraph (e) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)":
 - by omitting from subparagraph (iii) of paragraph (f) of the same subsection the words "(not being a lease of shared accommodation)":
 - (vi) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;

(vii)

Act No. 26, 1965.

(vi) by omitting prograph (ii) if the definition of 'Residential unit in subsection to it of the same section?

Sec 6a. (Spins)

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thereof the following peragrams:

 b) the lessers liability to a requal rate cand have avec premiums in respect of an a premises and fixture that conf.

(xii) by omitting paragraph (b) of the definition of "Residential unit" in subsection four of the same section;

See. 6A. (Special premises.)

(c) by omitting from subparagraph (i) of paragraph (c) of subsection two of section 6A the words "for a period which in the circumstances of the particular case is reasonable, but not exceeding seven days" and by inserting in lieu thereof the words "for a period of at least seven days or, where a period shorter than seven days is reasonable in the circumstances, for that shorter period".

Further amendment of Act No. 25, 1948.

3. (1) Part II of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—

(Part II— Fair Rents.)

(a) by omitting Division 2;

Division 2. (Rent of Prescribed Premises.)

Sec. 17A.
(Fixing of fair rent of prescribed premises by agreement.)

- (b) (i) by omitting from subsection one of section 17A the words "(other than shared accommodation)";
 - (ii) by omitting from paragraph (a) of subsection two of the same section the words "one month" and by inserting in lieu thereof the words "three months".

Sec. 21. (Matters to be considered.)

- (c) (i) by omitting paragraph (b) of subsection one of section twenty-one and by inserting in lieu thereof the following paragraph:—
 - (b) the lessor's liability for annual rates and insurance premiums in respect of such premises and fixtures thereon;

- (ii) by inserting in paragraph (e) of the same subsection after the words "prescribed premises" the words "(other than premises which are the subject of an agreement in force under section 17A of this Act)";
- (iii) by inserting at the end of the same subsection the following new paragraph:—

Notwithstanding any other provision of this Act, a Fair Rents Board shall not, in making a determination, or a variation of a determination, of the fair rent of any prescribed premises have regard to any capital value of those premises other than the appropriate capital value of those premises referred to in paragraph (a) of this subsection.

- (d) (i) by omitting from subsection one of section Sec. 24A.

 24A the words "or were, immediately before (Deterthe commencement of the Landlord and mination based on Tenant (Amendment) Act, 1951, fixed by increased section fifteen of this Act as enacted out-goings.) immediately before such commencement":
 - (ii) by inserting in subsection three of the same section after the word "basis," the words "a reasonable allowance for any increase in the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia and";
 - (iii) by inserting in the same subsection after the word "premiums" the words "and agent's collecting commission";
 - (iv) by omitting paragraph (b) of the same subsection;
- (e) (i) by omitting from paragraph (f) of subsection Sec. 32.

 two of section thirty-two the words "of the (Variation premises, of the goods leased therewith" and of determination.) by inserting in lieu thereof the words "of the goods leased with the premises";

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Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth vacates those premises, otherwise than by reason of an order made under Part III of this Act;

- (b) that lessee is, by reason of his vacating the prescribed premises, granted a lease by the Housing Commission of New South Wales of premises provided by that Commission; and
- (c) that Commission notifies, in writing, the lessor of the prescribed premises that it has so granted such a lease,

the lessor of the prescribed premises shall not, within a period of three years after the lessee vacates the prescribed premises, sell those premises unless, on an application made to the court of petty sessions for the petty sessions district in which those premises are situated, that court has consented to the sale.

BY AUTHORITY: V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

I certify that this Public Bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

ALLAN PICKERING, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 9 December, 1965.

New South Wales



ANNO QUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 26, 1965.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts; and for purposes connected therewith. [Assented to, 17th December, 1965.]

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Landlord and Short title Tenant (Amendment) Act, 1965".

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. R. CRAWFORD, Chairman of Committees of the Legislative Assembly.

(2) The Landlord and Tenant (Amendment) Act. 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1965.

Amendment of Act No. 25, 1948. (Part I-Preliminary.)

Part I of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—

Sec. 4. (Savings.)

Sec. 5A. (Certain premises excluded from operation of Act.)

- (a) by omitting subsection one of section four;
- (i) by omitting from subparagraph (v) of paragraph (b) of subsection one of section 5A the words "(not being a lease of shared accommodation)";
 - (ii) by omitting from paragraph (c) of the same subsection the words "(not being a lease of shared accommodation)";
 - (iii) by omitting from subparagraph (v) of paragraph (d) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
 - (iv) by omitting from subparagraph (iv) of paragraph (e) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
 - (v) by omitting from subparagraph (iii) of paragraph (f) of the same subsection the words "(not being a lease of shared accommodation)";
 - (vi) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;

(vii)

- (vii) by omitting from paragraph (c) of the same subparagraph the word "or" where secondly occurring and by inserting in lieu thereof the word "and";
- (viii) by inserting at the end of the same subparagraph the following new subparagraph:—
 - (iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time; or
 - (ix) by omitting from subparagraph (iii) of paragraph (g) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
 - (x) by inserting at the end of the same subparagraph the following word and new subparagraph:—

and

- (iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time.
- (xi) by inserting next after subsection (1B) of the same section the following new subsection:—
 - (1c) The provisions of Parts II, III, IV and V of this Act do not apply in respect of any premises, being a garage, that are separately leased and are not ordinarily used as a dwelling or for business or commercial purposes.

Nothing in this subsection affects the operation of subsection (1A) of this section.

(xii)

(xii) by omitting paragraph (b) of the definition of "Residential unit" in subsection four of the same section;

Sec. 6A. (Special premises.)

(c) by omitting from subparagraph (i) of paragraph (c) of subsection two of section 6A the words "for a period which in the circumstances of the particular case is reasonable, but not exceeding seven days" and by inserting in lieu thereof the words "for a period of at least seven days or, where a period shorter than seven days is reasonable in the circumstances, for that shorter period".

Further amendment of Act No. 25, 1948. (Part II—

3. (1) Part II of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—

(Part II— Fair Rents.) Division 2.

Division 2. (Rent of Prescribed Premises.)

Sec. 17a. (Fixing of fair rent of prescribed premises by agreement.)

- (a) by omitting Division 2;
- (b) (i) by omitting from subsection one of section 17A the words "(other than shared accommodation)";
 - (ii) by omitting from paragraph (a) of subsection two of the same section the words "one month" and by inserting in lieu thereof the words "three months".

Sec. 21. (Matters to be considered.)

- (c) (i) by omitting paragraph (b) of subsection one of section twenty-one and by inserting in lieu thereof the following paragraph:—
 - (b) the lessor's liability for annual rates and insurance premiums in respect of such premises and fixtures thereon;

- (ii) by inserting in paragraph (e) of the same subsection after the words "prescribed premises" the words "(other than premises which are the subject of an agreement in force under section 17A of this Act)";
- (iii) by inserting at the end of the same subsection the following new paragraph:—

Notwithstanding any other provision of this Act, a Fair Rents Board shall not, in making a determination, or a variation of a determination, of the fair rent of any prescribed premises have regard to any capital value of those premises other than the appropriate capital value of those premises referred to in paragraph (a) of this subsection.

- (d) (i) by omitting from subsection one of section Sec. 24a.

 24a the words "or were, immediately before (Deterthe commencement of the Landlord and mination based on Tenant (Amendment) Act, 1951, fixed by increased section fifteen of this Act as enacted out-goings.) immediately before such commencement":
 - (ii) by inserting in subsection three of the same section after the word "basis," the words "a reasonable allowance for any increase in the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia and";
 - (iii) by inserting in the same subsection after the word "premiums" the words "and agent's collecting commission";
 - (iv) by omitting paragraph (b) of the same subsection;
 - (e) (i) by omitting from paragraph (f) of subsection Sec. 32.

 two of section thirty-two the words "of the (Variation premises, of the goods leased therewith" and of determination.) by inserting in lieu thereof the words "of the goods leased with the premises";

(ii) by inserting in paragraph (g) of the same subsection after the word "decreased" the words ", otherwise than by reason of an agreement in force under section 17A of this Act";

Sec. 44. (Summoning of witnesses and production of documents.) (f) by omitting from subsection one of section forty-four the words "may by summons in writing under his hand or under the hand of the clerk of the Board" and by inserting in lieu thereof the words "or the clerk of a Fair Rents Board at the direction of the Controller or such a Stipendiary Magistrate or at the request of a party to any proceedings under this Part or the authorized agent of such a party, may by summons in writing under the hand of the Controller, Stipendiary Magistrate or clerk, as the case may be";

Sec. 57. (Lessor to ascertain fair rent.)

- (g) by omitting subsection two of section fifty-seven.
- (2) For the avoidance of doubt, it is hereby declared that the amendments made by subparagraphs (ii) and (iii) of paragraph (c), and paragraph (e), of subsection one of this section apply to and in respect of determinations, and variations of determinations, of the fair rent of prescribed premises, whether the application for the determination or the variation was made before or after the commencement of this Act.

Amendment of Act No. 25, 1948. (Part IV— Miscellaneous.) New sec. 88B.

Premises not to be sold in certain circumstances. **4.** Part IV of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended by inserting next after section 884 the following new section:—

88B. Where—

(a) a lessee of prescribed premises who is in receipt of a pension under the Social Services Consolidation

Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth vacates those premises, otherwise than by reason of an order made under Part III of this Act;

- (b) that lessee is, by reason of his vacating the prescribed premises, granted a lease by the Housing Commission of New South Wales of premises provided by that Commission; and
- (c) that Commission notifies, in writing, the lessor of the prescribed premises that it has so granted such a lease,

the lessor of the prescribed premises shall not, within a period of three years after the lessee vacates the prescribed premises, sell those premises unless, on an application made to the court of petty sessions for the petty sessions district in which those premises are situated, that court has consented to the sale.

In the name and on behalf of Her Majesty I assent to this Act.

K. W. STREET,

Lieutenant-Governor.

Government House, Sydney, 17th December, 1965. Landbook and Jorgan Stanceston and

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Government House. Sodney 1 to December 196

LANDLORD AND TENANT (AMENDMENT) BILL.

Schedule of Amendments referred to in Legislative Council's Message of 9 December, 1965

- No. 1.—Page 2, clause 2, lines 12 and 13. Omit all words on these lines.
- No. 2.—Page 2, clause 2, lines 17 and 18. Omit all words on these lines.
- No. 3.—Page 2, clause 2, lines 24 and 25. Omit all words on these lines.
- No. 4.—Page 2, clause 2, lines 31 and 32. Omit all words on these lines.
- No. 5.—Page 3, clause 2, lines 5 and 6. Omit all words on these lines.
- No. 6.—Page 3, clause 2. After line 6, insert—
 - (vi) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;
 - (vii) by omitting from paragraph (c) of the same subparagraph the word "or" where secondly occurring and by inserting in lieu thereof the word "and";
- No. 7.—Page 3, clause 2, line 15. Omit "word and".
- No. 8.—Page 3, clause 2, line 17. Omit "and".
- No. 9.—Page 3, clause 2, lines 29 and 30. Omit all words on these lines.
- No. 10.—Page 4, clause 2, lines 1 to 9 inclusive. Omit all words on these lines.
- No. 11.—Page 4, clause 2, lines 20 and 21. Omit all words on these lines.
- No. 12.—Page 4, clause 2, lines 25 to 28 inclusive. Omit all words on these lines.
- No. 13.—Page 5, clause 3, lines 7 to 14 inclusive. Omit all words on these lines.
- No. 14.—Page 5, clause 3. After line 14, insert—
 - (ii) by omitting from paragraph (a) of subsection two of the same section the words "one month" and by inserting in lieu thereof the words "three months".
- No. 15.—Pages 7, 8 and 9, clause 4, line 14 on page 7, down to and including line 16 on page 9. *Omit* clause 4.

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This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

ALLAN PICKERING, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 9 December, 1965, A.M.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

J. R. STEVENSON, Clerk of the Parliaments.

Legislative Council Chamber, Sydney, 9 December, 1965.

New South Wales



ANNO QUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1965.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows:—

1. (1) This Act may be cited as the "Landlord and Short title Tenant (Amendment) Act, 1965".

	(2)	The	Landlord	and	Tenant	(Amendment)	Act,
1948,	as a	mende	ed by subs	equer	nt Acts a	nd by this Act,	may
be cit	ted a	s the	Landlord	and	Tenant	(Amendment)	Act,
1948-	1965						

	1948-1965.		
5	2. Part I co	of the Landlord and Tenant (Amendment) Act, anded by subsequent Acts, is amended—	Amendment of Act No. 25, 1948.
	(a) by o	mitting subsection one of section four;	(Part I— Preliminary.) Sec. 4. (Savings.)
10	(b) (i)	by omitting from subparagraph (v) of paragraph (b) of subsection one of section 5A the words "(not being a lease of shared accommodation)";	(Certain premises excluded from
	(ii)	by omitting paragraphs (b) and (c) of the same subparagraph;	operation of Act.)
15	(ii) (iii)	by omitting from paragraph (c) of the same subsection the words "(not being a lease of shared accommodation)";	
	(iv)	by omitting subparagraphs (ii) and (iii) of the same paragraph;	
20	(iii) (v)	by omitting from subparagraph (v) of paragraph (d) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";	
25	(vi)	by omitting paragraphs (b) and (c) of the same subparagraph;	
	(iv) (vii)	by omitting from subparagraph (iv) of paragraph (e) of the same subsection the words "(not being a lease of shared accommodation	

(viii) by omitting paragraphs (b) and (c) of the same subparagraph;

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or a lease the lessor under which is the employer of the lessee)";

- (v)(ix) by omitting from subparagraph (iii) of paragraph (f) of the same subsection the words "(not being a lease of shared accommodation)";
 - (x) by omitting paragraphs (b) and (c) of the same subparagraph;
 - (vi) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;
- (vii) by omitting from paragraph (c) of the same subparagraph the word "or" where secondly occurring and by inserting in lieu thereof the word "and";
- (viii)(xi) by inserting at the end of the same subparagraph the following word and new subparagraph:—

and

- (iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time; or
- (ix)(xii) by omitting from subparagraph (iii) of paragraph (g) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
- (xiii) by omitting paragraphs (b) and (c) of the same subparagraph;
 - (x)(xiv) by inserting at the end of the same subparagraph the following word and new subparagraph:—

and

(iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time.

time.

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(xv)

- (xv) by omitting subparagraph (iii) of paragraph (a) of subsection (1A) of the same section and by inserting in lieu thereof the following subparagraph: —
 - (iii) that are the subject of a lease that contains a provision that the said Parts of this Act shall not apply in respect of such premises and that is registered in the office of the Rent Controller; or
- 10 (xi)(xvi) by inserting next after subsection (1B) of the same section the following new subsection: —

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(1c) The provisions of Parts II, III, IV and V of this Act do not apply in respect of any premises, being a garage, that are separately leased and are not ordinarily used as a dwelling or for business or commercial purposes.

Nothing in this subsection affects the operation of subsection (1A) of this section.

- 20 (xvii) by omitting subsections two and (2A) of the same section;
 - (xii)(xviii) by omitting paragraph (b) of the definition of "Residential unit" in subsection four of the same section:
- (xix) by omitting from subsection five of the 25 same section the words, figures and letter "sections 704 and" and by inserting in lieu thereof the word "section";
- (c) by omitting from subparagraph (i) of paragraph (c) Sec. 6A. of subsection two of section 6A the words "for a (Special 30 period which in the circumstances of the particular case is reasonable, but not exceeding seven days" and by inserting in lieu thereof the words "for a period of at least seven days or, where a period 35 shorter than seven days is reasonable in the circumstances, for that shorter period".

3.

	o, as amended by subsequent Acts, is amended—	Further amendment of Act No. 25, 1948.
	not be longer achieve its most antidate of 41.	(Part II— Fair Rents.)
(a)	The stall angle of the section of th	Division 2. (Rent of Prescribed Premises.)
(b)	(i) by omitting from subsection one of section s 17A the words "(other than shared accom- modation)":	Sec 17 ₄
	(ii) by omitting subsections two, three and four of the same section and by inserting in lieu	scribed premises
10	(2) An agreement treferred to in subsection one of this section shall have no force or effect unless it is registered in the office of the Rent Controller within three months after the day on which it was entered into.	
15	(ii) by omitting from paragraph (a) of subsection two of the same section the words "one month" and by inserting in lieu thereof the words "three months".	
20		Sec. 21. (Matters o be con- idered.)
25	(ii) by inserting in paragraph (e) of the same subsection after the words "prescribed premises" the words "(other than premises which are the subject of an agreement in force under section 17A of this Act)";	
30	(iii) by inserting at the end of the same subsection the following new paragraph:—	
35	Notwithstanding any other provision of this Act, a Fair Rents Board shall not, in making a determination, or a variation of a determination, of the fair rent of any prescribed premises	

premises have regard to any capital value of those premises other than the appropriate capital value of those premises referred to in paragraph (a) of this subsection.

- (d) (i) by omitting from subsection one of section Sec. 24A.
 24A the words "or were, immediately before (Deterthe commencement of the Landlord and mination based on Tenant (Amendment) Act, 1951, fixed by increased section fifteen of this Act as enacted out-goings.) immediately before such commencement":
 - (ii) by inserting in subsection three of the same section after the word "basis," the words "a reasonable allowance for any increase in the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia and":
 - (iii) by inserting in the same subsection after the word "premiums" the words "and agent's collecting commission";
 - (iv) by omitting paragraph (b) of the same subsection;

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- (e) (i) by omitting from paragraph (f) of subsection Sec. 32.

 two of section thirty-two the words "of the (Variation premises, of the goods leased therewith" and of determination.) by inserting in lieu thereof the words "of the goods leased with the premises";
 - (ii) by inserting in paragraph (g) of the same subsection after the word "decreased" the words ", otherwise than by reason of an agreement in force under section 17A of this Act";
- (f) by omitting from subsection one of section forty-Sec. 44.
 four the words "may by summons in writing under (Summoning his hand or under the hand of the clerk of the of witnesses and production and by inserting in lieu thereof the words tion of "or the clerk of a Fair Rents Board at the direction of the Controller or such a Stipendiary Magistrate or at the request of a party to any proceedings

under

under this Part or the authorized agent of such a party, may by summons in writing under the hand of the Controller, Stipendiary Magistrate or clerk, as the case may be";

5 (g) by omitting subsection two of section fifty-seven.

Sec. 57. (Lessor to ascertain fair rent.)

- (2) For the avoidance of doubt, it is hereby declared that the amendments made by subparagraphs (ii) and (iii) of paragraph (c), and paragraph (e), of subsection one of this section apply to and in respect of determinations, 10 and variations of determinations, of the fair rent of prescribed premises, whether the application for the determination or the variation was made before or after the commencement of this Act.
- 4. Part III of the Landlord and Tenant (Amendment) Further 15 Act, 1948, as amended by subsequent Acts, is amended—

 amendment of Acts.

amendment of Act No. 25, 19 8. (Part. II— Recovery of Possession of Prescribed Premiles.)

- (a) (i) by omitting subsection two of section Sec. 70. seventy; (Court
 - (ii) by omitting paragraph (a) of subsection (2A) hardship.) of the same section:
- 20 (iii) by omitting subsection (2B) of the same section;
 - (iv) by omitting subsection five of the same section;
 - (b) by omitting section 70A

Sec. 70 A.

(Certa in dwelli laghouses to be subjec to this A ct notwill be standi lag section 5A.)

(c)

		matera ana renam (rimenamem).
5	(c) (i)	by inserting in subparagraph (ii) of paragraph Sec. 8 s. (c) of subsection one of section eighty-three (Protection after the word "years" the words "who was, person s in at the date of the lessee's death, a protected possession of person or in receip of a pension under the Social Services Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth";
10	(ii)	by inserting at the end of the same subpara- graph the word "or";
15	(iii)	by omitting from subparagraph (iii) of the same paragraph the words "a brother or sister, or the father or mother, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
	(iv)	by omitting subparagraph (iv) of the same paragraph;
20	(v)	by omitting from the same subsection the words "brother or sister or the father or mother, or other person" and by inserting in lieu thereof the words "or the father or mother";
25	(vi)	by omitting from subsection two of the same section the symbols and word "(iii) or (iv)" and by inserting in symbols "or (iii)";
	(d) (i)	by inserting in paragraph (b) of subsection Sec. 81A. one of section 83A after the word "years" (Protection the words "who was at the date of the lessee's of member
30	eneco	death, a protected person or in receipt of a family of pension under the Social Services Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth";
35	(ii)	by inserting at the end of the same paragraph the word "or";

(iii)

- (iii) by omitting from paragraph (c) of the same subsection the words "a brother or sister, or the mother or father, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
- (iv) by omitting paragraph (d) of the same subsection:
- (v) by omitting from the same subsection the words "brother or sister or the father or mother, or other person, as the case may be" and by inserting in lieu thereof the words "or the father or mother";
- (e) by omitting from section eighty-four the words "to Sec. 84. the lessee of such sum as it deems proper to meet (Costs his" and by inserting in lieu thereof the words "or allowed.) 15 the lessee of".

45. Part IV of the Landlord and Tenant (Amendment) Amendment Act, 1948, as amended by subsequent Acts, is amended by of Act No. 25, 1948. inserting next after section 88A the following new section: -(Part IV-Miscellaneous.)

New sec. 88B.

Premises

(c)

88B. Where-20

(a) a lessee of prescribed premises who is in receipt sold in of a pension under the Social Services cumstances. Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth vacates those premises, otherwise than by reason of an order made under Part III of this Act:

(b) that lessee is, by reason of his vacating the prescribed premises, granted a lease by the Housing Commission of New South Wales of premises provided by that Commission; and

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(c) that Commission notifies, in writing, the lessor of the prescribed premises that it has so granted such a lease,

the lessor of the prescribed premises shall not, within a period of three years after the lessee vacates the prescribed premises, sell those premises unless, on an application made to the court of petty sessions for the petty sessions district in which those premises are situated, that court has consented to the sale.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965 [1s. 0d. (10c)]

This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

ALLAN PICKERING, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 9 December, 1965, A.M.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

Legislative Council Chamber, Sydney, December, 1965.

New South Wales



ANNO QUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1965.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts; and for purposes connected therewith.

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows:—

1. (1) This Act may be cited as the "Landlord and Short title and citation."

Tenant (Amendment) Act, 1965".

(2)

	(2)	The	Landlord	and	Tenant	(Amendment)	Act,
1948,	as ar	nende	ed by subs	equer	nt Acts a	nd by this Act,	may
						(Amendment)	
1948-							

5		of the Landlord and Tenant (Amendment) Act, indeed by subsequent Acts, is amended—	Amendment of Act No. 25, 1948.
	(a) by o	mitting subsection one of section four;	(Part I— Preliminary.) Sec. 4. (Savings.)
10	(b) (i)	by omitting from subparagraph (v) of paragraph (b) of subsection one of section 5A the words "(not being a lease of shared accommodation)";	(Certain
	(ii)	by omitting paragraphs (b) and (c) of the same subparagraph;	of Act.)
15	(ii) (iii)	by omitting from paragraph (c) of the same subsection the words "(not being a lease of shared accommodation)";	
	(iv)	by omitting subparagraphs (ii) and (iii) of the same paragraph;	
20	(iii)(v)	by omitting from subparagraph (v) of paragraph (d) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";	
25	(vi)	by omitting paragraphs (b) and (c) of the same subparagraph;	
	(iv) (vii)	by omitting from subparagraph (iv) of paragraph (e) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the	
20		employer of the lesses)".	

(viii) by omitting paragraphs (b) and (c) of the same subparagraph;

employer of the lessee)";

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- (v)(ix) by omitting from subparagraph (iii) of paragraph (f) of the same subsection the words "(not being a lease of shared accommodation)";
- (x) by omitting paragraphs (b) and (c) of the same subparagraph;
 - (vi) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;
- (vii) by omitting from paragraph (c) of the same subparagraph the word "or" where secondly occurring and by inserting in lieu thereof the word "and";
- (viii)(xi)by inserting at the end of the same subparagraph the following word and new subparagraph:—

and

- (iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time; or
- (ix)(xii) by omitting from subparagraph (iii) of paragraph (g) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
- (xiii) by omitting paragraphs (b) and (c) of the same subparagraph;
 - (x)(xiv) by inserting at the end of the same subparagraph the following word and new subparagraph:—

and

(iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time.

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(XV)

(xv) by omitting subpara graph (iii) of paragraph (a) of subsection (1A) of the same section and by inserting in subparagraph:—
(iii) that are the subject of a lease that contains a provision that the said Parts of this Act s hall not apply in respect of such premises and that is registered in the office of the Rent Controller; or
(xi)(xvi) by inserting next after subsection (1B) of the same section the following new subsection:—
(1c) The provisions of Parts II, III, IV and V of this Act do not apply in respect of any premises, being a garage, that are separately leased and are not ordinarily used as a dwelling or for business or commercial purposes.
Nothing in this subsection affects the operation of subsection (1A) of this section.
(xvii) by omitting subsections two and (2x) of the same section;
(xii)(xviii) by omitting paragraph (b) of the definition of "Residential unit" in subsection four of the same section:

- of "Residential unit" in subsection four of the same section;

 (xix) by omitting from subsection five of the
- 25 (xix) by omitting from subsection five of the same section the words, figures and letter "sections 70x and" and by inserting in lieu thereof the word "section";
- (c) by omitting from subparagraph (i) of paragraph (c) Sec. 6A.

 of subsection two of section 6A the words "for a (Special period which in the circumstances of the particular case is reasonable, but not exceeding seven days" and by inserting in lieu thereof the words "for a period of at least seven days or, where a period shorter than seven days is reasonable in the circumstances, for that shorter period".

	' '	t II of the Landlord and Tenant (Amendment) amended by subsequent Acts, is amended—	Further amendment of Act No. 25, 1948.
			(Part II— Fair Rents.)
	(a) by o	mitting Division 2;	Division 2.
			(Rent of Prescribed Premises.)
5	(b) (i)	by omitting from subsection one of section 17A the words "(other than shared accommodation)";	Sec. 17A. (Fixing of fair rent of pre-
	(ii)	by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection:—	scribed premises
10		one of this section shall have no force or effect unless it is registered in the office of the Rent Controller the day on which it was entered into.	:
15	(ii)	by omitting from paragraph (a) of subsection two of the same section the words "one month" and by inserting in lieu thereof the words "three months".	•
20	(c) (i)	by omitting paragraph (b) of subsection one of section twenty-one and by inserting in lieu thereof the following paragraph:—	Sec. 21. (Matters to be con- sidered.)
		(b) the lessor's liability for annual rates and insurance premiums in respect of such premises and fixtures thereon;	
25	(ii)	by inserting in paragraph (e) of the same subsection after the words "prescribed premises" the words "(other than premises which are the subject of an agreement in force under section 17A of this Act)";	l 3
30	(iii)	by inserting at the end of the same subsection the following new paragraph:—	ı
	Standard Control	Notwithstanding any other provision of this Act, a Fair Rents Board shall not, in making a determination, or a variation of a determination.	<u>.</u>
35		mination, of the fair rent of any prescribed premises	

premises have regard to any capital value of those premises other than the appropriate capital value of those premises referred to in paragraph (a) of this subsection.

- 5 (d) (i) by omitting from subsection one of section Sec. 24a.

 24a the words "or were, immediately before (Deterthe commencement of the Landlord and mination based on Tenant (Amendment) Act, 1951, fixed by increased section fifteen of this Act as enacted out-goings.)

 10 immediately before such commencement";
 - (ii) by inserting in subsection three of the same section after the word "basis," the words "a reasonable allowance for any increase in the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia and";

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- (iii) by inserting in the same subsection after the word "premiums" the words "and agent's collecting commission";
- (iv) by omitting paragraph (b) of the same subsection:
- (e) (i) by omitting from paragraph (f) of subsection Sec. 32.

 two of section thirty-two the words "of the (Variation premises, of the goods leased therewith" and of determination.) by inserting in lieu thereof the words "of the goods leased with the premises";
 - (ii) by inserting in paragraph (g) of the same subsection after the word "decreased" the words ", otherwise than by reason of an agreement in force under section 17A of this Act";
- (f) by omitting from subsection one of section forty-Sec. 44.

 four the words "may by summons in writing under (Summoning his hand or under the hand of the clerk of the and produc-Board" and by inserting in lieu thereof the words tion of "or the clerk of a Fair Rents Board at the direction of the Controller or such a Stipendiary Magistrate or at the request of a party to any proceedings

under

under this Part or the authorized agent of such a party, may by summons in writing under the hand of the Controller, Stipendiary Magistrate or clerk, as the case may be";

5 (g) by omitting subsection two of section fifty-seven.

Sec. 57. (Lessor to ascertain fair rent.)

- (2) For the avoidance of doubt, it is hereby declared that the amendments made by subparagraphs (ii) and (iii) of paragraph (c), and paragraph (e), of subsection one of this section apply to and in respect of determinations, 10 and variations of determinations, of the fair rent of prescribed premises, whether the application for the determination or the variation was made before or after the commencement of this Act.
- 4. Part III of the Landlord and Tenant (Amendment) Further amendment 15 Act, 1948, as amended by subsequent Acts, is amended—

Further amendment of Act No. 25, 1948. (Part. II— Recovery of Possession of Prescribed Premises.)

- (a) (i) by omitting subsection two of section Sec. 71. seventy; (Cour to
 - (ii) by omitting paragraph (a) of subsection (2A) hardslip.) of the same section
- 20 (iii) by omitting subsection (2B) of the same section;
 - (iv) by omitting subsection five of the same section;
 - (b) by omitting section 70A

Sec. 70 A.

(Certa in dwelli house: to be subject to this A at notwith-standing section 5A.)

(c)

(c) (i) by inserting in subparagraph (ii) of paragraph Sec. 8 \(\begin{aligned} \text{subparagraph} \) (c) of subsection one of section eighty-three (Protection after the word "years" the words "who was, person's in at the date of the lessee's death, a protected possession of person or in receip of a pension under the premises.) 5 Social Services Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth"; (ii) by inserting at the end of the same subpara-10 graph the word "or"; (iii) by omitting from subparagraph (iii) of the same paragraph the words "a brother or sister, or the father or mother, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee"; 15 (iv) by omitting subparagraph (iv) of the same paragraph; (v) by omitting from the same subsection the words "brother or sister or the father or mother, or other person" and by inserting in 20 lieu thereof the words "or the father or mother"; (vi) by omitting from subsection two of the same section the symbols and word "(iii) or (iv)" and by inserting in lieu thereof the word and 25 symbols "or (iii)"; (d) (i) by inserting in paragraph (b) of subsection Sec. 8.1A. one of section 83A after the word "years" (Protection the words "who was at the date of the lessee's of melaber death, a protected person or in receipt of a family of the pension under the Social Services Consolidation Act 1947 (as amended by subsequent 30 dation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth"; 35 (ii) by inserting at the end of the same paragraph the word "or";

(iii)

- (iii) by omitting from paragraph (c) of the same subsection the words "a brother or sister, or the mother or father, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
- (iv) by omitting paragraph (d) of the same subsection;
- (v) by omitting from the same subsection the words "brother or sister or the father or mother, or other pe son, as the case may be" and by inserting in lieu thereof the words "or the father or mother";
- (e) by omitting from section eighty-four the words "to Sec. 84. the lessee of such sum as it deems proper to meet (Costs to be 15 his" and by inserting in lieu thereof the words "or allowed.) the lessee of".

45. Part IV of the Landlord and Tenant (Amendment) Amendment Act, 1948, as amended by subsequent Acts, is amended by of Act No. 25, 1948. inserting next after section 88A the following new section: — (Part IV-Miscellaneous.)

New sec. 88B.

Premises not to be

certain cir-

88B. Where-20

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(a) a lessee of prescribed premises who is in receipt sold in of a pension under the Social Services cumstances. Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth vacates those premises, otherwise than by reason of an order made under Part III of this Act;

(b) that lessee is, by reason of his vacating the prescribed premises, granted a lease by the Housing Commission of New South Wales of premises provided by that Commission; and

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(c)

- (c) that Commission notifies, in writing, the lessor of the prescribed premises that it has so granted such a lease,
- the lessor of the prescribed premises shall not, within a period of three years after the lessee vacates the prescribed premises, sell those premises unless, on an application made to the court of petty sessions for the petty sessions district in which those premises are situated, that court has consented to the sale.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES-1965

This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

ALLAN PICKERING, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 9 December, 1965, A.M.

New South Wales



ANNO QUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1965.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts; and for purposes connected therewith.

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows:—

1. (1) This Act may be cited as the "Landlord and Short title Tenant (Amendment) Act, 1965".

	(2) 7	The	Landlord	and	Tenant	(Amendment)	Act,
1948,	as	am	ende	ed by subse	equer	nt Acts a	nd by this Act,	may
be cit	ed	as	the	Landlord	and	Tenant	(Amendment)	Act,
1948-	196	5.						

5		of the Landlord and Tenant (Amendment) Act, anded by subsequent Acts, is amended—	Amendment of Act No. 25, 1948. (Part I— Prelim- inary.)
	(a) by o	mitting subsection one of section four;	Sec. 4. (Savings.)
10	(b) (i)	by omitting from subparagraph (v) of paragraph (b) of subsection one of section 5A the words "(not being a lease of shared accommodation)";	(Certain
	(ii)	by omitting paragraphs (b) and (c) of the same subparagraph;	
15	(iii)	by omitting from paragraph (c) of the same subsection the words "(not being a lease of shared accommodation)";	
	(iv)	by omitting subparagraphs (ii) and (iii) of the same paragraph;	
20	(v)	by omitting from subparagraph (v) of paragraph (d) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";	
25	(vi)	by omitting paragraphs (b) and (c) of the same subparagraph;	
30	(vii)	by omitting from subparagraph (iv) of paragraph (e) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";	
	(viii)	by omitting paragraphs (b) and (c) of the same subparagraph;	

(ix)

Landlord and	Tenant	(Amendment)	1
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- (ix) by omitting from subparagraph (iii) of paragraph (f) of the same subsection the words "(not being a lease of shared accommodation)";
- 5 (x) by omitting paragraphs (b) and (c) of the same subparagraph;
 - (xi) by inserting at the end of the same subparagraph the following word and new subparagraph:—

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- (iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time; or
- (xii) by omitting from subparagraph (iii) of paragraph (g) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
- (xiii) by omitting paragraphs (b) and (c) of the same subparagraph;
- (xiv) by inserting at the end of the same subparagraph the following word and new subparagraph:—

and

(iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time.

(xv)

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- (xv) by omitting subparagraph (iii) of paragraph (a) of subsection (1A) of the same section and by inserting in lieu thereof the following subparagraph: —
 - (iii) that are the subject of a lease that contains a provision that the said Parts of this Act shall not apply in respect of such premises and that is registered in the office of the Rent Controller; or
- (xvi) by inserting next after subsection (1B) of the same section the following new subsection:—
 - (1c) The provisions of Parts II, III, IV and V of this Act do not apply in respect of any premises, being a garage, that are separately leased and are not ordinarily used as a dwelling or for business or commercial purposes.

Nothing in this subsection affects the operation of subsection (1A) of this section.

- 20 (xvii) by omitting subsections two and (2A) of the same section;
 - (xviii) by omitting paragraph (b) of the definition of "Residential unit" in subsection four of the same section;
- 25 (xix) by omitting from subsection five of the same section the words, figures and letter "sections 70A and" and by inserting in lieu thereof the word "section";
- (c) by omitting from subparagraph (i) of paragraph (c) Sec. 6a.

 of subsection two of section 6a the words "for a (Special period which in the circumstances of the particular case is reasonable, but not exceeding seven days" and by inserting in lieu thereof the words "for a period of at least seven days or, where a period shorter than seven days is reasonable in the circumstances, for that shorter period".

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			t II of the Landlord and Tenant (Amendment) amended by subsequent Acts, is amended—	Further amendment of Act No. 25, 1948. (Part II—
				Fair Rents.)
	(a)	by o	omitting Division 2;	Division 2.
				(Rent of Prescribed Premises.)
5	(b)	(i)	by omitting from subsection one of section 17A the words "(other than shared accommodation)";	
		(ii)	by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection:—	premises
10			(2) An agreement referred to in subsection one of this section shall have no force or effect unless it is registered in the office of the Rent Controller within three months after the day on which it was entered into.	
15	(c)	(i)	by omitting paragraph (b) of subsection one of section twenty-one and by inserting in lieu thereof the following paragraph:—	
20			(b) the lessor's liability for annual rates and insurance premiums in respect of such premises and fixtures thereon;	
0.5		(ii)	by inserting in paragraph (e) of the same subsection after the words "prescribed premises" the words "(other than premises which are the subject of an agreement in force under section 17A of this Act)";	
25		(;;;)	by inserting at the end of the same subsection	
		(111)	the following new paragraph:—	
30			Notwithstanding any other provision of this Act, a Fair Rents Board shall not, in making a determination, or a variation of a determination, of the fair rent of any prescribed premises	

premises have regard to any capital value of those premises other than the appropriate capital value of those premises referred to in paragraph (a) of this subsection.

- (i) by omitting from subsection one of section sec. 24A. 24A the words "or were, immediately before (Deterthe commencement of the Landlord and mination based on Tenant (Amendment) Act, 1951, fixed by increased section fifteen of this Act as enacted out-goings.) 10 immediately before such commencement":
 - (ii) by inserting in subsection three of the same section after the word "basis," the words "a reasonable allowance for any increase in the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia and";
 - (iii) by inserting in the same subsection after the word "premiums" the words "and agent's collecting commission";
- 20 (iv) by omitting paragraph (b) of the same subsection:

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- (i) by omitting from paragraph (f) of subsection Sec. 32. two of section thirty-two the words "of the (Variation premises, of the goods leased therewith" and of determination.) by inserting in lieu thereof the words "of the goods leased with the premises";
 - (ii) by inserting in paragraph (g) of the same subsection after the word "decreased" the words ", otherwise than by reason of an agreement in force under section 17A of this Act":
- (f) by omitting from subsection one of section forty- Sec. 44. four the words "may by summons in writing under (Summoning his hand or under the hand of the clerk of the and produc-35 Board" and by inserting in lieu thereof the words tion of "or the clerk of a Fair Rents Board at the direction documents.) of the Controller or such a Stipendiary Magistrate or at the request of a party to any proceedings

under

under this Part or the authorized agent of such a party, may by summons in writing under the hand of the Controller, Stipendiary Magistrate or clerk, as the case may be";

5 (g) by omitting subsection two of section fifty-seven.

Sec. 57. (Lessor to ascertain fair rent.)

- (2) For the avoidance of doubt, it is hereby declared that the amendments made by subparagraphs (ii) and (iii) of paragraph (c), and paragraph (e), of subsection one of this section apply to and in respect of determinations, 10 and variations of determinations, of the fair rent of prescribed premises, whether the application for the determination or the variation was made before or after the commencement of this Act.
- 4. Part III of the Landlord and Tenant (Amendment) Further 15 Act, 1948, as amended by subsequent Acts, is amended—

Further amendment of Act No. 25, 1948. (Part III—Recovery of Possession of Prescribed Premises.)

(a) (i) by omitting subsection two of section Sec. 70. seventy; (Court

(Court to consider

(ii) by omitting paragraph (a) of subsection (2A) hardship.) of the same section;

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- (iii) by omitting subsection (2B) of the same section;
- (iv) by omitting subsection five of the same section;
- (b) by omitting section 70A;

Sec. 70A.

(Certain dwelling-houses to be subject to this Act notwith-standing section 5A.)

(c)

5	(c) (i)	by inserting in subparagraph (ii) of paragraph Sec. 83. (c) of subsection one of section eighty-three after the word "years" the words "who was, persons in at the date of the lessee's death, a protected person or in receipt of a pension under the Social Services Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth";
10	(ii)	by inserting at the end of the same subpara- graph the word "or";
15	(iii)	by omitting from subparagraph (iii) of the same paragraph the words "a brother or sister, or the father or mother, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
	(iv)	by omitting subparagraph (iv) of the same paragraph;
20	(v)	by omitting from the same subsection the words "brother or sister or the father or mother, or other person" and by inserting in lieu thereof the words "or the father or mother";
25	(vi)	by omitting from subsection two of the same section the symbols and word "(iii) or (iv)" and by inserting in lieu thereof the word and symbols "or (iii)";
30	(d) (i)	by inserting in paragraph (b) of subsection Sec. 83A. one of section 83A after the word "years" (Protection the words "who was, at the date of the lessee's of member of the words a protected person or in receipt of a family of pension under the Social Services Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth";
35	(ii)	by inserting at the end of the same paragraph the word "or";
		(:::)

(iii)

Premises not to be

Landlord and Tenant (Amendment).

- (iii) by omitting from paragraph (c) of the same subsection the words "a brother or sister, or the mother or father, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
- (iv) by omitting paragraph (d) of the same subsection;
- (v) by omitting from the same subsection the words "brother or sister or the father or mother, or other person, as the case may be" and by inserting in lieu thereof the words "or the father or mother";
 - (e) by omitting from section eighty-four the words "to Sec. 84.

 the lessee of such sum as it deems proper to meet (Costs to be his" and by inserting in lieu thereof the words "or allowed.) the lessee of".
 - 5. Part IV of the Landlord and Tenant (Amendment) Amendment Act, 1948, as amended by subsequent Acts, is amended by of Act No. 25, 1948. inserting next after section 88A the following new section: (Part IV— Miscellaneous.)

 New sec. 88B.

20 88B. Where—

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(a) a lessee of prescribed premises who is in receipt of a pension under the Social Services consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth vacates those premises, otherwise than by reason of an order made under Part III of this Act;

(b) that lessee is, by reason of his vacating the prescribed premises, granted a lease by the Housing Commission of New South Wales of premises provided by that Commission; and

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(c) that Commission notifies, in writing, the lessor of the prescribed premises that it has so granted such a lease,

the lessor of the prescribed premises shall not, within a period of three years after the lessee vacates the prescribed premises, sell those premises unless, on an application made to the court of petty sessions for the petty sessions district in which those premises are situated, that court has consented to the sale.

and by inserting in lieu thereof the Words

is by maining from section eighty-four the words "to see se

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V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES-1965

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No. , 1965.

A BILL

To amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts; and for purposes connected therewith.

[MR. MADDISON; -7 December, 1965.]

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows:—

1. (1) This Act may be cited as the "Landlord and Short title Tenant (Amendment) Act, 1965".

	(2)	The	Landlord	and	Tenant	(Amendment)	Act,
1948,	as a	mende	ed by subs	equer	nt Acts a	and by this Act,	may
be cit	ed a	s the	Landlord	and	Tenant	(Amendment)	Act,
1948-	1965						,

	1948-1965.		
5		of the Landlord and Tenant (Amendment) Act, nded by subsequent Acts, is amended—	of Act No. 25, 1948.
	(a) by o	mitting subsection one of section four;	(Part I— Preliminary.) Sec. 4. (Savings.)
10	(b) (i)	by omitting from subparagraph (v) of paragraph (b) of subsection one of section 5A the words "(not being a lease of shared accommodation)";	(Certain premises excluded from
	(ii)	by omitting paragraphs (b) and (c) of the same subparagraph;	operation of Act.)
15		by omitting from paragraph (c) of the same subsection the words "(not being a lease of shared accommodation)";	
	(iv)	by omitting subparagraphs (ii) and (iii) of the same paragraph;	
20	(v)	by omitting from subparagraph (v) of paragraph (d) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";	
25	(vi)	by omitting paragraphs (b) and (c) of the same subparagraph;	
	(vii)	by omitting from subparagraph (iv) of paragraph (e) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the	

employer of the lessee)"; which is the continuous continuous (viii) by omitting paragraphs (b) and (c) of the same subparagraph;

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(ix)

- (ix) by omitting from subparagraph (iii) of paragraph (f) of the same subsection the words "(not being a lease of shared accommodation)";
- (x) by omitting paragraphs (b) and (c) of the same subparagraph;
 - (xi) by inserting at the end of the same subparagraph the following word and new subparagraph:—

10 and

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- (iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time; or
- (xii) by omitting from subparagraph (iii) of paragraph (g) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
 - (xiii) by omitting paragraphs (b) and (c) of the same subparagraph;
- (xiv) by inserting at the end of the same subparagraph the following word and new subparagraph:—

and

(iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time.

(xy)

(xv)	by omitting subparagraph (iii)	of paragraph
	(a) of subsection (1A) of the	
	and by inserting in lieu thereof	the following
	subparagraph:—	

- (iii) that are the subject of a lease that contains a provision that the said Parts of this Act shall not apply in respect of such premises and that is registered in the office of the Rent Controller; or
- (xvi) by inserting next after subsection (1B) of the same section the following new subsection:—

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(1c) The provisions of Parts II, III, IV and V of this Act do not apply in respect of any premises, being a garage, that are separately leased and are not ordinarily used as a dwelling or for business or commercial purposes.

Nothing in this subsection affects the operation of subsection (1A) of this section.

- 20 (xvii) by omitting subsections two and (2A) of the same section;
 - (xviii) by omitting paragraph (b) of the definition of "Residential unit" in subsection four of the same section;
- 25 (xix) by omitting from subsection five of the same section the words, figures and letter "sections 70A and" and by inserting in lieu thereof the word "section";
- (c) by omitting from subparagraph (i) of paragraph (c) Sec. 6A.

 of subsection two of section 6A the words "for a (Special period which in the circumstances of the particular case is reasonable, but not exceeding seven days" and by inserting in lieu thereof the words "for a period of at least seven days or, where a period shorter than seven days is reasonable in the circumstances, for that shorter period".

	Act, 1946, as amended by subsequent Acts, is amended—	Further amendment of Act No. 25, 1948.
	1	(Part II— Fair Rents.)
	(a) by omitting Division 2;	Division 2.
		(Rent of Prescribed Premises.)
5	modation);	(Fixing of fair rent of pre-
	(ii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection:—	scribed premises by agree- ment.)
10	(2) An agreement referred to in subsection one of this section shall have no force or effect unless it is registered in the office of the Rent Controller within three months after the day on which it was entered into.	
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20	(b) the lessor's liability for annual rates and insurance premiums in respect of such premises and fixtures thereon;	
25	(ii) by inserting in paragraph (e) of the same subsection after the words "prescribed premises" the words "(other than premises which are the subject of an agreement in force under section 17A of this Act)";	
	(iii) by inserting at the end of the same subsection the following new paragraph:—	
30	Notwithstanding any other provision of this Act, a Fair Rents Board shall not, in making a determination, or a variation of a determination, of the fair rent of any prescribed premises	

premises have regard to any capital value of those premises other than the appropriate capital value of those premises referred to in paragraph (a) of this subsection.

5 (d) (i) by omitting from subsection one of section Sec. 24A.

24A the words "or were, immediately before (Deterthe commencement of the Landlord and mination based on Tenant (Amendment) Act, 1951, fixed by increased section fifteen of this Act as enacted out-goings.)

10 immediately before such commencement";

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- (ii) by inserting in subsection three of the same section after the word "basis," the words "a reasonable allowance for any increase in the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia and";
- (iii) by inserting in the same subsection after the word "premiums" the words "and agent's collecting commission";
- (iv) by omitting paragraph (b) of the same subsection;
- (e) (i) by omitting from paragraph (f) of subsection Sec. 32.

 two of section thirty-two the words "of the (Variation premises, of the goods leased therewith" and of determination.) by inserting in lieu thereof the words "of the goods leased with the premises";
 - (ii) by inserting in paragraph (g) of the same subsection after the word "decreased" the words ", otherwise than by reason of an agreement in force under section 17A of this Act";
- (f) by omitting from subsection one of section forty-Sec. 44.

 four the words "may by summons in writing under (Summoning his hand or under the hand of the clerk of the and produc-Board" and by inserting in lieu thereof the words tion of "or the clerk of a Fair Rents Board at the direction of the Controller or such a Stipendiary Magistrate or at the request of a party to any proceedings

under

under this Part or the authorized agent of such a party, may by summons in writing under the hand of the Controller, Stipendiary Magistrate or clerk, as the case may be";

5 (g) by omitting subsection two of section fifty-seven.

Sec. 57. (Lessor to ascertain fair rent.)

4. Part III of the Landlord and Tenant (Amendment) Further Act, 1948, as amended by subsequent Acts, is amended—

amendment of Act No. 25, 1948. (Part III_ Recovery of Possession of Prescribed Premises.)

two of section sec. 70. (a) (i) by omitting subsection seventy;

(Court to consider

- (ii) by omitting paragraph (a) of subsection (2A) hardship.) 10 of the same section;
 - (iii) by omitting subsection (2B) of the same section;
 - (iv) by omitting subsection five of the same section;
- (b) by omitting section 70A; 15

Sec. 70A. (Certain dwellinghouses to be subject to this Act notwithstanding section 5A.)

(c) (i) by inserting in subparagraph (ii) of paragraph Sec. 83. (c) of subsection one of section eighty-three (Protection after the word "years" the words "who was, persons in at the date of the lessee's death, a protected possession of person or in receipt of a pension under the premises.) Social Services Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth";

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- (ii) by inserting at the end of the same subparagraph the word "or";
- (iii) by omitting from subparagraph (iii) of the same paragraph the words "a brother or sister, or the father or mother, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
- (iv) by omitting subparagraph (iv) of the same paragraph;
- 10 (v) by omitting from the same subsection the words "brother or sister or the father or mother, or other person" and by inserting in lieu thereof the words "or the father or mother";

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- (vi) by omitting from subsection two of the same section the symbols and word "(iii) or (iv)" and by inserting in lieu thereof the word and symbols "or (iii)";
- (d) (i) by inserting in paragraph (b) of subsection Sec. 83A.

 one of section 83A after the word "years" (Protection the words "who was, at the date of the lessee's of the death, a protected person or in receipt of a family of pension under the Social Services Consolideceased dation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth";
 - (ii) by inserting at the end of the same paragraph the word "or";
- (iii) by omitting from paragraph (c) of the same subsection the words "a brother or sister, or the mother or father, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
 - (iv) by omitting paragraph (d) of the same subsection;

- (v) by omitting from the same subsection the words "brother or sister or the father or mother, or other person, as the case may be" and by inserting in lieu thereof the words "or the father or mother";
- (e) by omitting from section eighty-four the words "to Sec. 84. the lessee of such sum as it deems proper to meet (Costs to be his" and by inserting in lieu thereof the words "or allowed.) the lessee of".

10 5. Part IV of the Landlord and Tenant (Amendment) Amendment Act, 1948, as amended by subsequent Acts, is amended by of Act No. inserting next after section 88A the following new section:— (Part IV)

of Act No. 25, 1948. (Part IV— Miscellaneous.) New sec. 88B.

88B. Where-

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Premises not to be sold in certain cir-

- (a) a lessee of prescribed premises who is in receipt certain circumstances.

 of an age pension under the Social Services
 Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth vacates those premises, otherwise than by reason of an order made under Part III

 of this Act;
 - (b) that lessee is, by reason of his vacating the prescribed premises, granted a lease by the Housing Commission of New South Wales of premises provided by that Commission; and

(c) that Commission notifies, in writing, the lessor of the prescribed premises that it has so granted such a lease,

the lessor of the prescribed premises shall not, within a period of three years after the lessee vacates the prescribed premises, sell those premises unless, on an application made to the court of petty sessions for the petty sessions district in which those premises are situated, that court has consented to the sale.

BY AUTHORITY: V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965

[1s. 0d. (10c)]

LANDLORD AND TENANT (AMENDMENT) BILL, 1965.

EXPLANATORY NOTE.

THE objects of this Bill are to amend the Landlord and Tenant (Amendment) Act, 1948, as amended (hereinafter referred to as the Principal Act) for the following purposes:—

- (a) to enable leases under section 5A of the Principal Act to be entered into in respect of shared accommodation or in respect of premises leased to an employee of the lessor;
- (b) to remove the necessity for leases under that section to be witnessed and certified by a solicitor or a clerk of petty sessions;
- (c) to enable leases under that section to be entered into in respect of certain residential units which comply with the Local Government (Regulation of Flats) Act, 1955, at the date of the lease;
- (d) to exclude garages that are separately leased and are not ordinarily used as a dwelling or for business or commercial purposes from the provisions of Parts II, III, IV and V of the Principal Act;
- (e) to repeal Division 2 of Part II of the Principal Act which fixed the fair rent of certain prescribed premises as at 1st November, 1951;
- (f) to enable agreements under section 17A of the Principal Act to be entered into in respect of shared accommodation;
- (g) to remove the necessity for agreements under section 17A of the Principal Act to be witnessed and certified by a solicitor or clerk of petty sessions and to extend the period within which such agreements must be registered in the office of the Rent Controller to three months;
- (h) to enable a Fair Rents Board in determining the fair rent of prescribed premises to have regard to the lessor's liability for annual rates and insurance premiums in respect of the premises and fixtures thereon;
- (i) to exclude from the class of premises whose rentals may be considered in determining the fair rent of any prescribed premises, any premises the subject of an agreement under section 17A of the Principal Act;
- (j) to prevent a Fair Rents Board, in determining the fair rent of any prescribed premises, from having regard to any capital value of those premises except their capital value as at 31st August, 1939, or the date of their erection, if they were erected after that date;
- (k) to enable the Rent Controller, in making an assessment of the fair rent of any prescribed premises based on increased outgoings, to take into account any increase in the overdraft rate of interest charged by the Commonwealth Trading Bank of Australia and the lessor's liability for agents' collecting commission;

- (1) to amend section 32 (2) (f) of the Principal Act so as to preclude a Fair Rents Board, on an application for the variation of the fair rent of any prescribed premises, from taking into account any increase or decrease in the value of the prescribed premises;
- (m) to apply to variations of fair rents a provision similar to that referred to in paragraph (i) above;
- (n) to remove the absolute obligation of the lessor to provide reasonably suitable alternative accommodation where notice to quit has been given on a ground specified in paragraph (g), (i), (l) or (m) of subsection five of section 62 of the Principal Act;
- (o) to restrict the classes of persons on whom a tenancy devolves under section 83 or 83A of the Principal Act upon the death of the lessee;
- (p) to enable costs in any proceedings under Part III of the Principal Act (which
 deals with recovery of possession of prescribed premises) to be awarded
 against either party;
- (q) to prohibit a lessor, for a period of three years, from selling, without the consent of a court of petty sessions, prescribed premises which have been vacated by a lessee in receipt of an age pension, if he so vacated by reason of his being granted a lease of premises provided by the Housing Commission of New South Wales;
- (r) to make other provisions of a machinery or ancillary character.

No. , 1965.

A BILL

To amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant (Amendment) Act, 1948, and certain other Acts; and for purposes connected therewith.

[Mr. Maddison;—7 December, 1965.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows:—

1. (1) This Act may be cited as the "Landlord and Short title and citation.

Tenant (Amendment) Act, 1965".

(2) The Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant (Amendment) Act, 1948-1965.

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2. Part I of the Landlord and Tenant (Amendment) Act, Amendment of Act No. 25, 1948.

(Part I— Preliminary.)

(a) by omitting subsection one of section four;

Sec. 4. (Savings.)

- (b) (i) by omitting from subparagraph (v) of para-Sec. 5A.

 graph (b) of subsection one of section 5A the (Certain
 words "(not being a lease of shared accompremises
 excluded
 from
 operation
 operation
 - (ii) by omitting paragraphs (b) and (c) of the of Act.) same subparagraph;
 - (iii) by omitting from paragraph (c) of the same subsection the words "(not being a lease of shared accommodation)";
 - (iv) by omitting subparagraphs (ii) and (iii) of the same paragraph;
 - (v) by omitting from subparagraph (v) of paragraph (d) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
 - (vi) by omitting paragraphs (b) and (c) of the same subparagraph;
 - (vii) by omitting from subparagraph (iv) of paragraph (e) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
 - (viii) by omitting paragraphs (b) and (c) of the same subparagraph;

(ix)

- (ix) by omitting from subparagraph (iii) of paragraph (f) of the same subsection the words "(not being a lease of shared accommodation)";
- (x) by omitting paragraphs (b) and (c) of the same subparagraph;
- (xi) by inserting at the end of the same subparagraph the following word and new subparagraph: —

and

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- (iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time; or
- (xii) by omitting from subparagraph (iii) of paragraph (g) of the same subsection the words "(not being a lease of shared accommodation or a lease the lessor under which is the employer of the lessee)";
- (xiii) by omitting paragraphs (b) and (c) of the same subparagraph;
- 25 (xiv) by inserting at the end of the same subparagraph the following word and new subparagraph:—

and

(iv) at the time that lease was entered into, complied with the provisions of the Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time.

(xv)

Landlord and Lenant (Amenament	indlord and Tenant (Amendme	ent).
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	Landlord and Tenant (Amendment).
	(xv) by omitting subparagraph (iii) of paragraph (a) of subsection (1A) of the same section and by inserting in lieu thereof the following subparagraph:—
5	(iii) that are the subject of a lease that contains a provision that the said Parts of this Act shall not apply in respect of such premises and that is registered in the office of the Rent Controller; or
10	(xvi) by inserting next after subsection (1B) of the same section the following new subsection:—
15	(1c) The provisions of Parts II, III, IV and V of this Act do not apply in respect of any premises, being a garage, that are separately leased and are not ordinarily used as a dwelling or for business or commercial purposes.
	Nothing in this subsection affects the operation of subsection (1A) of this section.
20	(xvii) by omitting subsections two and (2A) of the same section;
	(xviii) by omitting paragraph (b) of the definition of "Residential unit" in subsection four of the same section;
25	(xix) by omitting from subsection five of the same section the words, figures and letter "sections 70A and" and by inserting in lieu thereof the word "section";
30	(c) by omitting from subparagraph (i) of paragraph (c) Sec. 6A. of subsection two of section 6A the words "for a period which in the circumstances of the particular case is reasonable, but not exceeding seven days" and by inserting in lieu thereof the words "for a period of at least seven days or where a period
35	period of at least seven days or, where a period shorter than seven days is reasonable in the circumstances, for that shorter period".

	Part II of the Landlord and Tenant (Amendment), 1948, as amended by subsequent Acts, is amended—	Further amendment of Act No. 25, 1948.
		(Part II— Fair Rents.)
	(a) by omitting Division 2;	Division 2. (Rent of Prescribed Premises.)
5	(b) (i) by omitting from subsection one of section 17A the words "(other than shared accommodation)";	
	(ii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection:—	premises
10	(2) An agreement referred to in subsection one of this section shall have no force or effect unless it is registered in the office of the Rent Controller within three months after the day on which it was entered into.	
15	(c) (i) by omitting paragraph (b) of subsection one of section twenty-one and by inserting in lieu thereof the following paragraph:—	
20	(b) the lessor's liability for annual rates and insurance premiums in respect of such premises and fixtures thereon;	
	(ii) by inserting in paragraph (e) of the same subsection after the words "prescribed premises" the words "(other than premises which are the subject of an agreement in	
25	force under section 17A of this Act)"; (iii) by inserting at the end of the same subsection the following new paragraph:—	
30	Notwithstanding any other provision of this Act, a Fair Rents Board shall not, in making a determination, or a variation of a determination, of the fair rent of any prescribed premises	

premises have regard to any capital value of those premises other than the appropriate capital value of those premises referred to in paragraph (a) of this subsection.

- 5 (d) (i) by omitting from subsection one of section Sec. 24a.

 24a the words "or were, immediately before (Deterthe commencement of the Landlord and mination based on Tenant (Amendment) Act, 1951, fixed by increased section fifteen of this Act as enacted out-goings.)

 10 immediately before such commencement":
 - (ii) by inserting in subsection three of the same section after the word "basis," the words "a reasonable allowance for any increase in the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia and";
 - (iii) by inserting in the same subsection after the word "premiums" the words "and agent's collecting commission";
 - (iv) by omitting paragraph (b) of the same subsection;

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- (e) (i) by omitting from paragraph (f) of subsection Sec. 32.

 two of section thirty-two the words "of the (Variation premises, of the goods leased therewith" and of determination.) by inserting in lieu thereof the words "of the goods leased with the premises";
 - (ii) by inserting in paragraph (g) of the same subsection after the word "decreased" the words ", otherwise than by reason of an agreement in force under section 17A of this Act";
- four the words "may by summons in writing under (Summoning his hand or under the hand of the clerk of the and production of the clerk of a Fair Rents Board at the direction of the Controller or such a Stipendiary Magistrate or at the request of a party to any proceedings

under

under this Part or the authorized agent of such a party, may by summons in writing under the hand of the Controller, Stipendiary Magistrate or clerk, as the case may be";

5 (g) by omitting subsection two of section fifty-seven. Sec. 57. (Lessor to ascertain fair rent.)

4. Part III of the Landlord and Tenant (Amendment) Further Act, 1948, as amended by subsequent Acts, is amended—

amendment of Act No. 25, 1948. (Part III-Recovery of Possession of Prescribed

Premises.)

(a) (i) by omitting subsection of section Sec. 70. (Court to seventy; consider

- (ii) by omitting paragraph (a) of subsection (2A) hardship.) 10 of the same section;
 - (iii) by omitting subsection (2B) of the same section;
 - (iv) by omitting subsection five of the same section;
- (b) by omitting section 70A; 15

Sec. 70A. (Certain dwellinghouses to be subject to this Act notwithstanding section 5A.)

(c) (i) by inserting in subparagraph (ii) of paragraph Sec. 83. (c) of subsection one of section eighty-three (Protection after the word "years" the words "who was, persons in at the date of the lessee's death, a protected possession of person or in receipt of a pension under the premises.) Social Services Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth";

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- (ii) by inserting at the end of the same subparagraph the word "or";
- (iii) by omitting from subparagraph (iii) of the same paragraph the words "a brother or sister, or the father or mother, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
- (iv) by omitting subparagraph (iv) of the same paragraph;
- 10 (v) by omitting from the same subsection the words "brother or sister or the father or mother, or other person" and by inserting in lieu thereof the words "or the father or mother";
- (vi) by omitting from subsection two of the same section the symbols and word "(iii) or (iv)" and by inserting in lieu thereof the word and symbols "or (iii)";
- (d) (i) by inserting in paragraph (b) of subsection Sec. 83A.

 one of section 83A after the word "years" (Protection the words "who was, at the date of the lessee's of the death, a protected person or in receipt of a family of pension under the Social Services Consolideceased dation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth":
 - (ii) by inserting at the end of the same paragraph the word "or";
- (iii) by omitting from paragraph (c) of the same subsection the words "a brother or sister, or the mother or father, of the lessee" and by inserting in lieu thereof the words "the father or mother of the lessee";
- (iv) by omitting paragraph (d) of the same subsection;

(v)

- (v) by omitting from the same subsection the words "brother or sister or the father or mother, or other person, as the case may be" and by inserting in lieu thereof the words "or the father or mother";
- (e) by omitting from section eighty-four the words "to Sec. 84. the lessee of such sum as it deems proper to meet (Costs to be his" and by inserting in lieu thereof the words "or allowed.) the lessee of".

5. Part IV of the Landlord and Tenant (Amendment) Amendment Act, 1948, as amended by subsequent Acts, is amended by of Act No. 25, 1948. inserting next after section 88A the following new section:-

(Part IV-Miscel-

laneous.) New sec. 88B.

88B. Where-

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Premises not to be sold in

(c)

- (a) a lessee of prescribed premises who is in receipt cumstances. 15 of an age pension under the Social Services Consolidation Act 1947 (as amended by subsequent Acts) of the Parliament of the Commonwealth vacates those premises, otherwise than by reason of an order made under Part III 20 of this Act;
 - (b) that lessee is, by reason of his vacating the prescribed premises, granted a lease by the Housing Commission of New South Wales of premises provided by that Commission; and

149-B

(c) that Commission notifies, in writing, the lessor of the prescribed premises that it has so granted such a lease,

the lessor of the prescribed premises shall not, within a period of three years after the lessee vacates the 5 prescribed premises, sell those premises unless, on an application made to the court of petty sessions for the petty sessions district in which those premises are situated, that court has consented to the sale.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES-1965