

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.]

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 Tenant (Amendment) Act, 1965". Short title and citation.

(2)

Landlord and Tenant (Amendment).

(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—
Prelim-
inary.)

Sec. 4.
(Savings.)

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

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

- (a) by omitting subsection one of section four;
- (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)”;
- (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)

Landlord and Tenant (Amendment).

(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—Fair Rents.)

Division 2.
(Rent of Prescribed Premises.)

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

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

(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)

Landlord and Tenant (Amendment).

- (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 24A the words "or were, immediately before the commencement of the Landlord and Tenant (Amendment) Act, 1951, fixed by section fifteen of this Act as enacted immediately before such commencement"; Sec. 24A. (Determination based on increased out-goings.)
- (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 two of section thirty-two the words "of the premises, of the goods leased therewith" and by inserting in lieu thereof the words "of the goods leased with the premises"; Sec. 32. (Variation of determination.)
- (ii)

Landlord and Tenant (Amendment).

...the words "the goods" shall be construed as including...

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Landlord and Tenant (Amendment).

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.

1870
The first of the year
was a very dry one
and the crops were
very poor. The
winter was also very
cold and the snow
was very deep.

The second of the year
was a very wet one
and the crops were
very good. The
winter was also very
warm and the snow
was very little.

The third of the year
was a very dry one
and the crops were
very poor. The
winter was also very
cold and the snow
was very deep.

The fourth of the year
was a very wet one
and the crops were
very good. The
winter was also very
warm and the snow
was very little.

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.]

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 Tenant (Amendment) Act, 1965". Short title and citation.

(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.

Landlord and Tenant (Amendment).

(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—
Prelim-
inary.)

Sec. 4.
(Savings.)

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

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

- (a) by omitting subsection one of section four;
- (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)”;
- (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)

Landlord and Tenant (Amendment).

- (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)

Landlord and Tenant (Amendment).

- (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—Fair Rents.)
Division 2.
(Rent of Prescribed Premises.)
Sec. 17A.
(Fixing of fair rent of prescribed premises by agreement.)
- 3.** (1) Part II of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended—
- (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)

Landlord and Tenant (Amendment).

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

(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 two of section thirty-two the words "of the premises, of the goods leased therewith" and by inserting in lieu thereof the words "of the goods leased with the premises"; Sec. 32. (Variation of determination.)

(ii)

Landlord and Tenant (Amendment).

(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 produc-
tion 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—
Miscel-
laneous.)

New sec.
88B.

Premises
not to be
sold in
certain cir-
cumstances.

4. Part IV of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended by inserting next after section 88A the following new section :—

88B. Where—

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

Landlord and Tenant (Amendment).

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.*

United States Government

Commissioner of the General Land Office
Department of the Interior
Washington, D.C.

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 17th inst. in relation to the proposed purchase of the land described in the enclosed application.

The land described in the application is situated in the town of ... and is owned by ... The proposed purchase of this land is in accordance with the provisions of the Act of March 3, 1879, relating to the disposal of the public lands.

In the name and on behalf of the Secretary, I am, Sir,
Very respectfully,
K. W. STEELE,
Secretary of the Interior.
Government House,
Washington, D.C., December 17, 1907.

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.

THE HISTORY OF THE UNITED STATES

CHAPTER I
THE EARLY HISTORY OF THE UNITED STATES

The first European settlers in North America were the Spanish, who arrived in 1492. They were followed by the French, the Dutch, and the English. The English settlers were the first to establish a permanent colony in North America.

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The English settlers were the first to establish a permanent colony in North America. They were followed by the French, the Dutch, and the Spanish.

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 follows:—

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

(2)

Landlord and Tenant (Amendment).

(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.

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

Amendment
of Act No.
25, 1948.
(Part I—
Prelim-
inary.)
Sec. 4.
(Savings.)

(a) by omitting subsection one of section four;

(b) (i) by omitting from subparagraph (v) of para-
graph (b) of subsection one of section 5A the
10 words “(not being a lease of shared accom-
modation)”;

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

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

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 para-
graph (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 ~~(iv)~~~~(vii)~~ by omitting from subparagraph (iv) of para-
graph (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;

(v)

Landlord and Tenant (Amendment).

- (v)(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;
- (vi) by omitting from paragraph (b) of the same subparagraph the word “and” where secondly occurring;
- 10 (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”;
- 15 (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
- 20 Local Government (Regulation of Flats) Act, 1955, as amended by subsequent Acts in force at that time; or
- 25 (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)”;
- 30 (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
- 35 (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
- 40 time.

(xv)

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 ~~(xi)(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;

~~(xii)(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) 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".

Landlord and Tenant (Amendment).

3. (1) Part II of the Landlord and Tenant (Amendment) Act, 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.)

(b) (i) by omitting from subsection one of section 17A the words “(other than shared accommodation)”;

Sec. 17A.

(Fixing of fair rent of prescribed premises by agreement.)

(ii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection:—

(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.

(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”.

(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 considered.)

(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

Landlord and Tenant (Amendment).

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 24A the words "or were, immediately before the commencement of the Landlord and Tenant (Amendment) Act, 1951, fixed by section fifteen of this Act as enacted immediately before such commencement"; Sec. 24A. (Determination based on increased out-goings.)
- 10 (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";
- 15 (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;
- (e) (i) by omitting from paragraph (f) of subsection two of section thirty-two the words "of the premises, of the goods leased therewith" and by inserting in lieu thereof the words "of the goods leased with the premises"; Sec. 32. (Variation of determination.)
- 25 (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";
- 30 (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"; Sec. 44. (Summoning of witnesses and production of documents.)
- 35

Landlord and Tenant (Amendment).

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, 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) 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 seventy; Sec. 70.
(Court to consider hardship.)
- (ii) by omitting paragraph (a) of subsection (2A) 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. 70A.
(Certain dwelling-house to be subject to this Act notwithstanding section 5A.)

(e)

Landlord and Tenant (Amendment).

- 5 (c) (i) by inserting in subparagraph (ii) of paragraph (c) of subsection one of section eighty-three after the word "years" the words "who was, 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 subparagraph 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 one of section 83A after the word "years" the words "who was 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";
- 35 (ii) by inserting at the end of the same paragraph the word "or";

Sec. 8 j.
(Protection
of certain
persons in
possession of
premises.)

Sec. 8 j.A.
(Protection
of member
of the
family of
deceased
lessee.)

(iii)

Landlord and Tenant (Amendment).

- 5 (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;
- 10 (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";
- 15 (e) by omitting from section eighty-four the words "to the lessee of such sum as it deems proper to meet his" and by inserting in lieu thereof the words "or the lessee of".

Sec. 84.
(Costs to be allowed.)

45. Part IV of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended by inserting next after section 88A the following new section :—

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

20 88B. Where—

- 25 (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;
- 30 (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

Premises not to be sold in certain circumstances.

Landlord and Tenant (Amendment).

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

5 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.

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 Tenant (Amendment) Act, 1965". Short title and citation.

(2)

Landlord and Tenant (Amendment).

(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.

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

Amendment
of Act No.
25, 1948.
(Part I—
Prelim-
inary.)
Sec. 4.
(Savings.)
Sec. 5A.
(Certain
premises
excluded
from
operation
of Act.)

(a) by omitting subsection one of section four;

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)”;

(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;

(v)

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 ~~(xi)(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;

~~(xii)(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) 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".

Landlord and Tenant (Amendment).

3. (1) Part II of the Landlord and Tenant (Amendment) Act, 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)”;

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

(ii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection:—

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 (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 considered.)

(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)”;

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

Landlord and Tenant (Amendment).

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 24A the words "or were, immediately before the commencement of the Landlord and Tenant (Amendment) Act, 1951, fixed by section fifteen of this Act as enacted immediately before such commencement"; Sec. 24A. (Determination based on increased out-goings.)
- 10 (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";
- 15 (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;
- (e) (i) by omitting from paragraph (f) of subsection two of section thirty-two the words "of the premises, of the goods leased therewith" and by inserting in lieu thereof the words "of the goods leased with the premises"; Sec. 32. (Variation of determination.)
- 25 (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";
- 30 (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 Sec. 44. (Summoning of witnesses and production of documents.)
- 35 under

Landlord and Tenant (Amendment).

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, 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) 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 seventy; Sec. 70.
(Court to consider hardship.)
- (ii) by omitting paragraph (a) of subsection (2A) 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. 70A.
(Certificate in dwelling-house: to be subject to this Act notwithstanding section 5A.)

(e)

Landlord and Tenant (Amendment).

- 5 (c) (i) by inserting in subparagraph (ii) of paragraph (c) of subsection one of section eighty-three after the word "years" the words "who was, 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 subparagraph 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 one of section 83A after the word "years" the words "who was 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";
- 35 (ii) by inserting at the end of the same paragraph the word "or";

Sec. 83.
(Protection
of certain
persons in
possession of
premises.)

Sec. 83A.
(Protection
of member
of the
family of
deceased
lessee.)

(iii)

Landlord and Tenant (Amendment).

- 5 (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;
- 10 (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";
- 15 (e) by omitting from section eighty-four the words "to the lessee of such sum as it deems proper to meet his" and by inserting in lieu thereof the words "or the lessee of".

45. Part IV of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended by inserting next after section 88A the following new section :—

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

- 20 88B. Where—
- (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;
- 25
- (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
- 30
- 149—B (c)

Premises not to be sold in certain circumstances.

Landlord and Tenant (Amendment).

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

5 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.

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 Tenant (Amendment) Act, 1965". Short title and citation.

(2)

Landlord and Tenant (Amendment).

(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.

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

Amendment of Act No. 25, 1948.

(Part I—Preliminary.)

Sec. 4.

(Savings.)

(a) by omitting subsection one of section four;

(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)”;

Sec. 5A.

(Certain premises excluded from operation of Act.)

10

(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).

- (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 :—
- 10 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
- 15 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)”;
- 20
- (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 :—
- 25 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
- 30 subsequent Acts in force at that time.
- (xv)

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) 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".

Landlord and Tenant (Amendment).

3. (1) Part II of the Landlord and Tenant (Amendment) Act, 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)”;

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

(ii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection :—

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 :—

Sec. 21. (Matters to be considered.)

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

Landlord and Tenant (Amendment).

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 24A the words "or were, immediately before the commencement of the Landlord and Tenant (Amendment) Act, 1951, fixed by section fifteen of this Act as enacted immediately before such commencement"; Sec. 24A. (Determination based on increased out-goings.)
- 10 (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";
- 15 (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;
- (e) (i) by omitting from paragraph (f) of subsection two of section thirty-two the words "of the premises, of the goods leased therewith" and by inserting in lieu thereof the words "of the goods leased with the premises"; Sec. 32. (Variation of determination.)
- 25 (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";
- 30 (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"; Sec. 44. (Summoning of witnesses and production of documents.)
- 35

Landlord and Tenant (Amendment).

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) 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 seventy; Sec. 70. (Court to consider hardship.)
(ii) by omitting paragraph (a) of subsection (2A) 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. 70A. (Certain dwelling-houses to be subject to this Act notwithstanding section 5A.)

(c)

Landlord and Tenant (Amendment).

- 5 (c) (i) by inserting in subparagraph (ii) of paragraph (c) of subsection one of section eighty-three after the word "years" the words "who was, 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"; Sec. 83. (Protection of certain persons in possession of premises.)
- 10 (ii) by inserting at the end of the same subparagraph 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 one of section 83A after the word "years" the words "who was, 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"; Sec. 83A. (Protection of member of the family of deceased lessee.)
- 35 (ii) by inserting at the end of the same paragraph the word "or";
- (iii)

Landlord and Tenant (Amendment).

- 5 (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;
- 10 (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";
- 15 (e) by omitting from section eighty-four the words "to the lessee of such sum as it deems proper to meet his" and by inserting in lieu thereof the words "or the lessee of". Sec. 84. (Costs to be allowed.)

5. Part IV of the Landlord and Tenant (Amendment) Act, 1948, as amended by subsequent Acts, is amended by inserting next after section 88A the following new section :—

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

- 20 88B. Where—
- (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;
- 25 (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
- 30 (c)

Landlord and Tenant (Amendment).

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

5 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)]

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 follows:—

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

(2)

Landlord and Tenant (Amendment).

(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.

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

Amendment of Act No. 25, 1948.

(Part I—Preliminary.)

Sec. 4.

(Savings.)

(a) by omitting subsection one of section four;

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)”;

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

(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).

- (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 :—
- 10 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
- 15 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)”;
- 20
- (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 :—
- 25 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
- 30 subsequent Acts in force at that time.
- (xv)

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 :—
- (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
- 15 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) 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".
- 35

Sec. 6A.
(Special premises.)

Landlord and Tenant (Amendment).

3. Part II of the Landlord and Tenant (Amendment) Act, 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)”;

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

(ii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection :—

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 :—

Sec. 21. (Matters to be considered.)

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

Landlord and Tenant (Amendment).

- 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 24A the words "or were, immediately before the commencement of the Landlord and Tenant (Amendment) Act, 1951, fixed by section fifteen of this Act as enacted immediately before such commencement"; Sec. 24A. (Determination based on increased out-goings.)
- 10 (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";
- 15 (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;
- (e) (i) by omitting from paragraph (f) of subsection two of section thirty-two the words "of the premises, of the goods leased therewith" and by inserting in lieu thereof the words "of the goods leased with the premises"; Sec. 32. (Variation of determination.)
- 25 (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";
- 30 (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"; Sec. 44. (Summoning of witnesses and production of documents.)
- 35

Landlord and Tenant (Amendment).

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) Act, 1948, as amended by subsequent Acts, is amended— Further amendment of Act No. 25, 1948. (Part III— Recovery of Possession of Prescribed Premises.)

10 (a) (i) by omitting subsection two of section seventy; Sec. 70. (Court to consider hardship.)
(ii) by omitting paragraph (a) of subsection (2A) of the same section;
(iii) by omitting subsection (2B) of the same section;
(iv) by omitting subsection five of the same section;

15 (b) by omitting section 70A; Sec. 70A. (Certain dwelling-houses to be subject to this Act notwithstanding section 5A.)

20 (c) (i) by inserting in subparagraph (ii) of paragraph (c) of subsection one of section eighty-three after the word “years” the words “who was, 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”;

(ii)

Landlord and Tenant (Amendment).

- (ii) by inserting at the end of the same subparagraph the word "or";
- 5 (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";
- 15 (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)";
- 20 (d) (i) by inserting in paragraph (b) of subsection one of section 83A after the word "years" the words "who was, 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"; Sec. 83A. (Protection of member of the family of deceased lessee.)
- 25 (ii) by inserting at the end of the same paragraph the word "or";
- 30 (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";
- 35 (iv) by omitting paragraph (d) of the same subsection;
- (v)

Landlord and Tenant (Amendment).

5 (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) Act, 1948, as amended by subsequent Acts, is amended by inserting next after section 88A the following new section :—

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

88B. Where—

15 (a) a lessee of prescribed premises who is in receipt 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;

Premises not to be sold in certain circumstances.

20 (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

Landlord and Tenant (Amendment).

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

5 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;

- (l) 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 follows:—

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

Short title
and citation.

(2)

Landlord and Tenant (Amendment).

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

Amendment of Act No. 25, 1948.

(Part I—Preliminary.)

Sec. 4.

(Savings.)

(a) by omitting subsection one of section four;

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)”;

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

(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).

- (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 :—
- 10 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
- 15 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)”;
- 20 (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 :—
- 25 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
- 30 subsequent Acts in force at that time.
- (xv)

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 : —
- (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.
- 15
- 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) 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".
- 35

Landlord and Tenant (Amendment).

3. Part II of the Landlord and Tenant (Amendment) Act, 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)”;

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

(ii) by omitting subsections two, three and four of the same section and by inserting in lieu thereof the following subsection :—

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 :—

Sec. 21. (Matters to be considered.)

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

Landlord and Tenant (Amendment).

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 24A the words "or were, immediately before the commencement of the Landlord and Tenant (Amendment) Act, 1951, fixed by section fifteen of this Act as enacted immediately before such commencement"; Sec. 24A. (Determination based on increased out-goings.)
- 10 (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";
- 15 (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;
- (e) (i) by omitting from paragraph (f) of subsection two of section thirty-two the words "of the premises, of the goods leased therewith" and by inserting in lieu thereof the words "of the goods leased with the premises"; Sec. 32. (Variation of determination.)
- 25 (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";
- 30 (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"; Sec. 44. (Summoning of witnesses and production of documents.)
- 35

Landlord and Tenant (Amendment).

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) 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 seventy; Sec. 70.
(Court to consider hardship.)
- 10 (ii) by omitting paragraph (a) of subsection (2A) of the same section;
- (iii) by omitting subsection (2B) of the same section;
- (iv) by omitting subsection five of the same section;
- 15 (b) by omitting section 70A; Sec. 70A.
(Certain dwelling-houses to be subject to this Act notwithstanding section 5A.)
- (c) (i) by inserting in subparagraph (ii) of paragraph (c) of subsection one of section eighty-three after the word “years” the words “who was, 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”; Sec. 83.
(Protection of certain persons in possession of premises.)
- 20 (ii)

Landlord and Tenant (Amendment).

- (ii) by inserting at the end of the same subparagraph the word "or";
- 5 (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";
- 15 (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)";
- 20 (d) (i) by inserting in paragraph (b) of subsection one of section 83A after the word "years" the words "who was, 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"; Sec. 83A. (Protection of member of the family of deceased lessee.)
- 25 (ii) by inserting at the end of the same paragraph the word "or";
- 30 (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";
- 35 (iv) by omitting paragraph (d) of the same subsection;
- (v)

Landlord and Tenant (Amendment).

5 (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) Act, 1948, as amended by subsequent Acts, is amended by inserting next after section 88A the following new section :—

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

88B. Where—

Premises not to be sold in certain circumstances.

15 (a) a lessee of prescribed premises who is in receipt 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;

20 (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

Landlord and Tenant (Amendment).

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

5 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