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.

> I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 26 November, 1969, A.M.





## ANNO OCTAVO DECIMO ELIZABETHÆ II REGINÆ

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### Act No. , 1969.

An Act to amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith.

**B**<sup>E</sup> 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. This Act may be cited as the "Landlord and Tenant short title. (Amendment) Act, 1969".

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Act No.

## o. , 1969.

## Landlord and Tenant (Amendment).

2. The Landlord and Tenant (Amendment) Act, 1948, Amendment of Act No. 25, 1948.

- (a) (i) by inserting in paragraph (a) of subparagraph Sec. 5A.
  (i) of paragraph (d) of subsection one of (Parts II, IV section 5A after the word "sixty-nine" the and V of words ", or that was occupied personally by this Act not the lessor or his predecessor in title on or certain after that day";
  - (ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";
  - (iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;
  - (iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";
  - (v) by omitting paragraph (c) of subparagraph(ii) of paragraph (d) of the same subsection;
  - (vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph : —
    - (iii) the lease of which is after that day registered in the office of the Rent Controller;
  - (vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate";
  - (viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";
- (b) (i) by inserting in paragraph (b) of subsection Sec. 17A. ten of section 17A after the words "Rent (Fixing of Controller" the words "or his delegate";

(ii) premises by agreement.)

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- (ii) by omitting from subsection eleven of the same section the words "by the Rent Controller":
- (c) by inserting in paragraph (e) of subsection one Sec. 21. of section twenty-one after the word "Act" where (Matters to firstly occurring the words "or of a determination be con-sidered.) made under Division 4AA of this Part":

- (ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph : --
  - made: or

(c) the amount determined as the current value rental was incorrectly calculated.

(e) by inserting at the end of section 31MHA the Sec. 31MHA. following new subsections :----

(Notice of application.)

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

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<sup>(</sup>i) by omitting from paragraph (a) of subsection Sec. 31MFA. (d) one of section 31MFA the word "or" where (Variations thirdly occurring; of determinations.)

the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

- (f) by omitting from paragraph (j) of subsection two Sec. 32. of section thirty-two the words "used for business (Variation or commercial purposes" and by inserting in lieu mination.) thereof the symbol and words ", and are not a dwelling-house";
- (g) by inserting next after subsection one of section Sec. 44. forty-four the following new subsection : \_\_\_\_\_ (Summon-

ing of wit-

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(1A) A request for the issue of a summons under nesses and production subsection one of this section shall be accompanied of docuby a fee of two dollars or, where another fee has ments.) been prescribed in lieu thereof, by that other fee.

3. (1) The Landlord and Tenant Act, 1899, is Amendment 20 amended— is Amendment of Act No. 18, 1899.

> (a) by omitting from section 2D the word "seventy-two" Sec. 2D. and by inserting in lieu thereof the word (Certain "seventy-one"; of Act

of Act effective on and from 1/1/1969 until 31/12/1972.)

(b) (i) by inserting at the end of section 2E, as New sec. appearing in Schedule N, the following new <sup>2E.</sup> subsection : —

> (3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

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	Landlord and Tenant (Amendment).
	<ul><li>(ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;</li></ul>
5	<ul> <li>(iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph : — and</li> </ul>
10	(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.
shall in r subsectio 15 "first day	2) Section 2D of the Landlord and Tenant Act, 1899, espect of the amendment made by paragraph (b) of n one of this section have effect as if for the words of January, one thousand nine hundred and sixty- ere were substituted the words "commencement of

nine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, Amendment of Act No. 58, 1968. is amended-

(a) by omitting from subsection two of section seven Sec. 7. 20 the word "seventy-two" and by inserting in lieu (Amendment of Act No. 18, 1899.) thereof the word "seventy-one";

> (b) by omitting from subsection two of section eight Sec. 8. the word "seventy-two" and by inserting in lieu (Amendthereof the word "seventy-one".

ment of Common Law Procedure Act, 1899.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1969 [5c]

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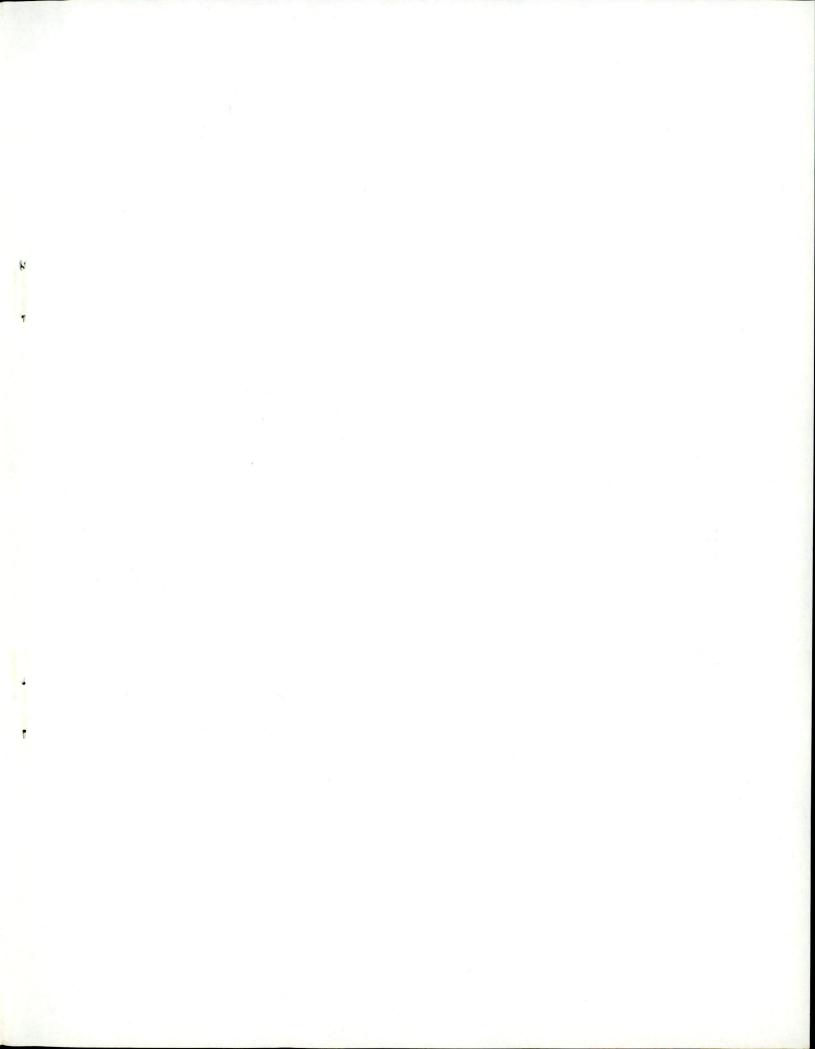
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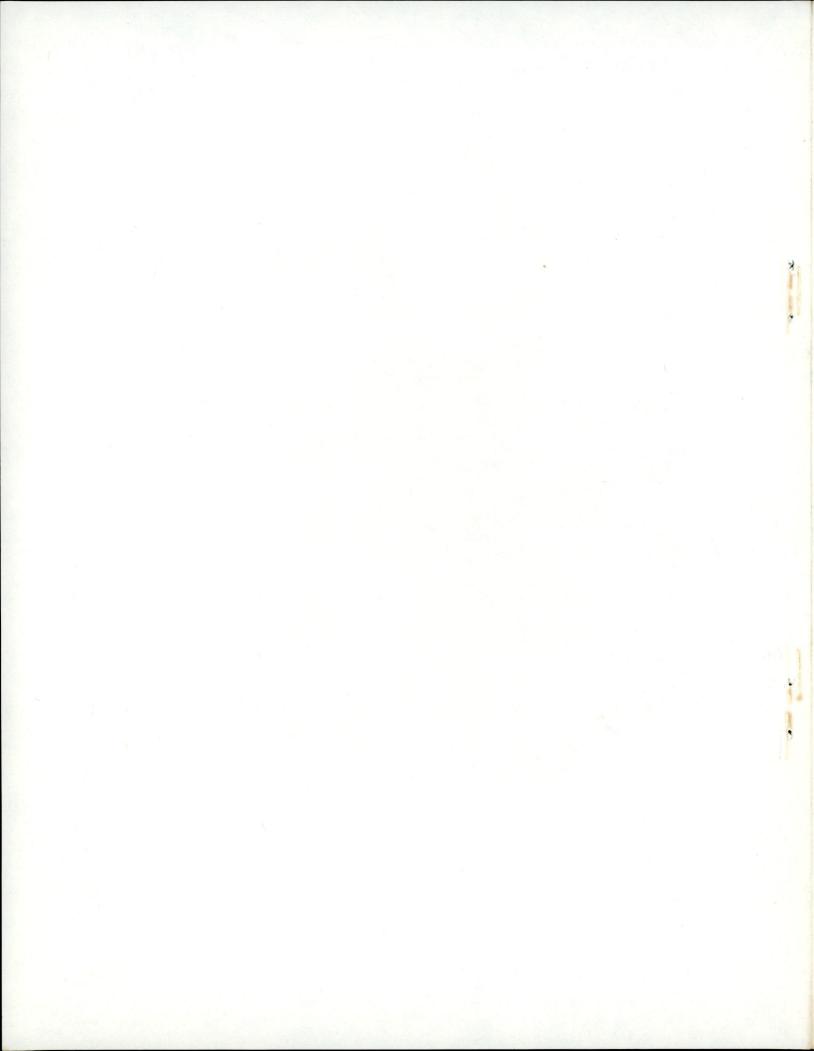
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No. , 1969.

# A BILL

To amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith.

[MR MADDISON-19 November, 1969.]

**B**<sup>E</sup> 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. This Act may be cited as the "Landlord and Tenant Short title. (Amendment) Act, 1969".

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2. The Landlord and Tenant (Amendment) Act, 1948, Amendment of Act No. 25, 1948.

(a) (i) by inserting in paragraph (a) of subparagraph Sec. 5A.
(i) of paragraph (d) of subsection one of (Parts II, section 5A after the word "sixty-nine" the and V of words ", or that was occupied personally by this Act not to apply to the lessor or his predecessor in title on or certain premises.)

- (ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";
- (iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;
- (iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";
- (v) by omitting paragraph (c) of subparagraph(ii) of paragraph (d) of the same subsection;
- (vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph : —
  - (iii) the lease of which is after that day registered in the office of the Rent Controller;
- (vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate":
- (viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";
- (b) (i) by inserting in paragraph (b) of subsection Sec. 17A. ten of section 17A after the words "Rent (Fixing of Controller" the words "or his delegate";

(ii) rent of prescribed premises by agreement.)

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#### Landlord and Tenant (Amendment). (ii) by omitting from subsection eleven of the same section the words "by the Rent Controller"; (c) by inserting in paragraph (e) of subsection one Sec. 21. 5 of section twenty-one after the word "Act" where (Matters to firstly occurring the words "or of a determination sidered.) made under Division 4AA of this Part": (d) (i) by omitting from paragraph (a) of subsection Sec. 31MFA. one of section 31MFA the word "or" where (Variations of deterthirdly occurring: 10 minations.) (ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph : --made: or 15 (c) the amount determined the as current value rental was incorrectly calculated. (e) by inserting at the end of section 31MHA the Sec. 31MHA. 20 following new subsections :---(Notice of application.) (4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the 25 prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination. 30 (5) Where a determination is set aside under subsection four of this section, the fair rent of the

subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

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the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

(f) by omitting from paragraph (j) of subsection two Sec. 32. of section thirty-two the words "used for business (Variation or commercial purposes" and by inserting in lieu mination.) thereof the symbol and words ", and are not a dwelling-house";

(g) by inserting next after subsection one of section Sec. 44. forty-four the following new subsection : — (Summoning of wit-

(1A) A request for the issue of a summons under nesses and production subsection one of this section shall be accompanied of docuby a fee of two dollars or, where another fee has ments.) been prescribed in lieu thereof, by that other fee.

3. (1) The Landlord and Tenant Act, 1899, is Amendment 20 amended— 18, 1899.

> (a) by omitting from section 2D the word "seventy-two" Sec. 2D. and by inserting in lieu thereof the word (Certain "seventy-one";

amendments of Act effective on and from 1/1/1969 until 31/12/1972.)

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(b) (i) by inserting at the end of section 2E, as New sec. appearing in Schedule N, the following new <sup>2E.</sup> subsection : —

> (3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

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(ii)

- (ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;
- (iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph : —

#### and

(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words
15 "first day of January, one thousand nine hundred and sixty-nine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, Amendment of Act No. 58, 1968.

- (a) by omitting from subsection two of section seven Sec. 7.
   the word "seventy-two" and by inserting in lieu (Amendment of thereof the word "seventy-one";
  - (b) by omitting from subsection two of section eight Sec. 8. the word "seventy-two" and by inserting in lieu (Amendment of thereof the word "seventy-one".

Common Law Procedure Act, 1899.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1969 [5c]

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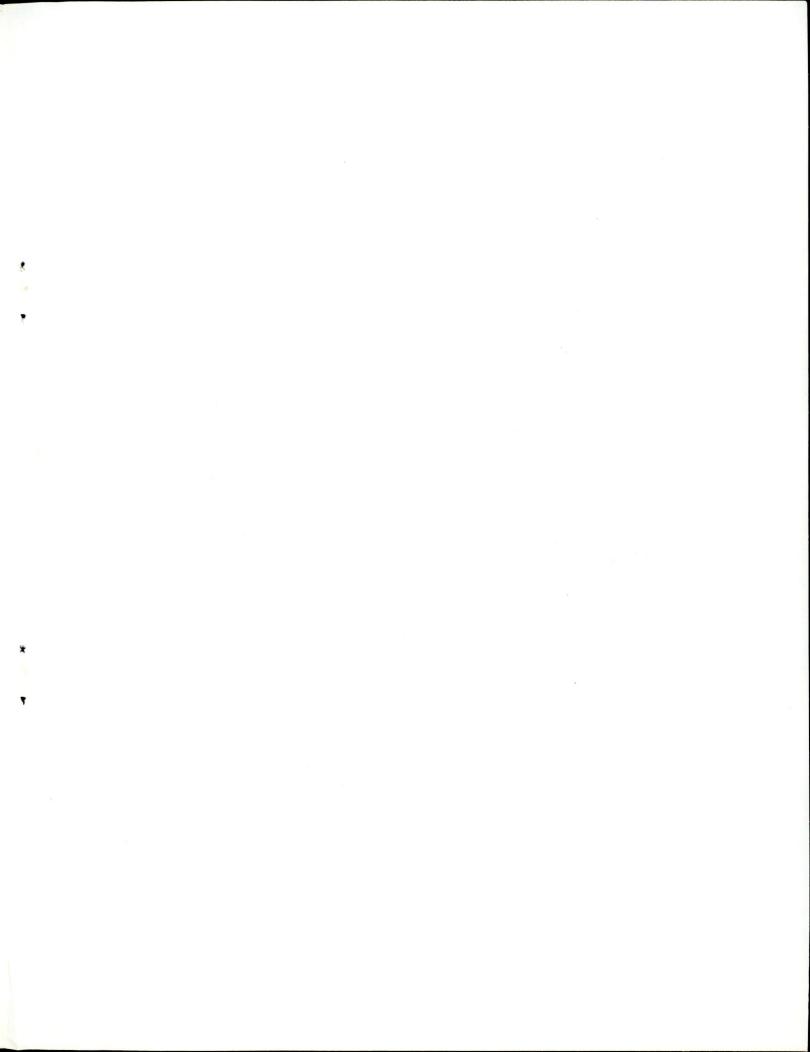
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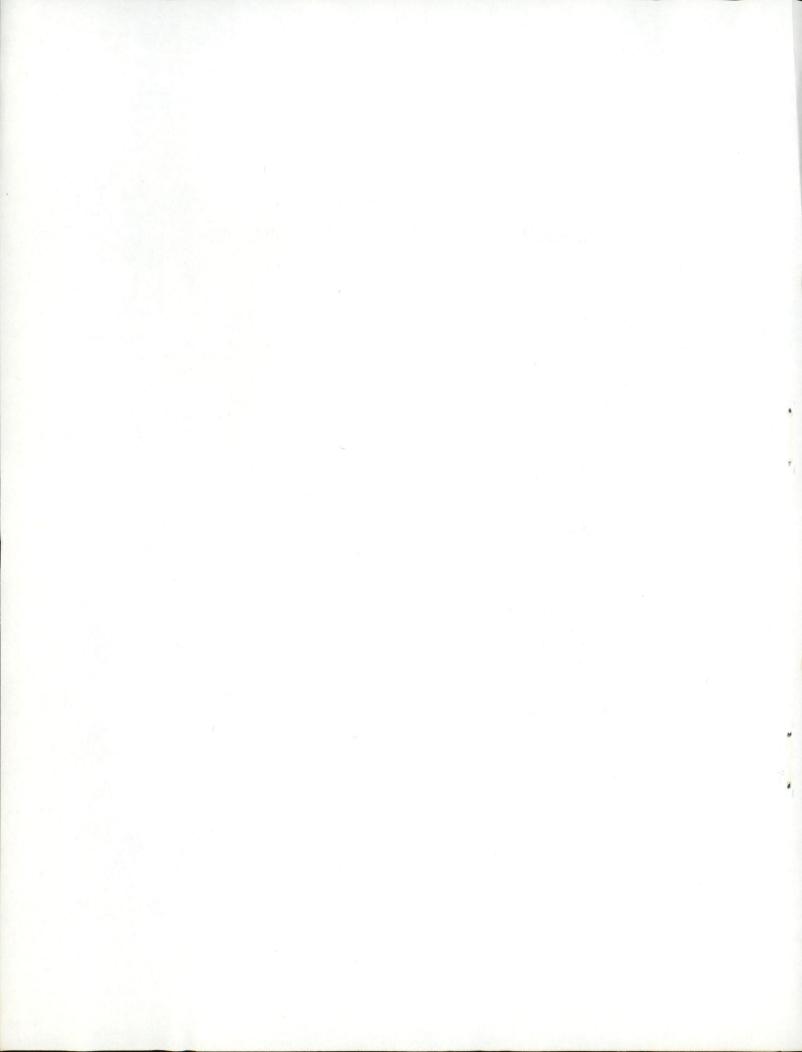
## LANDLORD AND TENANT (AMENDMENT) BILL, 1969

#### EXPLANATORY NOTE

THE objects of this Bill are-

- (a) to extend the operation of section 5A of the Landlord and Tenant (Amendment) Act, 1948, so that a dwelling-house or residential unit occupied personally by the lessor or his predecessor in title on or after 1st January, 1969, is not subject to Parts II, III, IV and V of that Act;
- (b) to require leases of dwelling-houses and residential units referred to in section 5A (1) (d) of the Landlord and Tenant (Amendment) Act, 1948, to be registered in the office of the Rent Controller if those premises are to be premises to which that section applies;
- (c) to enable a Fair Rents Board to vary a current value rental if it was incorrectly calculated;
- (d) to enable a Fair Rents Board to set aside a current value rental if notice of the hearing of the application for the determination of that rental was not given as required;
- (e) to require the payment of a fee for the issue of certain summonses under the Landlord and Tenant (Amendment) Act, 1948;
- (f) to provide that the amendments included in Schedule N to the Landlord and Tenant Act, 1899, shall operate until 31st December, 1971, instead of 31st December, 1972;
- (g) to prevent a landlord from obtaining possession of excluded premises referred to in the amendments included in Schedule N to the Landlord and Tenant Act, 1899, otherwise than in accordance with a court order;
- (h) to make other amendments of a minor or ancillary character.

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PROOF

No. , 1969.

## A BILL

To amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith.

[MR MADDISON—19 November, 1969.]

**B**<sup>E</sup> 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. This Act may be cited as the "Landlord and Tenant Short title. (Amendment) Act, 1969".

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2.

#### Landlord and Tenant (Amendment). The Landlord and Tenant (Amendment) Act, 1948, Amendment 2. of Act No. 25, 1948. is amended-(a) (i) by inserting in paragraph (a) of subparagraph Sec. 5A. (i) of paragraph (d) of subsection one of (Parts II, section 5A after the word "sixty-nine" the and V of 5 words ", or that was occupied personally by this Act not the lessor or his predecessor in title on or certain premises.) after that day"; (ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied 10 personally by the lessor or his predecessor in title"; (iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring; 15 (iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and"; (v) by omitting paragraph (c) of subparagraph (ii) of paragraph (d) of the same subsection; 20 (vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph : ---(iii) the lease of which is after that day registered in the office of the Rent 25 Controller: (vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate"; (viii) by omitting from subsection eleven of the same 30 section the words "by the Rent Controller";

(b) (i) by inserting in paragraph (b) of subsection Sec. 17A. ten of section 17A after the words "Rent (Fixing of rent of Controller" the words "or his delegate"; prescribed

premises by agree-(ii) ment.)

- (ii) by omitting from subsection eleven of the same section the words "by the Rent Controller":
- (c) by inserting in paragraph (e) of subsection one Sec. 21. of section twenty-one after the word "Act" where (Matters to he confirstly occurring the words "or of a determination sidered.) made under Division 4AA of this Part";
- (d) (i) by omitting from paragraph (a) of subsection Sec. 31MFA. one of section 31MFA the word "or" where (Variations, of deterthirdly occurring; minations.)
  - (ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph : --
    - made; or
    - (c) the amount determined as the current value rental was incorrectly calculated.

(e) by inserting at the end of section 31MHA the Sec. 31MHA. following new subsections :---

(Notice of application.)

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

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the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

- (f) by omitting from paragraph (j) of subsection two Sec. 32. of section thirty-two the words "used for business (Variation or commercial purposes" and by inserting in lieu mination.) thereof the symbol and words ", and are not a dwelling-house";
- (g) by inserting next after subsection one of section Sec. 44.
   forty-four the following new subsection : (Summoning of wit-(1A) A request for the issue of a summons under nesses and production subsection one of this section shall be accompanied of docuby a fee of two dollars or, where another fee has ments.)

by a fee of two dollars or, where another fee has ments, been prescribed in lieu thereof, by that other fee.

3. (1) The Landlord and Tenant Act, 1899, is Amendment of Act No. 18,1899.

> (a) by omitting from section 2D the word "seventy-two" Sec. 2D. and by inserting in lieu thereof the word (Certain amendme of Act

amendments of Act effective on and from 1/1/1969 until 31/12/1972.)

(b) (i) by inserting at the end of section 2E, as Newsec. appearing in Schedule N, the following new <sup>2E.</sup> subsection : —

> (3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

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(ii)

- (ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;
- (iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph : —

#### and

(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words15 "first day of January, one thousand nine hundred and sixty-nine," there were substituted the words "commencement of

the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, Amendment of Act No. 58, 1968.

20 (a) by omitting from subsection two of section seven Sec. 7. the word "seventy-two" and by inserting in lieu (Amendment of Act No. 18, 1899.)

> (b) by omitting from subsection two of section eight Sec. 8. the word "seventy-two" and by inserting in lieu (Amendment of Common

(Amendment of Common Law Procedure Act, 1899.)

BY AUTHORITY: V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1969

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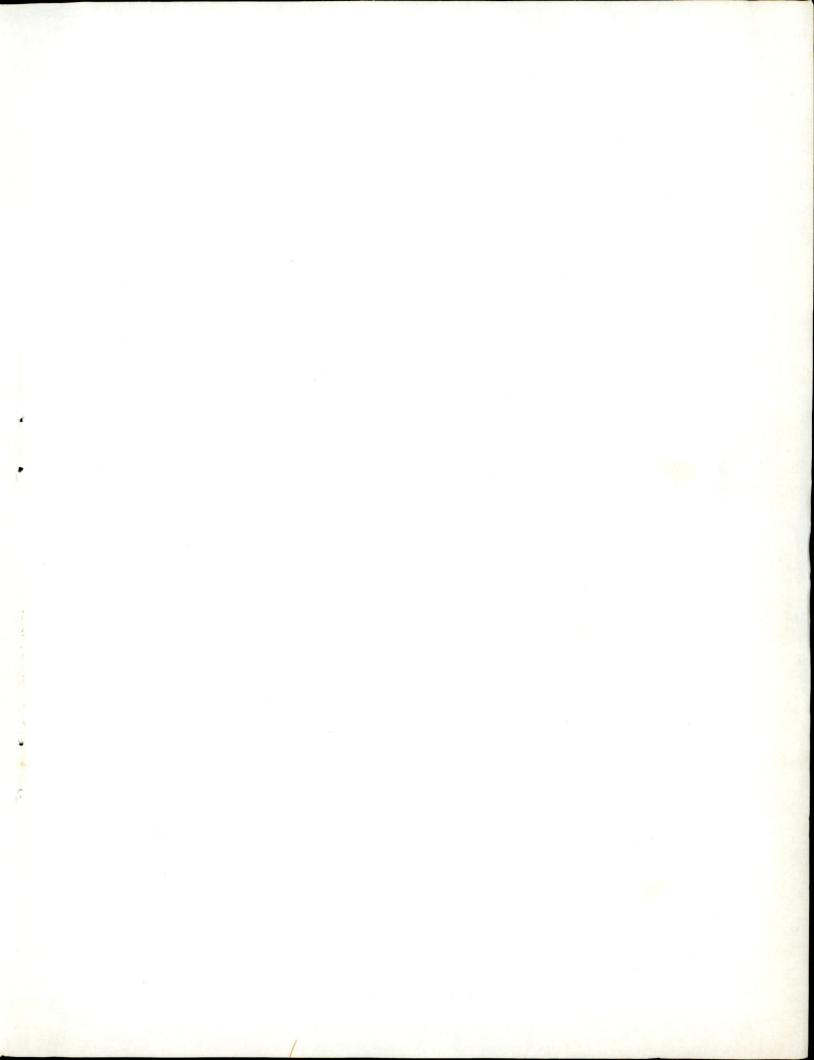
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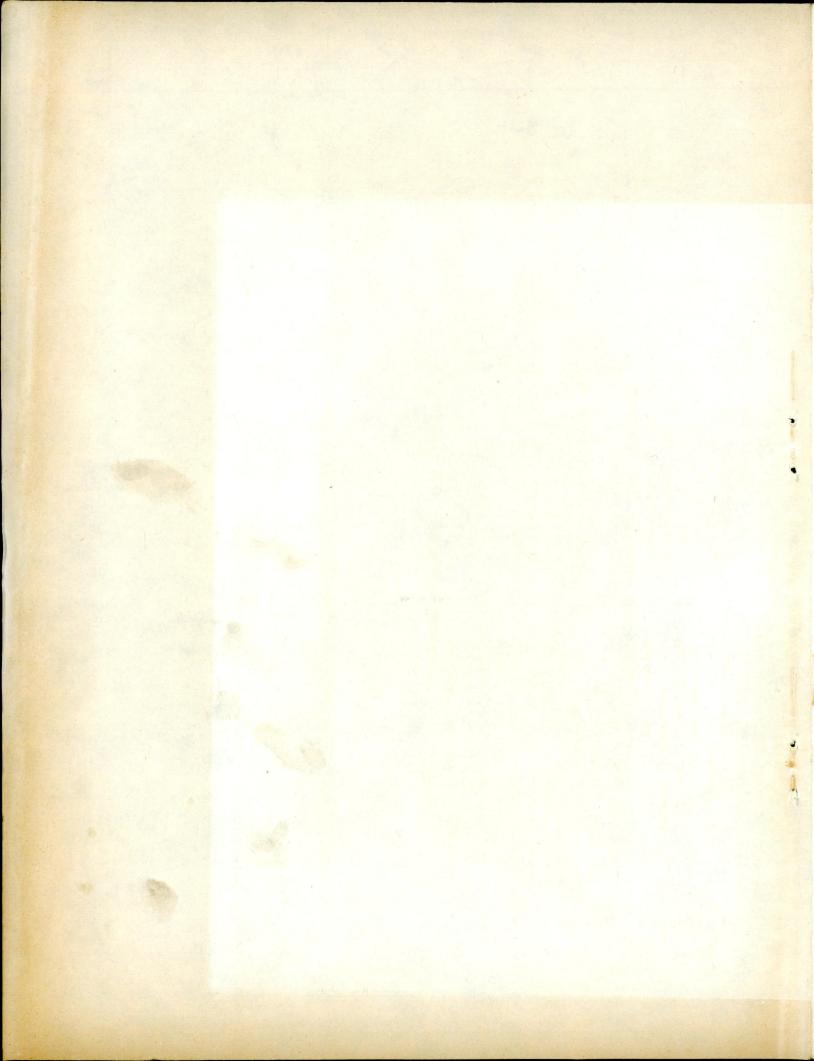
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New South Wales



## ELIZABETHÆ II REGINÆ

## Act No. 76, 1969.

An Act to amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

 $\mathbf{B}^{E}$  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. This Act may be cited as the "Landlord and Tenant Short title. (Amendment) Act, 1969".

2.

P 399 [5c]

Amendment 2. The Landlord and Tenant (Amendment) Act, 1948, of Act No. 25, 1948. is amended—

- (a) (i) by inserting in paragraph (a) of subparagraph
  (i) of paragraph (d) of subsection one of section 5A after the word "sixty-nine" the words ", or that was occupied personally by the lessor or his predecessor in title on or after that day";
  - (ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";
  - (iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;
  - (iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";
  - (v) by omitting paragraph (c) of subparagraph(ii) of paragraph (d) of the same subsection;
  - (vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph : —
    - (iii) the lease of which is after that day registered in the office of the Rent Controller;
  - (vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate";
  - (viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";
- (b) (i) by inserting in paragraph (b) of subsection ten of section 17A after the words "Rent Controller" the words "or his delegate";

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

Sec. 5A.

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#### Act No. 76, 1969.

Landlord and Tenant (Amendment).

- (ii) by omitting from subsection eleven of the same section the words "by the Rent Controller":
- (c) by inserting in paragraph (e) of subsection one Sec. 21. of section twenty-one after the word "Act" where (Matters to firstly occurring the words "or of a determination be con-sidered.) made under Division 4AA of this Part".
- (d) (i) by omitting from paragraph (a) of subsection Sec. 31MFA. one of section 31MFA the word "or" where (Variations of deterthirdly occurring: minations.)
  - (ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph : ---

made: or

(c) the determined amount as the current value rental was incorrectly calculated.

(e) by inserting at the end of section 31MHA the Sec. 31MHA. following new subsections :----(Notice of

application.)

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination.

the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

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(ii)

- (f) by omitting from paragraph (j) of subsection two of section thirty-two the words "used for business or commercial purposes" and by inserting in lieu thereof the symbol and words ", and are not a dwelling-house";
- (g) by inserting next after subsection one of section forty-four the following new subsection : ---

(1A) A request for the issue of a summons under subsection one of this section shall be accompanied by a fee of two dollars or, where another fee has been prescribed in lieu thereof, by that other fee.

Amendment **3.** (1) The Landlord and Tenant Act, 1899, is of Act No. amended—

 (a) by omitting from section 2D the word "seventy-two" and by inserting in lieu thereof the word "seventy-one";

(Certain amendments of Act effective on and from 1/1/1969 until 31/12/1972.)

New sec.

2E.

Sec. 2D.

(b) (i) by inserting at the end of section 2E, as appearing in Schedule N, the following new subsection :—

> (3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

Sec. 32. (Variation of determination.)

Sec. 44. (Summon-

ing of witnesses and production of documents.)

- (ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;
- (iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph: —

and

(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words "first day of January, one thousand nine hundred and sixtynine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, Amendment of Act No. 58, 1968.

- (a) by omitting from subsection two of section seven Sec. 7. the word "seventy-two" and by inserting in lieu (Amendment of Act No.
  - Act No. 18, 1899.)
- (b) by omitting from subsection two of section eight Sec. 8. the word "seventy-two" and by inserting in lieu (Amendment of Common Leventy Pro-

(Amendment of Common Law Procedure Act, 1899.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1970

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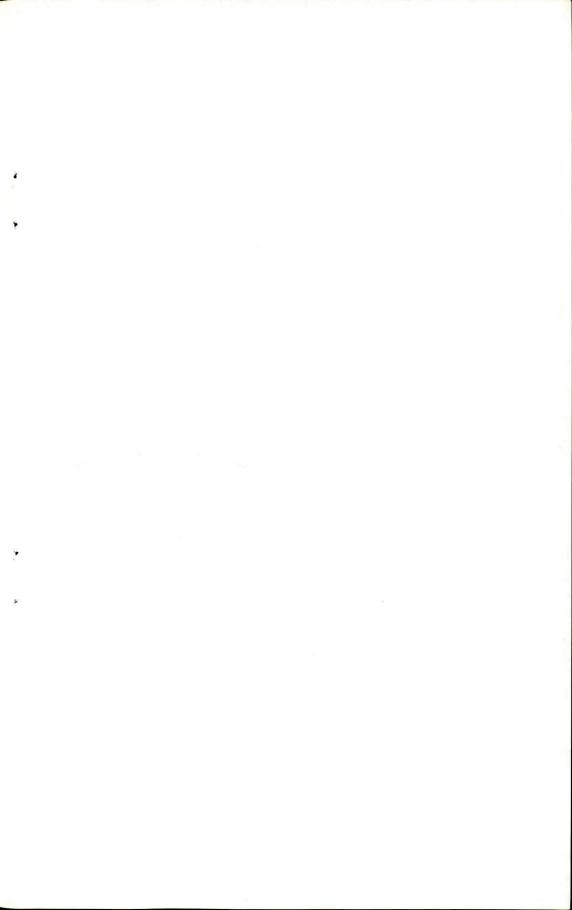
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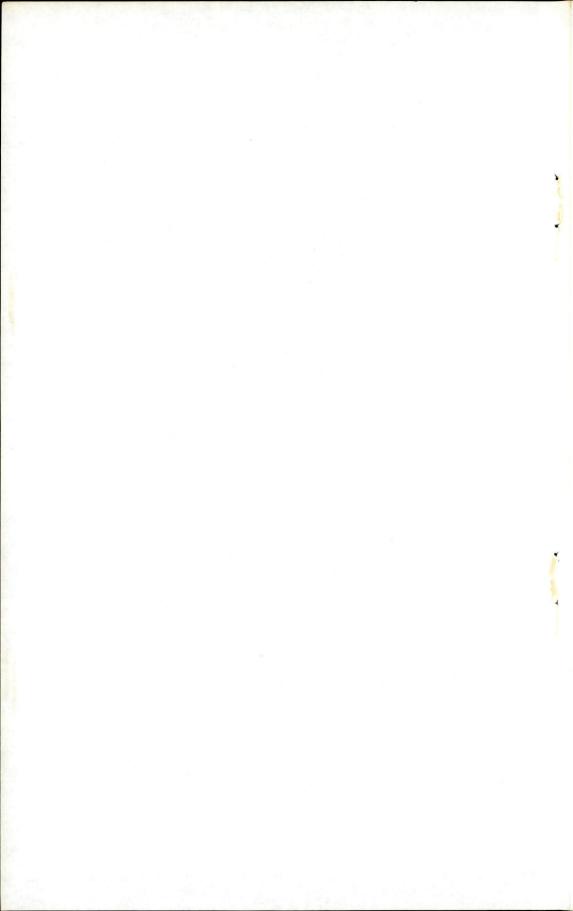
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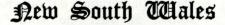




I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGIS-LATIVE ASSEMBLY of NEW SOUTH WALES.

#### I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 27 November, 1969.





## ANNO OCTAVO DECIMO ELIZABETHÆ II REGINÆ

### Act No. 76, 1969.

An Act to amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

 $\mathbf{B}^{\mathrm{E}}$  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. This Act may be cited as the "Landlord and Tenant Short title. (Amendment) Act, 1969".

2.

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

> L. A. PUNCH, Chairman of Committees of the Legislative Assembly.

Amendment of Act No. 25, 1948.

at 2. The Landlord and Tenant (Amendment) Act, 1948, is amended—

Sec. 5A. (Parts II, III, IV and V of this Act not to apply to certain premises.)

- (a) (i) by inserting in paragraph (a) of subparagraph
  (i) of paragraph (d) of subsection one of section 5A after the word "sixty-nine" the words ", or that was occupied personally by the lessor or his predecessor in title on or after that day";
  - (ii) by omitting from paragraph (b) of the same subparagraph the words "or been occupied personally by the lessor or his predecessor in title";
  - (iii) by omitting from paragraph (b) of the same subparagraph the word "and" where secondly occurring;
  - (iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word "and";
  - (v) by omitting paragraph (c) of subparagraph(ii) of paragraph (d) of the same subsection;
  - (vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph : —
    - (iii) the lease of which is after that day registered in the office of the Rent Controller;
  - (vii) by inserting in paragraph (b) of subsection ten of the same section after the words "Rent Controller" the words "or his delegate";
  - (viii) by omitting from subsection eleven of the same section the words "by the Rent Controller";
- (b) (i) by inserting in paragraph (b) of subsection ten of section 17A after the words "Rent Controller" the words "or his delegate";

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

(ii)

Act No. 76, 1969.

#### Landlord and Tenant (Amendment).

- (ii) by omitting from subsection eleven of the same section the words "by the Rent Controller";
- (c) by inserting in paragraph (e) of subsection one Sec. 21. of section twenty-one after the word "Act" where (Matters to firstly occurring the words "or of a determination be conmade under Division 4AA of this Part";
- (d) (i) by omitting from paragraph (a) of subsection Sec. 31MFA. one of section 31MFA the word "or" where (Variations of determinations.)
  - (ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph : —

made; or

(c) the amount determined as the current value rental was incorrectly calculated,

application.)

3

(4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.

(5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

the

the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

(f) by omitting from paragraph (j) of subsection two of section thirty-two the words "used for business or commercial purposes" and by inserting in lieu thereof the symbol and words ", and are not a dwelling-house";

(g) by inserting next after subsection one of section forty-four the following new subsection : ---

(1A) A request for the issue of a summons under subsection one of this section shall be accompanied by a fee of two dollars or, where another fee has been prescribed in lieu thereof, by that other fee.

Amendment **3.** (1) The Landlord and Tenant Act, 1899, is of Act No. 18, 1899. amended—

> (a) by omitting from section 2D the word "seventy-two" and by inserting in lieu thereof the word "seventy-one";

until 31/12/1972.) New sec.

2E.

Sec. 2D.

of Act effective on and from 1/1/1969

(Certain

amendments

(b) (i) by inserting at the end of section 2E, as appearing in Schedule N, the following new subsection : ---

> (3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

Sec. 32. (Variation of determination.)

Sec. 44. (Summoning of witnesses and production of documents.)

Landlord and Tenant (Amendment).	
<ul> <li>(ii) by omitting from paragraph (a) of section 2F, as appearing in the same Schedule, the word "and" where lastly occurring;</li> </ul>	
<ul> <li>(iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph : — and</li> </ul>	
(c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.	
(2) Section 2D of the Landlord and Tenant Act, 1899,	

shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words "first day of January, one thousand nine hundred and sixtynine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, Amendment of Act No. 58, 1968.

- (a) by omitting from subsection two of section seven Sec. 7.
   the word "seventy-two" and by inserting in lieu (Amend-ment of Act No.
   18, 1899.)
- (b) by omitting from subsection two of section eight Sec. 8. the word "seventy-two" and by inserting in lieu (Amendment of Common

ment of Common Law Procedure Act, 1899.)

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

A. R. CUTLER, Governor.

Government House, Sydney, 3rd December, 1969.

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(ii) (if itself if at the end of paragraph (i) of the source substitution for solar virial and new paragraph (iii)

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