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No. 66.

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AN ACT to make Emergency Provision with respect
to Housing Accommodation. [23 May, 1946.]

A.D.

1946

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BE it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:—

1 This Act may be cited as the *Emergency Housing Accommodation Act 1946*. Short title.

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Interpretation.

2 In this Act, unless the contrary intention appears—

“Director” means the Director of Social Services;

“dwelling-house” includes dwelling of any kind, hotel, public house, boarding house, lodging house, factory, shop, store, hall, office, or other building or any part thereof, which, or which part, is constructed or readily adaptable for residential occupation, but does not include a private residence in which, or any part of which, the owner or lessee thereof ordinarily and continuously resides and which is his permanent home.

Power of Director to require dwelling-house to be let or sub-let.

3—(1) Where the Director is satisfied that any dwelling-house, without satisfactory reason—

(a) has remained vacant during a period of fourteen days or more;

(b) is used only occasionally for residential purposes; or

(c) is not reasonably required by the owner or lessee for immediate use for residential purposes,

he may cause to be served on the owner or lessee of the dwelling-house a notice requiring him to let, or sub-let, as the case may be, the dwelling-house in accordance with the notice.

(2) Before causing any notice under subsection (1) to be served on any owner or lessee the Director shall give to the owner or lessee, in writing, twenty-one days' notice of his intention so to do.

(3) A notice under this section shall set forth the ground or grounds upon which the dwelling-house is required to be let or sub-let, and shall specify the person or persons to whom the dwelling-house is required to be let, or sub-let, as the case may be, and in specifying the person or persons the Director shall—

(a) have regard to the character and suitability of the person or persons so specified and shall not cause any person to be specified in a notice who is not, in his opinion, of good character;

(b) give priority to a member or ex-member of the armed services, or a dependant of such member or ex-member;

(c) so far as possible, endeavour to ensure occupation of the dwelling-house by a number of persons commensurate with the residential accommodation available therein.

(4) A letting, or sub-letting, as the case may be, in pursuance of a notice given under this section shall be for such period, not exceeding six months, and on such reasonable

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terms and conditions, as the Director approves, and shall take effect not later than such date, and in accordance with such directions, as may be specified in the notice. A.D. 1946.

(5) Where the dwelling-house in respect of which a notice is given under this section is comprised in a lease the notice shall be served on the lessee and a copy of the notice shall be served on the owner of the dwelling-house.

(6) A lessee on whom a notice has been served under this section—

(a) may sub-let the dwelling-house in accordance with the notice without obtaining any consent from the landlord or any other person, notwithstanding any covenant prohibiting or restricting the sub-letting of the premises; and

(b) may let the premises on a weekly tenancy, notwithstanding that he is a weekly tenant.

(7) In the administration of this Act the Director shall endeavour to secure the most effective utilisation of available housing accommodation, and in the giving of notices in respect of dwelling-houses to which subsection (1) applies shall as far as possible give preference to such dwelling-houses in the following order:—

(a) vacant residences (other than residences to which paragraph (c) applies), including residences used as offices by any Commonwealth or State Government Department;

(b) rooms in hotels, public-houses and boarding-houses which are not used for the accommodation of lodgers;

(c) vacant residences ordinarily used for holiday purposes only.

(8) A notice under this section may be served on the owner or lessee of the dwelling-house either personally or by registered post, or may be served on any person who ordinarily acts as agent in relation to the dwelling-house or to whom the rent is ordinarily paid.

4—(1) If any owner or lessee of a dwelling-house who is served with a notice under section three fails to comply with the requirements of the notice, the Director may apply to a police magistrate by complaint in accordance with the *Justices Procedure Act 1919* for an order directing the owner or lessee to let, or sub-let, as the case may be, the dwelling-house in respect of which the notice is given to the person or persons named in the notice for such period, not exceeding six months, as may be specified in the order, and in accordance with the terms and conditions specified therein.

Power to
apply to police
magistrate
for order to
let.

(2) Upon the hearing of a complaint under this section, the police magistrate may make an order directing the letting, or sub-letting, by the owner or lessee, as the case may be,

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(3) An order made under this section may be enforced in the same way as an order made by a court of petty sessions under the *Justices Procedure Act 1919* and, without affecting the generality of this subsection, the police magistrate may issue a warrant authorising the delivery of possession of the dwelling-house to the person or persons named in the warrant.

(4) For the purpose of executing a warrant issued under subsection (3) every police officer is hereby authorised and empowered to enter into the premises, by force if necessary, and eject any person therefrom.

(5) A police magistrate shall make an order directing the letting or sub-letting of a dwelling-house, which is the subject of a complaint under this section, unless he is satisfied by the owner or lessee, as the case may be, that—

- (a) the ground upon which the dwelling-house was required to be let or sub-let by the notice given under section three is not sustained; or
- (b) the person specified in the notice is not of good character.

(6) Notwithstanding anything contained in this section, a police magistrate shall, before making any order under this section, take into consideration, in addition to all other relevant matters—

- (a) any hardship which would be caused to the owner or lessee, or to any other person, by the making of the order; and
- (b) any hardship which would be caused by the refusal to make the order.

(7) In any case where a dwelling-house is let or sub-let to any person in pursuance of an order made under this section, or where possession of a dwelling-house is given to any person in pursuance of a warrant issued under this section, that person shall be deemed to be the tenant of the owner or lessee, as the case may be.

(8) A decision of a police magistrate under this section shall be final and without appeal and no writ or prohibition or certiorari shall lie in respect thereof.

(9) A dwelling-house may be sub-let on a weekly tenancy in pursuance of an order made under this section notwithstanding that the lessee is a weekly tenant.

(10) No costs shall be allowed on the hearing of a complaint under this section.

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5—(1) No person to whom a dwelling-house is let or sub-let in pursuance of this Act or to whom possession of a dwelling-house is given under any warrant issued under this Act, shall—

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Offences.

- (a) use the premises otherwise than as a private dwelling;
- (b) deface or injure the premises; or
- (c) fail to keep or leave the premises in good repair, reasonable wear and tear and damage by fire excepted.

Penalty: Fifty pounds.

(2) In any proceedings under this section, the court, on the application of the complainant, may assess the damage, if any, suffered by the person aggrieved by reason of the offence and may—

- (a) award that any fine or part thereof shall be paid to the person aggrieved, which award shall be sufficient authority to the clerk of petty sessions receiving such fine for payment to such person of the amount so awarded; or
- (b) order that, in addition to or instead of any fine, the offender shall pay to the person aggrieved the assessed amount of any damage suffered by him by reason of such offence.

6 The Director or any person authorised by him, whether generally or in any particular case, may, at any reasonable hour of the daytime, enter into and upon any building or land and inspect the same for the purposes of this Act.

Power to enter and inspect.

7—(1) If a dwelling-house which is let or sub-let in pursuance of this Act contains furniture or fittings which the owner or lessee wishes to remove, then he may within fourteen days after the letting or sub-letting remove the same.

Right to remove furniture and cost thereof.

(2) The reasonable cost of such removal and of storing the furniture during the period the dwelling-house is let or sub-let and of restoring the furniture and fittings to the dwelling-house after the expiration of the period the dwelling-house is let or sub-let shall be paid to the owner or lessee out of moneys to be provided by Parliament for that purpose.

8—(1) For the purpose of assisting the Director in the administration of this Act, the Minister may establish local advisory committees as provided by this section.

Local advisory committees.

(2) Local advisory committees may be established in respect of—

- (a) the cities of Hobart and Launceston; and
- (b) such municipalities or groups of municipalities as the Minister thinks necessary.

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(3) A local advisory committee shall consist of three members appointed by the Minister, of whom one shall be appointed on the recommendation of the Tasmanian State Branch of the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia and one shall be appointed on the recommendation of—

(a) the Hobart City Council and the Launceston City Council respectively, in the case of the committees established in respect of those cities; or

(b) the council of the municipality in respect of which the committee is established, or, where a committee is established in respect of a group of municipalities, by the councils of those municipalities.

(4) If the said Tasmanian State Branch or the council of any city or municipality neglects to make any recommendation for the appointment of a member of a local advisory committee, the Minister may appoint a member of the committee without any such recommendation.

(5) The Minister shall appoint one member of each local advisory committee to be chairman of the committee.

(6) Meetings of a local advisory committee shall be held at such times and places as are determined by the committee or notified to the members of the committee by the chairman.

(7) The Minister may, at any time, request the chairman of a local advisory committee to call a meeting of the committee.

(8) Except as provided by this section, a local advisory committee may regulate its own procedure.

(9) There shall be payable to the members of a local advisory committee such amounts by way of travelling expenses as the Minister determines.

(10) A local advisory committee—

(a) shall inquire into and report to the Minister upon any matters referred to it by the Minister; and

(b) may make investigations and submit reports and recommendations to the Minister or to the Director,

in relation to the provision of emergency housing accommodation in the city or municipality, or group of municipalities, in respect of which the committee is established.

Regulations.

9 The Governor may make regulations not inconsistent with this Act, prescribing all matters which are necessary or convenient for carrying out and giving effect to this Act, and prescribing penalties not exceeding twenty pounds for any contravention of any regulations so made.

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10—(1) This Act shall expire on the thirtieth day of A.D. 1946.
June, 1948.

(2) The expiry of this Act shall not affect any—

Expiry of
Act.

- (a) right, privilege, obligation, or liability acquired, accrued or incurred during the continuance of this Act, in accordance with the provisions of this Act;
- (b) penalty, forfeiture or punishment incurred in respect of any offence committed during the continuance of this Act against any of the provisions of this Act; or
- (c) investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment,

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if this Act had continued in operation.

