

# INCREASE OF RENT (WAR RESTRICTIONS)

7° GEO. VI., No. XXIX.

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No. 34 of 1943.

**AN ACT to amend the Increase of Rent (War Restrictions) Act, 1939-1941.**

[Assented to 11th November, 1943.]

**BE** it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Increase of Rent (War Restrictions) Act Amendment Act, 1943*, and shall

Short title.

No. 34.] *Increase of Rent (War Restrictions)*. [1943.

be read as one with the Increase of Rent (War Restrictions) Act, 1939 (No. 45 of 1939 as amended by Act No. 48 of 1941), hereinafter referred to as the principal Act.

Amendment  
of s. 2 of  
principal Act.

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

- (a) by adding at the end of the second line of the definition of "Land" the following "and where land is leased together with goods and chattels it includes such goods and chattels."
- (b) by adding at the end of the fourth line of the definition of "Lease" the following "and includes a contract for the letting of any premises together with the use of furniture or other goods."
- (c) by inserting in line eight of the definition of "Standard Rent" after the word "lease" where it first occurs the following "With respect to premises which are first leased after the thirty-first day of August One thousand nine hundred and thirty-nine and for which no determination of a fair rent has been made, the standard rent shall be the rent at which the premises are first let as aforesaid unless and until such a determination is made."

New section  
to be inserted  
in principal  
Act.

3. A new section shall be inserted in the principal Act after section five as follows:—

Lessee may  
require statu-  
tory declara-  
tion as to  
standard  
rent.

5A. (1) If the lessor of any land was the lessor thereof on the thirty-first day of August, One thousand nine hundred and thirty-nine, the lessee may by notice require the lessor to furnish him with a statutory declaration as to the rent thereof on that date and the lessor shall furnish a statutory declaration accordingly within seven days after the receipt by him of the notice.

(2) Notice to the agent of the lessor shall be sufficient notice to the lessor.

(3) Where any lessor is a body (whether corporate or unincorporate) any declaration which that lessor is required to furnish under this section shall be made by some officer or member thereof having knowledge of the fact.

4. Section six of the principal Act is amended by deleting the words "the first" in line five of subparagraph (i) of paragraph (a) of subsection (1) of the said section and inserting in lieu thereof the word "any."

Amendment of s. 6 of the principal Act.

5. New sections shall be inserted in the principal Act after section eleven as follows:---

New sections to be inserted in principal Act.

11A. (1) A person shall not refuse to let a dwelling house to any person on the ground that it is intended that a child shall live in the dwelling-house.

Refusal to let a house to applicant with a family prohibited.

Provided that the Court may on application by the lessor if satisfied that the lessee has failed to take reasonable and proper care of the premises or of any goods and chattels leased therewith make an order for the recovery by the lessor of possession of the premises and any goods and chattels leased therewith and for the ejectment of the lessee therefrom.

(2) In any prosecution for an offence arising under this section where it is proved that a person has refused to let a dwelling-house to any person it shall lie upon the first-mentioned person to prove that the refusal was for some reason other than that it was intended that a child should live in the dwelling-house.

(3) A person shall not state his intention by advertisement or otherwise not to let a dwelling-house to any person if it is intended that a child shall live in the dwelling-house.

Penalty for any offence against any provision of this section—Twenty pounds.

11B. (1) A lessor shall by himself or his agent keep or cause to be kept a record showing the rent received in respect of any land (and of land together with furniture or other goods) leased by him.

Record of rents.

Where the land was leased on the thirty-first day of August, One thousand nine hundred and thirty-nine, such record shall show the rent and the name of the lessee at that date. Where the land was first leased after the thirty-first day of August, One thousand nine hundred and thirty-nine, such record shall show the rent when such land was first leased and the name of the lessee at that time. Where a fair rent has been determined with respect to any land such record shall show the amount of the fair rent, the court which made the determination and the date thereof.

(2) The record and any previous like records shall be available for inspection by any tenant of the prescribed premises.

(3) The lessor shall, by himself or his agent, produce the records at the hearing of any application under this Act, and the records shall, at the hearing, be evidence of the contents thereof.

(4) A lessor or agent shall not make or allow to be retained in any such record any false entry in a material particular.

Penalty for any offence against any provision of this section—Twenty pounds.

Citation of  
principal Act  
as amended.

6. The principal Act as amended by this Act may be cited as the Increase of Rent (War Restrictions) Act, 1939-1943.