



ANNO UNDECIMO

GEORGII VI. REGIS.

A.D. 1947.

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No. 30 of 1947.

An Act to amend the Landlord and Tenant (Control of Rents) Act, 1942-1946.

[Assented to 4th December, 1947.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1947年12月4日

Short titles.

1. (1) This Act may cited be as the " Landlord and Tenant (Control of Rents) Act Amendment Act, 1947 " .

(2) The Landlord and Tenant (Control of Rents) Act, 1942-1946, as amended by this Act, may be cited as the " Landlord and Tenant (Control of Rents) Act, 1942-1947 " .

(3) The Landlord and Tenant (Control of Rents) Act, 1942-1946, is hereinafter referred to as " the principal Act " .

Enactment of Part IIIa of principal Act.

2. The following Part is enacted and inserted in the principal Act after Part III thereof :—

PART IIIA.

CONTROL OF RENTS OF CARAVANS.

Interpretation.

26a. In this Part, unless the context otherwise requires—

" caravan " means any vehicle without motive power constructed or adapted for the purposes of habitation ; the term includes any such vehicle which is not at the time fitted with wheels but which is so constructed that it is capable of being fitted with wheels :

“hirer” with respect to a caravan, means the party to whom the caravan is let :

“letting” with respect to a caravan, includes any contract for the letting or hire of the caravan, whether the contract is made orally or in writing or otherwise, and includes a contract for the letting or hire of a caravan together with the use of furniture or other goods ; and “let” has a corresponding meaning :

“owner”, with respect to a caravan, means the party by whom the caravan is let :

“owner”, with respect to land, means the person by whom, whether as owner, lessee, occupier or otherwise, any charge is made with respect to the use of any land upon which any caravan is placed for the purpose of habitation :

“rent”, with respect to a caravan, means any amount payable by the hirer to the owner of the caravan under any letting thereof, and includes any amount payable by the hirer to the owner for the use of any furniture or other goods in connection with the letting of the caravan :

“rent”, with respect to land, means any amount payable to the owner of the land by any person under any arrangement of any kind whereby that person is authorized to place a caravan upon that land for the purpose of the habitation of the caravan (whether by the said person or otherwise), and includes—

(a) any amount payable to the owner for the use of any buildings or goods ;

(b) any amount payable to the owner for the use of any sanitary, laundry or washing or like facilities ;

(c) any amount payable to the owner in respect of the supply of any electricity, gas, water, or fuel.

26b. (1) The trust from time to time may, by notice published in the *Gazette* and in a daily newspaper circulating throughout the State, declare that the maximum rents payable in respect of the letting of caravans within such part or parts of the State as are specified in the notice shall

Fixation of rents in respect of letting of caravans.

from a day or days to be specified in the notice, not exceed the rent or rents set out in the notice.

Any such notice may fix different maximum rents—

- (a) for different kinds or classes of caravans ;
- (b) for different parts of the State.

(2) The trust may by notice published as aforesaid revoke or vary any declaration of rents made as aforesaid.

Payment of rent under letting of caravans.

26c. (1) Notwithstanding any term or condition of any letting, the rent payable in respect of the letting of any caravan in respect of any period after the coming into operation of a declaration under section 26b shall, except in the circumstances mentioned in section 26d or 26l, not exceed the rent fixed by the declaration and appropriate to the caravan.

(2) Any rent in excess of the rent provided to be paid by subsection (1) shall, notwithstanding any agreement to the contrary, be irrecoverable.

Application to trust for special determination of rent of caravan.

26d. (1) The owner or the hirer of any caravan, the maximum rent in respect of the letting of which has been determined pursuant to section 26b, may from time to time apply in writing to the trust for a determination of the maximum rent to be payable in respect of the letting of the caravan: Provided that no such application may be made in respect of any caravan by any person within six months after the making of a prior application by that person in respect of that caravan.

(2) The trust may thereupon from time to time determine the maximum rent which shall be payable in respect of the letting of the caravan from the day to be fixed by the trust.

(3) Notwithstanding the provisions of section 26c, the rent so determined shall, from the day fixed as aforesaid, be the maximum rent which shall be payable in respect of the letting of the caravan and any rent in excess of such maximum rent shall, notwithstanding any agreement to the contrary, be irrecoverable.

Fixation of rents of land for use for caravans.

26e. (1) The trust from time to time may, by notice published in the *Gazette* and in a daily newspaper circulating throughout the State, declare that the maximum rents which shall be payable in respect of land within such part or parts of the State as are specified in the notice under any arrangements of any kind whereby persons are

authorized to place caravans upon such land for the purpose of habitation, shall, from a day or days to be specified in the notice, not exceed the rents set out in the notice.

Any such notice may—

- (a) in respect of different items included in rent with respect to land, as defined in section 26a, fix different amounts as the maximum rents to be payable in respect of those items;
- (b) fix different maximum rents for different parts of the State.

(2) The trust may by notice published as aforesaid revoke or vary any declaration of rents made as aforesaid.

26f. (1) Notwithstanding any term or condition of any contract or arrangement, the rent payable in respect of any land under any arrangement of any kind whereby any person is authorized to place a caravan upon that land for the purpose of the habitation of the caravan (whether by the said person or otherwise) and in respect of any period after the coming into operation of a declaration under section 26e, shall, except in the circumstances mentioned in section 26g, not exceed the rent fixed by the declaration and appropriate to the land and the arrangement with respect thereto.

Payment of rent in respect of land.

(2) Any rent in excess of the rent provided to be paid by subsection (1) shall, notwithstanding any agreement to the contrary, be irrecoverable.

26g. (1) The owner of any land in respect of which a maximum rent has been determined pursuant to section 26f, may, from time to time, apply in writing to the trust for a determination of the maximum rent to be payable in respect of the land for the purposes referred to in section 26f: Provided that no such application may be made in respect of any land by the owner thereof within six months after the making of any prior application by that owner in respect of that land.

Application to trust for special determination of rent of land.

(2) The trust may thereupon from time to time determine the maximum rent which shall be so payable from a day to be fixed by the trust.

(3) Notwithstanding the provisions of section 26f, the rent so determined shall, from the day fixed as aforesaid, be the maximum rent which shall be payable in respect of the land for the purposes referred to in section 26f and any rent in excess of such maximum rent shall, notwithstanding any agreement to the contrary, be irrecoverable.

**Display of maximum rent**

26h. (1) If any rent is determined pursuant to section 26d or 26g in respect of any caravan or land, the trust shall supply to the owner of the caravan or land, as the case may be, a notice stating the maximum rent payable pursuant to this Part in respect of the caravan or land and the owner of the caravan or land, as the case may be, shall, within a time to be specified by the trust, cause the notice to be affixed to the caravan or, as the case may be, displayed on the land in manner directed by the trust.

(2) Any such owner who fails to affix or display or to keep affixed or displayed any such notice in accordance with the direction of the trust shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(3) Any person who destroys, defaces or removes any such notice affixed or displayed as aforesaid shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

**Penalty for recovering rent above that fixed.**

26i. (1) Any person who, whether as principal or agent or in any other capacity, in any book or other document wilfully makes any entry showing or purporting to show any person as being in arrear in respect of any sum which by virtue of this Part is irrecoverable, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(2) Any person who, whether as principal or agent or in any other capacity, wilfully demands or wilfully receives as rent in respect of any caravan or land any sum which by virtue of this Part is irrecoverable, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

**Recovery of overpaid rent**

26j. Where any sum has been paid to any owner on account of any rent, being a sum which by virtue of this Part would have been irrecoverable by the owner, the sum so paid shall, at any time within six months after the date of payment, be recoverable from the owner who received the payment by the person by whom it was paid, and may, without prejudice to any other method of recovery, be deducted by that person from any rent payable within such six months by him to such owner.

**Powers of entry and inspection.**

26k. (1) For the purposes of this Part, any member of the trust or any officer or inspector of the trust authorized in writing for the purpose by the trust—

- (a) may enter upon any land upon which any caravan used for the purposes of habitation is situated, and may enter and inspect any such caravan ;

(b) may require any person being the owner or hirer of any caravan or being the owner of any land or being the agent of any such owner or hirer, to answer any question relating to the letting thereof or to any rent payable in respect of any caravan or land.

(2) Any person who—

(a) obstructs or hinders any such member, officer, or inspector in the exercise of any of the powers conferred by subsection (1) hereof; or

(b) refuses to answer any question put by any such member, officer, or inspector as provided by paragraph (b) of subsection (1) hereof or who wilfully gives any false answer to any such question,

shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

26 l. If any caravan is let to any person for holiday purposes only, this Part shall not apply with respect to the rent of that caravan whilst the caravan is so let but if any caravan is let to any person for holiday purposes and the letting continues for a period exceeding four weeks, this Part shall, after the expiration of four weeks from the commencement of the letting thereof, apply to the caravan whilst it is let to that person.

Exemption from operation of this Part.

3. Section 2 of the principal Act is amended by inserting therein after the line "Part III—Control of rents" the line "Part IIIA—Control of rents of caravans".

Consequential amendment of principal Act, s. 2—  
Arrangement of Act.

4. Section 49 of the principal Act, as enacted by section 8 of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1946, is amended by striking out the word "forty-seven" in the third line thereof and by inserting in lieu thereof the word "forty-eight".

Amendment of principal Act, s. 49—  
Duration of Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.