

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Tuesday, the 25th Day of November, 1947

FAIR RENTS AMENDMENT BILL

AMENDMENTS proposed by His Excellency the Governor-General:—

Clause 6, subclause (1): To omit from paragraph (a) the word “transfer” in line 39.

Clause 10, subclause (1): To insert, after the word “building” in line 5, the words “whether or not the owner provides any services for that person or those persons”.

To insert in Part I, after clause 12, the following new clause:—

12A. The provisions of subsection two of section ten of the Fair Rents Amendment Act, 1942, shall not apply with respect to any dwellinghouse if the tenant is ordinarily resident in another dwellinghouse.

Modifying
absolute
protection of
serviceman
tenant.
1942, No. 19

Clause 14: To omit paragraph (b) of the definition of the term “house”, and substitute the following paragraph:—

(b) Any dwelling that is ordinarily used for holiday purposes only:

Clause 14: To add the following new subclause:—

(2) Where the owner of a house has died (whether before or after the passing of this Act) no notice shall be given under this section in respect of that house until after the expiration of one year from the date of the death of the owner.

(NOTE.—This amendment will involve the insertion of “(1)” after “14” in line 27.)

Clause 15, subclause (1): To omit the word “fourteen” in line 38, and substitute the word “twenty-eight”.

Clause 15, subclause (2): To insert, after the word “shall” in line 1, the words “unless the Court otherwise orders”; to omit the words “public office of the local authority” in lines 2 and 3, and substitute the word “house”.

Clause 15, subclause (5): To omit this subclause, and substitute the following new subclause:—

(5A) On any such appeal the Court, having regard to all the circumstances of the case, shall give such decision as it deems just and equitable, and may cancel the notice or confirm it, and in the latter case may extend the time for complying with the notice. Subject to the right of appeal as hereinafter provided, the decision of the Court shall be final.

Clause 15: To add the following new subclauses:—

(6) Within seven days after the day on which any decision is given by the Magistrate’s Court on any appeal under this section, the appellant or the local authority may appeal from the decision to the Supreme Court.

(7) The provisions of subsections *two to five* of this section shall, so far as they are applicable and with the necessary modifications, apply with respect to appeals to the Supreme Court under this section, and the decision of the Court on any such appeal shall be final.

Clause 16, subclause (1): To omit the word "fourteen" in lines 22 and 23, and substitute the word "twenty-eight"; to insert, after the word "appeal" in line 25, the words "or such longer period as the Court may allow".

Clause 16: To add the following new subclause:—

(7) In exercising its powers and functions under this section, the Board shall as far as practicable give effect to any reasonable representations made to it by the owner with respect to the choice of a tenant.

Clause 19, subclause (1): To omit all words in this subclause after the word "person" in line 11.

Clause 19, subclause (3): To insert, after the words "personal representatives" in line 24, the words "or if for any other reason it is not practicable to deliver the notice personally".

To add the following new clauses:—

20. Any person authorized in that behalf by any local authority, either generally or specially, may at any reasonable hour in the daytime enter upon any premises and inspect the same for the purposes of this Part of this Act. Power to enter and inspect.

21. (1) Every person commits an offence against the principal Act who— Offences.

(a) Resists, obstructs, deceives, or attempts to deceive any local authority, Court, or person who is exercising or attempting to exercise any power or function under this Part of this Act:

(b) Being a tenant of any house by virtue of the letting thereof by the Board under this Part of this Act (whether or not a notice has been given under section *eighteen* of this Act), uses the premises otherwise than as a private dwelling, or defaces or injures the premises, or fails to keep or leave the premises in good repair, reasonable wear and tear and damage by fire excepted.

(2) In any proceedings for an offence under paragraph (b) of the *last preceding* subsection, the Court, on application by or on behalf of the owner, may assess the damage, if any, suffered by him, and may—

(a) Order that any fine or part thereof shall be paid to the owner; or

(b) Order that, in addition to or instead of any fine, the defendant shall pay to the owner the assessed amount of any damage suffered by him by reason of the offence.

(3) An order made under subsection *two* of this section shall be sufficient authority to the Clerk of the Court to pay the amount so ordered to be paid:

Provided that in no case shall the total amount paid exceed the amount recovered from the defendant.