

RESIDENTIAL TENANCIES AMENDMENT BILL 2015

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Minister for Commerce)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Minister for Commerce) [5.06 pm]: I move —

That the bill be now read a second time.

This bill will amend the Residential Tenancies Act 1987 to simplify notification processes for lessors prior to inspecting residential premises and provide more options for lessors when contacting tenants about the storage of goods left behind after the tenant has vacated the property. Amendments will also relieve the administrative burden on government by increasing the range of options for the service of documents and transitioning prescribed forms to now be forms approved by the Commissioner for Consumer Protection.

The bill is an important part of the government's reinvigorated regulatory reform plan and complements the measures undertaken in the Licensing Provisions Amendment Bill 2015, the Obsolete Legislation Repeal Bill 2015 and the Disposal of Uncollected Goods Amendment Bill 2015. Together, these four bills, along with the Licensing and Other Authorisations Amendment Bill 2016 that was introduced in the other place on 14 September 2016, demonstrate the government's continual commitment to deliver on the reduction of unnecessary regulation and ensure that legislation in force is efficient and effective.

The Residential Tenancies Act 1987 regulates the relationship between lessors and tenants under residential tenancy agreements. This bill introduces four important amendments to the act, improving outcomes for both lessors and tenants. Firstly, the bill will simplify the notification process when a lessor wishes to enter a property. Most entries occur for the purpose of inspecting the property or for showing the property to prospective tenants or purchasers. The requirement to negotiate a time prior to issuing a notice of proposed entry is costly for property managers as they often have to make repeated efforts to contact a tenant to negotiate a suitable time. This makes it difficult for property managers to organise their activities in an efficient manner. The bill resolves this by allowing a property manager or lessor to begin the process of arranging a time by sending a notice to the tenant in an approved form proposing a time and encouraging negotiation between lessors and tenants if the proposed time is unsuitable. This is expected to increase efficiency and reduce costs for property managers and lessors. These savings are expected to contribute to keeping downward pressure on rental costs for tenants.

Secondly, the bill will provide an increased range of options for lessors to contact a former tenant about abandoned goods. Currently, if a lessor is required under the act to store a tenant's goods that have been left at the premises after the tenant has vacated, in addition to sending a notice to a tenant's forwarding address a lessor is also required to place a notice in a newspaper circulating throughout the state. This can be a costly exercise and is largely an ineffective way of notifying former tenants, as in modern society fewer and fewer people will refer to the newspaper for this type of information.

The amendment will allow for other more effective means of notifying former tenants, such as sending a notice electronically to the tenant or posting a notice on a website. Other methods will also be prescribed in regulations. This amendment is expected to result in more tenants actually receiving notice that their goods have been stored and how to retrieve them, saving time and money for property managers and lessors, as well as reducing advertising costs for lessors.

Thirdly, the bill provides an increased range of options for parties to a residential tenancy dispute to serve documents on other parties. These options will reduce the incidences of having to serve a notice on persons whose address is unknown. This means that more people—in particular, tenants—will receive direct notification of proposed proceedings in the court and other important notices under the act. Currently, when a person's address for service of notices is unknown, the Residential Tenancies Act 1987 requires that a notice be published in a daily newspaper circulating throughout the state. The Magistrates Court spends time and money publishing notices about pending court applications in newspapers, as do many lessors and property managers. This is an outdated means of notification and it is unlikely that many people read the newspaper to check for such notices. The bill provides for regulations to prescribe options in addition to advertising in a newspaper, such as placing a notice on a website. This proposed amendment will save the courts an estimated \$165 000 a year. Lessors and property managers will also benefit from savings in this area.

Lastly, the bill will transition the requirement of using prescribed forms to having some forms approved by the commissioner. Routine forms will be improved by this change, such as a notice to former tenants about disposal of goods and a notice of intention to dispute an application for the disposal of bond money. This will save government time and alleviate administrative burden by reducing the workload currently placed on the

Parliamentary Counsel's Office and the Executive Council when a change is required to a form. Together, these amendments will benefit tenants, lessors and property managers, as well as government.

The bill is another example of the government's commitment to reducing red tape for the community, business and government, as well as reducing costs and alleviating burden.

Pursuant to Legislative Council standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party—nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

The bill will commence after it has been proclaimed.

The associated explanatory memorandum contains further details on the repeals.

I commend the bill to the house and table the explanatory memorandum.

[See paper 4768.]

Debate adjourned, pursuant to standing orders.