

RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (FAMILY VIOLENCE) BILL 2018

Council's Message

Message from the Council notifying that it did not insist on its amendments 1, 15 and 23; insisted on its amendments 7 and 21; and did not insist on, but had made alternative amendments in substitution for its amendments 8 and 22, now considered.

Consideration in Detail

The amendments on which the Council insisted were as follows —

No 7

Clause 12, page 10, line 25 —To delete “tradesperson; and” and substitute —
tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the alterations being completed; and

No 21

Clause 35, page 34, line 25 —To delete “tradesperson; and” and substitute —
tradesperson, a copy of whose invoice the long-stay tenant must provide to the park operator within 14 days of the alterations being completed; and

The amendments made by the Council were as follows —

No 1

New amendment as an alternative to amendment 8

Clause 12, page 11, line 2 — To delete “so.” and insert —
so and, where restoration work has been undertaken by a tradesperson, must provide to the lessor a copy of that tradesperson’s invoice within 14 days of that work having been performed.

No 2

New amendment as an alternative to amendment 22

Clause 35, page 34, line 32 — To delete “so.” and insert —
so and, where restoration work has been undertaken by a tradesperson, must provide to the park operator a copy of that tradesperson’s invoice within 14 days of that work having been performed.

Ms S.F. McGURK: I move —

That amendment 7 made by the Council be agreed to.

Mr P.A. KATSAMBANIS: At the outset I ask the minister to explain what this amendment will do and to indicate clearly whether the government supports it.

Ms S.F. McGURK: These amendments insert into section 47(5)(c) of the Residential Tenancies Legislation Amendment Act, and later in regard to the Residential Parks (Long-stays Tenants) Act, respectively, and I quote —

tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the alterations being completed;

The amendments relate to tenants installing prescribed security upgrades to premises. The amendments require that once the work is done, a tenant must provide to the lessor or park operator a copy of an invoice that they receive from the tradesperson. However, I can say while I am on my feet and because the question has been asked that it is a good opportunity to provide clarification about these amendments. Those who have been following this debate will know that this matter was hotly contested in the other place. In the end the government agreed to the changes in the interests of the genuine concerns of some members of the upper house on behalf of landlords and park operators to ensure that quality work is done if alterations are made to their premises. The amendments will require a tenant who has been a victim of domestic violence and who has had security upgrades installed or removed by a tradesperson to provide the invoice for that work. During consideration of this issue in the upper house, Hon Alison Xamon raised concerns about what constitutes an invoice. It should be noted that the word “invoice” is to be given its widest meaning in the government’s view. These proposed reforms should not be read as allowing for only a formal document that is prepared on accounting software or containing a tradesperson’s letterhead. A handwritten note briefly stating that the work has been undertaken by the tradesperson will suffice. This is particularly so when the work has been undertaken by a relative who is a qualified tradesperson, or by a not-for-profit organisation with no fees being charged to the tenant. That is an important qualification. Those

who have been involved in this bill, advocating both from within and outside the Parliament, have been concerned that we understand the chaotic nature facing many domestic violence victims and that they not be disadvantaged by the particular circumstances in which they get alterations done to a premises.

Mr P.A. KATSAMBANIS: I am going to spend a bit of time talking about the history of this matter and why we are debating it again in 2019, given that we spent a lot of time on it, in two goes in this chamber, in 2018.

I welcome the minister's statement about the concerns expressed by some members in the other place. This amendment in particular arose specifically from concerns of a member of the Shooters, Fishers and Farmers Party in the other place, Hon Rick Mazza. I am glad the minister accepts that they were genuine concerns and motivated by getting the legislation right. What we saw in this place on the last day before we rose last year was not only a disgraceful exhibition and a misuse of Parliament by one particular person, but also an exercise in smearing people who hold the best intentions. Every person in this place and the other place supports this legislation. No-one, as far as I am aware, offers any solace, succour or any other type of support to perpetrators of family violence; yet, in this place, on the last sitting day of last year, the former Minister for Commerce and other things, the member for Cannington, threw in a series of extraordinarily vile and completely unfounded accusations against members of both this place—opposition members who expressed concerns—and members of all crossbench and opposition parties in the other place. I would like to think that the performance of the former Minister for Commerce on that last day led to him being removed from being the Minister for Commerce very shortly afterwards. However, given his performance over the period since he became minister, I think it was just probably the last straw that broke the camel's back. He is known for coming into this place, having very little detail, yet being prepared to unfairly and unjustifiably smear hardworking members of Parliament, whose only intention is to improve legislation that we all support. To suggest that members of the opposition or of the crossbench parties were trying to delay this legislation in some way to support perpetrators of family violence was a smear absolutely beyond contempt. I congratulate the Premier for removing that minister from this important portfolio—well done. This important portfolio has been handed to the Attorney General, and we will see how he handles it. I know that the minister who is at the table has actively participated in drafting this legislation. I am pretty sure—correct me if I am wrong—that she second read the legislation into this chamber. She has championed this legislation and is to be commended for that. I am glad that the government has come to its senses and is supporting this amendment today.

This amendment really goes to the heart of maintaining a balance between tenants and landlords when a tenant is in the difficult situation of being a victim of family violence. We want to support and encourage those people and give them the opportunity to protect themselves.

Mr W.R. MARMION: I would like hear more from the member for Hillarys.

The ACTING SPEAKER (Ms S.E. Winton): I would too, but I would like him to get back to the actual amendment, please.

Mr P.A. KATSAMBANIS: I am speaking about the amendment and what it will do. This particular amendment simply states that where prescribed alterations have to be undertaken, they are undertaken by a qualified tradesperson. That is what was in the original legislation. We are dealing with clause 12 of the bill, which amends section 47 of the primary act and introduces proposed new section 47(5). Proposed section 47(5)(c) states —

work on the prescribed alterations must be undertaken by a qualified tradesperson, ...

It has to be undertaken by a qualified tradesperson. That is stipulated in the government's legislation. The other place, in its wisdom, led by one of the crossbench members, decided that in those circumstances, simply for completeness and so landlords know what is happening to their property—it is the tenant's home but owned by the landlord and we need to strike that balance of good faith between landlord and tenant—decided to add this provision that when work is undertaken by a qualified tradesperson, a copy of the invoice must be provided to the landlord, the lessor, within 14 days of the alterations being completed. It is pretty logical and simple. When we pay a tradesperson, they will issue an invoice. I heard the question the minister read out: what is an invoice? It is pretty settled at law. Every qualified tradesperson must be registered for taxation purposes. Our taxation laws, particularly around GST, require an invoice to be issued for any funds earned. I spoke about it before Christmas when we were having the debate with the former minister. I said, "Yes, I acknowledge that in many cases the work might be carried out by a qualified tradesperson who is a family member or a friend, or it may be carried out by a qualified tradesperson acting pro bono through a community group, a church or a welfare organisation or whatever the case may be." I have never been a qualified tradesperson but I have been a lawyer in private practice who needed to issue invoices as part of the work we did. If we did work on a pro bono basis, we would issue an invoice that sometimes might not be as detailed as one through which we were claiming money, but at the end we would put down "Fee declined". It is very simple and a well-accepted practice. Remember, this work must be done by a qualified tradesperson. It is not good enough to say it was a well-intentioned person. The government put in "qualified tradesperson", so that qualified tradesperson is set up to issue invoices. That is what they do to get

money. They cannot receive funds unless they issue an invoice. All we are saying is that they will do the work and issue an invoice. If it is a fee-declined invoice, they say so on the piece of paper. It is really a piece of paper. A lot of invoices I get from tradespeople, when they do work on my property, do not even come on a piece of paper; they come electronically and they can be passed on to the landlord. It is pretty simple but something the former Minister for Commerce and Industrial Relations had a grave objection to. He talked about all sorts of red tape, how it was going to cause enormous strife for victims of family violence when it was absolutely never going to be the case.

It is worthwhile talking about the history of this amendment. The Residential Tenancies Legislation Amendment (Family Violence) Bill was passed in this place and went to the other place.

The ACTING SPEAKER: Member, I draw you back. You have made your point on that.

Mr P.A. KATSAMBANIS: I am talking about the amendment and how we came to this place.

The ACTING SPEAKER: You have given us the history; I am directing you back to the amendment, please.

Mr P.A. KATSAMBANIS: I am on the amendment. I am talking about how this amendment came in. It is the exact same amendment that we considered before Christmas. At that time, the government opposed it. The government threw mud at us for supporting this amendment. We said at the time that we were not trying to delay this legislation but it was logical and sensible to implement something like this. The government refused to accept it. What has happened between December last year —

Mr W.R. MARMION: I am very keen to hear more about the importance of this amendment from the member for Hillarys.

The ACTING SPEAKER: Thank you, member for Nedlands. Member for Hillarys, can I please ask you to try to base your argument on the actual amendment rather than give a history lesson, which you already have done.

Mr P.A. KATSAMBANIS: As I was saying, this amendment was one that was opposed by the government two and a half months ago. Today we have come into this place and seen that the government is supporting the amendment. What has happened in the meantime? I know there has been a change of minister. I cheer for that; I welcome that. That is a good thing. Perhaps that is part of the reason. But in the debate last year on this amendment, we were told that by insisting on this amendment at the time all we were going to do was delay the implementation of this legislation and it was going to mean that victims of family violence would be disadvantaged. We were accused of not caring for victims of family violence. Worse still, we were accused of somehow or other supporting perpetrators of family violence by insisting on a really logical and simple amendment that would not trouble anyone. That is what we were accused of.

Come today, the government is supporting this amendment, the original Legislative Council amendment No 7 that we are considering in the message before us. By supporting this amendment, is the government hampering victims of family violence in any way? Is the government supporting perpetrators?

Ms S.F. McGurk: Try it on member; try it on. You are not covering yourself in glory over all this.

Mr P.A. KATSAMBANIS: I certainly do not think they are.

Ms S.F. McGurk: Why are you saying it then?

Mr P.A. KATSAMBANIS: If it is good for the goose, it is good for the gander.

Point of Order

Mr S.K. L'ESTRANGE: The member is on his feet. I would like to hear the member in silence.

Debate Resumed

Mr P.A. KATSAMBANIS: I am making the point —

The ACTING SPEAKER (Ms S.E. Winton): Member for Hillarys, I think you have made the point on numerous occasions.

Mr P.A. KATSAMBANIS: I am making the point. I have the call. I will finish up, if I am allowed to.

The ACTING SPEAKER: Member for Hillarys, can you not interrupt me while I am trying to speak to you.

Mr P.A. KATSAMBANIS: Okay.

The ACTING SPEAKER: I would appreciate that, thank you. Member for Hillarys, I think you have made the point repeatedly. I am suggesting to you that I have been pretty generous. Can you please conclude your remarks on this amendment without being repetitive with what you have said.

Mr P.A. KATSAMBANIS: I will attempt to conclude my remarks. It is not easy when I am goaded from across the table.

I am not accusing the government of any of that, not at all. No-one from the opposition is accusing the government of that. But I want to know from the minister where the change of heart has taken place between the last time we considered this amendment and now. Perhaps, if the minister sees fit—she does not have to but I think it would be good practice—she could issue an apology to every member who was smeared by the previous minister.

Ms S.F. MCGURK: The only apology I will make in relation to this bill is to the victims of domestic violence and those people denied an opportunity to have some of these protections over the summer break that we were not able to secure the passing of this legislation before we rose at the end of 2018. That is the apology I make to those victims. I know that this government did everything it could to work with advocacy groups, including peak bodies such as Shelter WA, Tenancy WA, the Western Australian Council of Social Service, the Western Australian Women's Council for Domestic and Family Violence Services as well as individual services and individual clients, to try to secure the passage of this bill and provide protections for those victims of domestic violence who were in tenancies and needed some of the protections contained within this bill. We worked very hard to achieve that, and the member does himself or his party no service by the points he has made at this time because those advocacy groups are watching these proceedings now and know we have been behind them every step of the way in strengthening our legislation for victims of domestic violence. The member for Hillarys asked what has changed between the end of last year and now to cause us to be now supporting this amendment. We went to the upper house in good faith and supported the referral of this bill to its Standing Committee on Legislation to try to understand the concerns that any member of that house had about it.

All the suggested amendments that came through the Standing Committee on Legislation were agreed by the government. Notwithstanding that, the bill then came before the upper house and further amendments were put forward, in some cases by members who sat on the legislation committee. They had an opportunity in the committee space to put forward their concerns and have them considered. Many were put forward and considered by the government. Notwithstanding that, further amendments were made. In the spirit of conciliation and to try to get the bill through, some amendments were agreed and some were not. The clarifications that I was putting on *Hansard* at the commencement of these proceedings reflect our concerns around the invoice system. If adjustments are made to the physical security arrangements of tenants' homes or, in the case of long-stay parks, to caravans and the like—the installation of CCTV and the like—it will be done by a qualified tradesperson. If an invoice for the work is given, that is fine, and it should be passed on. But if an invoice is not given or if something that is not commonly understood to be an invoice is given—for instance, it might be casually written on a piece of paper, but by a qualified tradesperson—that should suffice.

Another point of clarification about the invoice system is that the requirement in the amendments is that the invoice be given to the lessor within a time frame of 14 days. It is important to remember that this obligation on the tenant who has been the victim of domestic violence often comes at an extremely stressful time. As members can imagine, they are changing the security arrangements of their house because they fear for their, and sometimes their children's, safety. If the invoices are not passed on to the lessor within 14 days, it is the government's view that that should not disqualify the victim from any of the protections contained in this bill. There should be a wide and generous interpretation of the provisions that are now part of this legislation to honour the spirit of this bill, which is to give protection to victims of domestic violence so they are not further victimised because of financial, reputational or contractual difficulties that arise from having to change their arrangements with their lease.

Mr P.A. KATSAMBANIS: Just on the invoice and what happens if a lessor does not get a copy within 14 days, I agree with the minister: I think this provision does need to be read relatively widely, given the circumstances. First of all, I do not think the old-fashioned, caricatured idea that some parts of our community have of landlords is actually true. Most landlords actually care about their tenants, so they would like to work with them. As I pointed out to the previous minister when we were talking about this back in November, in many cases the landlord might want the invoice so that they can reimburse the tenant for these improvements to the home. That would actually put the tenant in a better position: they have had work done to their home to protect themselves, but will not ultimately have to pay for it. If a tenant who is a victim of family violence did not get an invoice to the lessor within 14 days, but got it to them at some other time, I really do not think landlords would find that onerous, even if they had to remind them to get it. Sometimes the tenant may not be in a position to provide that invoice; I understand that. That could be for many reasons. I think we are on the same wavelength. We pointed out to the previous minister that if he thought he could tidy up the amendments a little, he could. We will get to the other parts that have been tidied up and made better than the original amendments from the other place. We are all on the same wavelength here. We think this strikes a fair balance and protects victims of family violence. The bill will provide them with protections that they did not have in the past. We support it. We have always supported it. I will welcome its passage.

Question put and passed; the Council's amendment agreed to.

Ms S.F. McGURK: I move —

That amendment 1, as substitution for amendment 8, be agreed to.

Mr P.A. KATSAMBANIS: I do not apologise for going through this, in hopefully brief detail, if there is such a thing. This amendment comes from that same process. The bill went through this house and went to the Council. The Council, in its wisdom, sent the bill off to a committee. The bill came out of the committee with some recommendations. Other recommendations came from individual members of the Legislative Council. The Council sent a message to us last year, which we considered on 29 November. The government did not agree to amendment 8 at that stage, so it went back to the Council. In this particular case, the Council did not insist on its original amendment but substituted the amendment that we have before us today. Briefly, this amendment deals with a circumstance in which a tenancy comes to an end and some work has been done in relation to protecting the tenant, which is permissible under this bill as the tenant is a victim of family violence. The tenant is obliged to restore the premises to their original condition, but only if the lessor requires the tenant to do so. There is a step there. The tenant does not have to take out the protective mechanisms, be it a screen door or whatever, if the lessor agrees to leave them there. But if the lessor says that the tenant has to return the property to its original condition, which is a term of most residential tenancy agreements, then this substituted amendment provides that where the restoration work has been undertaken by a tradesperson—they are not obliged to use a tradesperson, so that is one protection already—they can provide a copy of that tradesperson's invoice within 14 days of that work having been performed. It is a similar situation to the previous one with the provision of the invoice, but the protections around it are slightly different. As I understand it, there is no obligation in the bill—the minister can correct me if I am wrong—that the work be carried out by a tradesperson. There might be other legal obligations that require a tradesperson. For instance, if someone is fiddling around with electrics, one needs to use a qualified tradesperson. But if all someone is doing is screwing out a screen door or a window screen with a screwdriver, that might be done by a friend, the tenant themselves or a family member. There is no obligation to use a tradesperson, but where a tradesperson is used, either because the tenant chooses to use a tradesperson or because of the nature of the work, they can provide an invoice within 14 days. It is logical and sensible. Again, when this came before us in December, I said in my contribution to the previous minister that if he did not think this amendment was quite right and might be a bit onerous, we could amend it and send it back to the Council in a format that we all agreed, just to speed up the process so that we did not have to wait over Christmas. The minister did not take up that offer. I am glad the government has now accepted it, because as I said on the other amendment, some amendments, of which this is one, are better than the ones we had before us on 29 November. On 29 November the clause stated —

... the restoration must be undertaken by a qualified tradesperson, ...

There was a “must” there. They “must” use a qualified tradesperson. That is onerous on all tenants, property owners or anyone, whether they are victims of family violence or not to say to them, “You must use a tradesperson”, when perhaps the work does not need to be done by a tradesperson. The clause has been improved, so now it states, “where restoration work has been undertaken by a tradesperson”. That is better. We could have done that in December. I offered it in good faith to the previous minister and it was rejected. Instead, we got the accusations that I will not repeat. But now, thankfully, we are at the stage at which this amendment is before us.

Mr W.R. MARMION: I would love to hear a little more from the member for Hillarys.

Mr P.A. KATSAMBANIS: Thank you. I am glad that the government and members in the other place have worked out this compromise. We in the Liberal Party support the amendment, as we support the bill. We are just disappointed that this could not have been done before Christmas. Good faith was indicated on our part. It was not reciprocated, so we have had this delay. There is no point in delaying it any further. We all want it to happen, and now the government is supporting this amendment, the Liberal Party is supporting this amendment and I trust—I am not sure—that our friends in the Nationals WA are also supporting it, and we will send our message back to the Legislative Council telling it that we agree with what it put to us today.

Ms S.F. McGURK: I would just like to clarify or emphasise that it sounds like we are in furious agreement, at least on this point, about the broadest possible interpretation of the nature of an invoice, this work and perhaps even the time periods. The amendment refers to 14 days; however, the flavour of and emphasis within the bill are clearly victim focused to give protections to victims of domestic violence. Obviously, when shifting house, having to make arrangements to shift house and to make good the property that they have been in and made adjustments to can be a difficult time. If in those circumstances the strict 14-day period is not adhered to, there could be consideration of that in the court, if it came down to that. I just want to make sure that the sentiment of the government is known by making those statements in *Hansard*.

Mr P.A. KATSAMBANIS: I want to pick up on this comment by the minister, because sometimes these debates are used by courts in the future. The minister makes a good point that when people shift house it is stressful enough as it is. Other factors are involved too. Sometimes, despite repeated requests, a tradesperson may not provide an invoice within 14 days, or, in many cases, often victims of family violence relocate significant distances, perhaps interstate, or to another town or another part of our state in order to start their life afresh. In those circumstances

there might simply be a delay in paperwork and communication, or in getting themselves to the new place. I do not think the minister used the word flexibility, but this is what we are talking about: the lessor having a bit of flexibility. The minister reminded me of a former Prime Minister, and there may or may not be a school in Perth named after that person. If members listened to the media speculation on the day that Australia won the America's Cup, they would have heard him say, "Any boss who sacks anyone for not turning up today is a bum"—the term the Prime Minister used at the time. Likewise in this circumstance, I think that if a landlord said "There's a ticking time clock; your 14 days are up. You lose all your rights because you haven't met the 14-day period", anyone involved in any element of our justice system from the State Administrative Tribunal through to the Magistrates Court or any other level of court would similarly use on that landlord the term that the former Prime Minister used. I am not a person who holds that type of caricature that I spoke about before—that landlords are supposedly nasty, horrible people. The vast majority of landlords and tenants are people who want to work together for common good. That is why they come together in the first place. Someone has a house on offer; the other person has a need or desire to rent that house and they are not going to be at war or at loggerheads. I agree with the minister that 14 days is a good guide. If they get the invoice in 20 days, or if they forget about it and they need to be reminded a month or two months later, perhaps—because we are using all sorts of examples—this might become an issue for insurance many years later: "Did you have the security system installed by a qualified tradesperson? Did you have it removed by a qualified tradesperson? Was the electrical work done by a qualified tradesperson?" It might not become an issue for anyone. No-one will care about the invoice until some period down the road. Basically, I am saying that I am in heated agreement with the minister that it is a good guide, but in practice there ought to be some flexibility in recognition of the totality of the circumstances that might militate against the tenant being in a position to furnish that paperwork in the 14-day period.

Question put and passed; the Council's amendment agreed to.

Ms S.F. McGURK: I move —

That amendment 21 made by the Council be agreed to.

Mr P.A. KATSAMBANIS: Amendment 21 from the original amendments from the Legislative Council that came to us in November last year basically does exactly what amendment 7, which we passed a few moments ago, did to residential tenancies in homes, be they units, apartments or houses, but to long-stay tenants. That is how the residential tenancies legislation is framed. There are provisions that apply to traditional houses, units and apartments and different provisions that apply to long-stay tenants in residential parks, caravan parks and the like. It is that same requirement—almost identical—that prescribed alterations have to be undertaken by a qualified tradesperson. That is what the bill indicates needs to be done, and again an invoice needs to be provided by the long-stay tenant within 14 days of the alterations being completed—that is, the alterations required to protect that long-stay tenant who has been a victim of family violence. We support these amendments. The government supports them; we supported them last time. There is no point in repeating the debate we had on amendment 7, but it is unfortunate that we have had to wait this long. Had the government supported this amendment at first instance, we would have been in a position to implement this legislation a lot sooner. We welcome the decision by the government, the minister—who is one of the ministers who has been responsible from the start—and, I assume, the new Minister for Commerce for coming to the conclusion that this amendment ought to be supported. We wish it good passage.

Question put and passed; the Council's amendment agreed to.

Ms S.F. McGURK: I move —

That amendment 2, as substitution for amendment 22, be agreed to.

Mr P.A. KATSAMBANIS: Substituted amendment 22 is similar in its operation to the way that I described amendment 21. Amendment 21 mirrored the provisions of amendment 7 in relation to long-stay tenants, and amendment 22 mirrors the provisions of amendment 8 and extends them to long-stay tenants. Again, they apply at the conclusion of a long-stay tenancy, a bit like amendment 8. In this case, when the park operator requires the property to be returned to its original state, the long-stay tenant is to provide the park operator with a copy of the tradesperson's invoice when the restoration work has been undertaken. Again, there is no obligation under this bill for the work to be done by a tradesperson, as I pointed out in reference to amendment 21, but that obligation may exist in some cases by the operation of other legislation. If the work is undertaken by a tradesperson, the long-stay tenant ought to provide the park operator with an invoice showing that the work has been done. The same arguments apply. It might be important for insurance work in the future. It may well be that the park operator has agreed with the tenant to pay for some or all of the restoration work and would require an invoice to do so. Often these parks become communities. That is why a lot of people choose to live in parks. Some people live in them for other reasons, but people choose to live in them because they are good little communities. The park operator may well be positively predisposed to pay for some of the work. Again, there is an obligation there. I agree with

the point the minister made previously today that 14 days is a good guide. If people cannot or do not meet it inadvertently, they should not be punished, and I think everyone would agree that that ought to be the case.

I hate to sound like a broken record, but the issue is that this is another clause that has been improved; it is better than the one we had before us in November. Just like amendment 8, the original version of amendment 22, which amends clause 35 of the bill and which came to us in November, placed an obligation that the work be done by a qualified tradesperson, and now it is not an obligation. It applies only when work is done by a qualified tradesperson. It is beneficial for a victim of family violence who is a long-stay tenant. However, this could have been fixed last year, as I offered the former minister at the time. I said, "If you think the wording is too restrictive, too cumbersome, let's change it now. Let's agree to it." Instead, unfortunately, we got the diatribe that I described earlier. That was disappointing, but we are here now. This has been to the Legislative Council. The Council has amended its original request to us. The minister moved the amendment and indicated that she wished it to be agreed to, so the government is supporting the substitution. The end of this process—the passing of this amendment—will conclude the work on this bill. It will mean that we have good legislation that will protect victims of family violence and also balance the rights of the victims with the rights of landlords and park operators. Unfortunately, it would have been much better if this had been finished last year, but, anyway, two and a half months later, we are here now. Let us finish this and hope that the bill is proclaimed so it can provide those protections.

Ms S.F. McGURK: Just so it is clear to everyone, I know it was particularly important for the advocates—the peak bodies that have followed this debate very closely—the government, working with peak bodies, the real estate industry and people who represent property owners to come up with a solution, and the package contained in the original bill was sound. The process went through the upper house. The amendments were eventually agreed to in the spirit of finalising the legislation, but now in this house I am keen to put on the record clarification about the intent of the bill and the protections. That includes getting an invoice, what the invoice means and at what time victims who have made adjustments to their property and, if they are leaving the property, can make good the adjustments. Victims may have to put through paperwork in order to be given the protections of this bill. They will not be disadvantaged by the nature of the invoice that they are given and the time period in which they put it forward. I do not think anyone who has been following this debate is under any illusion about whose side the government is on regarding victims of domestic violence and those people who advocate for them.

I would like to pay particular credit to the former Minister for Commerce and Industrial Relations, quite distinct from the member for Hillarys' comments about him. I commend his attention to detail in regard to this bill, his command of the legislation for which he had responsibility and his determination to produce strong and, at the time, groundbreaking legislation to protect victims of domestic violence who were tenants in Western Australia, through the broadest possible protections that we could apply. I learnt today that, rather than Western Australia being the first state to provide these protections, New South Wales has got ahead of us because of the delay over the summer, thanks to the WA Liberal Party. However, in other regards, our legislation is still very strong, considering the types of adjustments that can take place to a property and the like. I pay credit to the former Minister for Commerce and Industrial Relations, my cabinet colleague Bill Johnston, for his leadership in this policy area.

I also give credit to the staff at the Consumer Protection division and the officials from the Department of Mines, Industry Regulation and Safety for their policy development process and advice to the government and the Parliament during this bill's passage. I also thank members in the upper house, particularly the members of the Standing Committee on Legislation, for their deliberations on this matter.

What has really struck me in dealing with the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018 has been the industry buy-in to the protections of this bill. Some members here may have heard me speak about it publicly a few times. I refer to not only the real estate industry and representative bodies such as the Property Owners Association of WA, but also the advocates for victims of domestic violence, the community legal centres and the tenancy advocates who have worked hard to make sure the protections contained in this bill come to fruition.

The bill is unapologetically victim focused. For that reason, it was quite a leap for some people to understand the lens or perspective that we were taking in the emphasis of this bill. I think it was said most clearly by the then president of the Real Estate Institute of Western Australia—a constituent of mine—Hayden Groves, at a press conference he attended along with the then Minister for Commerce and Industrial Relations and me. My recollection of what he said, which I think is accurate, is that family and domestic violence is a community problem and the solutions are a community responsibility.

Mr D.R. MICHAEL: Acting Speaker, I would like to hear more from the minister.

Extract from Hansard

[ASSEMBLY — Tuesday, 19 February 2019]

p512b-519a

Ms Simone McGurk; Mr Peter Katsambanis; Mr Bill Marmion; Mr Sean L'Estrange; Mr David Michael

Ms S.F. McGURK: For that reason, he spoke volumes about the preparedness of the Real Estate Institute of Western Australia and those whom he broadly represented to participate in a process of the government that was making improvements to our residential tenancy laws. Members should remember that we have a domestic violence problem, with high rates of domestic violence in the state. We need to do a range of things to respond to that. We need to make sure that victims are kept safe. Some victims will take the road of packing up and going to a women's refuge, but more and more we need to understand that a raft of solutions need to be available to victims if we want them to stand up and say no to violence. It is not only tenants being able to put proper security in place in their own homes and not be financially or contractually disadvantaged by that, which this bill is all about, but also, as members would know, I have also advocated for programs such as Keeping Women Safe in their Homes, in which victims are given support, proper risk assessment and safeguards to stay in their houses.

We should not expect victims to have to disrupt not only their physical location—their living arrangements—but also all the supports that go along with their home or housing arrangements, which we all take for granted, such as social connections, proximity to work, and their children's proximity to school and friends. Providing that sort of stability and expecting that the perpetrator change their actions—not the victim fleeing the violence and making the changes necessary—is a completely different way of viewing domestic violence, and one that has been embraced in this bill. I am very grateful to all who have supported it.

Mr P.A. KATSAMBANIS: I will pick up on the comment the minister made about industry buy-in. I applaud all sectors of the residential tenancy industry—both the people who traditionally represent lessors or landlords, and those who represent tenants. I do not think that that buy-in is accidental; I think it is because all members of our community recognise that family violence is a serious problem. The minister can correct me if I am wrong, but, unfortunately, it seems to be at the very least a problem that is not going away and perhaps it is getting worse or we are getting more reporting of it. Either way, I think we all agree that one victim of family violence is one victim too many. We are all on the same page.

The fact that there has been such a strong industry buy-in from the groups the minister described, including the Real Estate Institute of Western Australia, the Property Council of Australia and all the groups that traditionally represent owners of property, goes to show that when it comes to residential tenancies, as I said in my previous contribution, it is never an us-and-them situation and it should never be seen as an us-and-them situation. It is all “us”, and we are all working together in an extraordinarily difficult area. Once again, industry members have demonstrated that they are good civic citizens and are happy to support and work with governments of all persuasions to get good legislation that will focus on victims of family violence. The minister did not say it outright, but she intimated that this bill will, unfortunately, not make family violence go away. But it will be a strong protection for those people who wish, and have the capacity, to remain in their homes. They will be able to do so, and the disruption for family members, as well as for the victim, will be minimised. This bill will provide a mechanism to make that more of a possibility in many more cases, which is why the opposition has supported it from the outset and the government has supported it as well. As I have continued say, I wish it good passage. Hopefully, after I sit down and the minister responds, if she wishes to, that will be it for our dealing with this bill in this chamber, and we will await the government proclamation of the legislation.

Question put and passed; the Council's amendment agreed to.

The Council acquainted accordingly.