WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 67
Issue No. 7

WEDNESDAY, 28 NOVEMBER 2018

RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (FAMILY VIOLENCE) BILL 2018 [67-1]

When in committee on the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*:

Clause 5

Hon Rick Mazza: To move —

14/5 Page 4, line 24 — To delete "fundamental".

Clause 6

Committee recommendation: To move —

9/6 Page 5, line 24 — To delete "person" and insert:

lessor

Committee recommendation: To move —

10/6 Page 5, line 26 — To delete "person — " and insert:

lessor —

Clause 10

1/10 **Minister for Regional Development representing the Minister for Commerce and Industrial Relations**:To move —

Page 8, line 21 — To insert after "lessor":

in writing

Committee recommendation: To move —

11/10 Page 8, line 27 — To delete the line and insert:

Penalty for this subsection: a fine of $5 000

Clause 12

Hon Rick Mazza: To move —

15/12 Page 10, line 9 — To delete "prescribed".

Hon Rick Mazza: To move —

16/12 Page 10, line 10 — To delete "prescribed".

Hon Rick Mazza: To move —

17/12 Page 10, line 11 — To delete "***prescribed***".

Hon Rick Mazza: To move —

18/12 Page 10, after line 20 — To insert:

(5) The alterations may comprise —

(a) the addition, removal or alteration of any of the following —

(i) security alarms and cameras;

(ii) locks, screens and shutters on windows;

(iii) security screens on doors;

(iv) exterior lights;

(v) locks on gates;

(b) the pruning of shrubs and trees.

Hon Rick Mazza: To move —

19/12 Page 10, line 22 — To delete "prescribed".

Hon Rick Mazza: To move —

20/12 Page 10, line 24 — To delete "prescribed".

Hon Rick Mazza: To move —

21/12 Page 10, line 25 — To delete "tradesperson; and" and insert:

tradesperson, a copy of whose invoice the tenant must provide to the lessor within 7 days of the alterations being completed; and

Hon Rick Mazza: To move —

22/12 Page 10, line 26 — To delete "prescribed".

Hon Rick Mazza: To move —

23/12 Page 11, line 2 — To "so." and insert:

so and the restoration must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the lessor within 7 days of the restoration being completed.

Committee recommendation: To move —

12/12 Page 11, lines 3 to 7 — To delete the lines and insert:

(6) Subsection (4) does not apply to premises entered into the Register as defined in the *Heritage of Western Australia Act 1990* section 3(1) or in the register as defined in the *Heritage Act 2018* section 4.

Clause 18

Hon Rick Mazza: To move —

24/18 Page 15, line 27 — To delete the line.

Minister for Regional Development representing the Minister for Commerce and Industrial Relations: To move —

2/18 Page 17, line 13 — To delete "not less than" and insert:

within

Minister for Regional Development representing the Minister for Commerce and Industrial Relations: To move —

3/18 Page 19, after line 10 — To insert:

71AF. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division as soon as is practicable after the 5th anniversary of the day on which this section comes into operation.

(2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Hon Rick Mazza: To move —

25/18 Page 19, after line 10 — To insert:

71AF. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which this section comes into operation.

(2) The review must address the following —

(a) the effect of this Division on lessors' rights to recover debts owed by tenants;

(b) the effect of this Division on lessors' insurance policies;

(c) the effect of this Division on contractual certainty;

(d) the extent to which this Division affects contractual obligations upon lessors and co-tenants who are not perpetrators of family violence and the impact of those obligations;

(e) such other matters as appear to the Minister to be relevant.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

Hon Michael Mischin: To move –

39/18 Page 19, after line 10 — To insert:

71AF. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 3rd anniversary of the day on which this Division comes into operation.

(2) Without limiting the scope of the review, the review must address the following —

(a) the effect of this Division on lessors' rights to recover debts owed by tenants;

(b) the effect of this Division on lessors' insurance policies;

(c) the effect of this Division on contractual certainty;

(d) the extent to which this Division affects contractual obligations upon lessors and co-tenants who are not perpetrators of family violence and the impact of those obligations;

(e) such other matters as appear to the Minister to be relevant.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3rd anniversary.

Clause 29

Hon Rick Mazza: To move —

26/29 Page 25, line 9 — To delete the line.

4/29 **Minister for Regional Development representing the Minister for Commerce and Industrial Relations**: To move —

Page 26, line 4 — To delete "not less than" and insert:

within

5/29 **Minister for Regional Development representing the Minister for Commerce and Industrial Relations**: To move —

Page 26, after line 10 — To insert:

45C. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division as soon as is practicable after the 5th anniversary of the day on which this section comes into operation.

(2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Hon Rick Mazza: To move —

27/29 Page 26, after line 10 — To insert:

45C. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which this section comes into operation.

(2) The review must address the following —

(a) the effect of this Division on park operators' rights to recover debts owed by long-stay tenants;

(b) the effect of this Division on park operators' insurance policies;

(c) the effect of this Division on contractual certainty;

(d) the extent to which this Division affects contractual obligations upon park operators and co-tenants who are not perpetrators of family violence and the impact of those obligations;

(e) such other matters as appear to the Minister to be relevant.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

Hon Michael Mischin: To move –

40/29 Page 26, after line 10 — To insert:

45C. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 3rd anniversary of the day on which this Division comes into operation.

(2) Without limiting the scope of the review, the review must address the following —

(a) the effect of this Division on lessors' rights to recover debts owed by tenants;

(b) the effect of this Division on lessors' insurance policies;

(c) the effect of this Division on contractual certainty;

(d) the extent to which this Division affects contractual obligations upon lessors and co-tenants who are not perpetrators of family violence and the impact of those obligations;

(e) such other matters as appear to the Minister to be relevant.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3rd anniversary.

Clause 31

Hon Rick Mazza: To move —

28/31 Page 30, line 17 — To delete "fundamental".

6/31 **Minister for Regional Development representing the Minister for Commerce and Industrial Relations**: To move —

Page 31, after line 6 — To insert:

74D. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division as soon as is practicable after the 5th anniversary of the day on which this section comes into operation.

(2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Hon Rick Mazza: To move —

29/31 Page 31, after line 6 — To insert:

74D. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which this section comes into operation.

(2) The review must address the following —

(a) the effect of this Division on park operators' rights to recover debts owed by long-stay tenants;

(b) the effect of this Division on park operators' insurance policies;

(c) the effect of this Division on contractual certainty;

(d) the extent to which this Division affects contractual obligations upon park operators and co-tenants who are not perpetrators of family violence and the impact of those obligations;

(e) such other matters as appear to the Minister to be relevant.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

Hon Michael Mischin: To move –

41/31 Page 31, after line 6 — To insert:

74D. Review of Division

(1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 3rd anniversary of the day on which this Division comes into operation.

(2) Without limiting the scope of the review, the review must address the following —

(a) the effect of this Division on lessors' rights to recover debts owed by tenants;

(b) the effect of this Division on lessors' insurance policies;

(c) the effect of this Division on contractual certainty;

(d) the extent to which this Division affects contractual obligations upon lessors and co-tenants who are not perpetrators of family violence and the impact of those obligations;

(e) such other matters as appear to the Minister to be relevant.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3rd anniversary.

Clause 33

Minister for Regional Development representing the Minister for Commerce and Industrial Relations: To move —

8/33 Page 32, line 18 — To insert after "park operator":

in writing

Committee recommendation: To move —

13/33 Page 32, line 24 — To delete the line and insert:

Penalty for this subclause: a fine of $5 000.

Clause 35

Hon Rick Mazza: To move —

30/35 Page 34, line 9 — To delete "prescribed".

Hon Rick Mazza: To move —

31/35 Page 34, line 10 — To delete "prescribed".

Hon Rick Mazza: To move —

32/35 Page 34, line 11 — To delete "***prescribed***".

Hon Rick Mazza: To move —

33/35 Page 34, after line 20 — To insert:

(5) The alterations may comprise —

(a) the addition, removal or alteration of any of the following —

(i) security alarms and cameras;

(ii) locks, screens and shutters on windows;

(iii) security screens on doors;

(iv) exterior lights;

(v) locks on gates;

(b) the pruning of shrubs and trees.

Hon Rick Mazza: To move —

34/35 Page 34, line 22 — To delete "prescribed".

Hon Rick Mazza: To move —

35/35 Page 34, line 24 — To delete "prescribed".

Hon Rick Mazza: To move —

36/35 Page 34, line 25 — To delete "tradesperson; and" and insert:

> tradesperson, a copy of whose invoice the long-stay tenant must provide to the park operator within 7 days of the alterations being completed; and

Hon Rick Mazza: To move —

37/35 Page 34, line 26 — To delete "prescribed".

Hon Rick Mazza: To move —

38/35 Page 34, line 32 — To delete "so." and insert:

> so and the restoration must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the park operator within 7 days of the restoration being completed.

Clause 36

7/36 **Minister for Regional Development representing the Minister for Commerce and Industrial Relations**: To move —

Page 35, after line 8 — To insert:

> ***family violence*** has the meaning given in the *Restraining Orders Act 1997* section 5A(1);