

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 67  
Issue No. 10

WEDNESDAY, 5 DECEMBER 2018

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

**When in committee on Legislative Assembly Message No. 109:**

Legislative Council amendments disagreed to by the Legislative Assembly:

**Amendment 1**

**Amendment 7**

**Amendment 8**

**Alternative amendment 8 (Clause 12)**

**Hon Michael Mischin:** To move —

**1/AA8**

That the Council does not insist on amendment No.8 and makes the following alternative amendment in substitution as follows:

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.

**Amendment 15**

**Amendment 21**

## **Amendment 22**

### **Alternative amendment 22 (Clause 35)**

**Hon Michael Mischin:** To move —

**2/AA22** That the Council does not insist on amendment No.22 and makes the following alternative amendment in substitution as follows:

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.

## **Amendment 23**



## ***APPENDIX 1: LEGISLATIVE ASSEMBLY MESSAGE 109***

Madam President

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*, has agreed to Amendment Nos 2 to 6, 9 to 14, 16 to 20 and 24; has disagreed to Amendment Nos 1, 7, 8, 15, 21, 22 and 23.

Speaker

Hon P.B. Watson, MLA

Legislative Assembly Chamber

Perth, 29 November 2018

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## ***APPENDIX 2: LEGISLATIVE COUNCIL MESSAGE 65***

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Hon Kate Doust  
President of the Legislative Council

Legislative Council Chamber  
Perth, 29 November 2018

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*Schedule indicating the amendments made by the Legislative Council in the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018.*

**No. 1**

Clause 5, page 4, line 24 — To delete “fundamental”.

**No. 2**

Clause 6, page 5, line 24 — To delete “person” and insert:

lessor

**No. 3**

Clause 6, page 5, line 26 — To delete “person — ” and insert:

lessor —

**No. 4**

Clause 10, page 8, line 21 — To insert after “lessor”:

in writing

**No. 5**

Clause 10, page 8, line 27 — To delete the line and insert:

Penalty for this subsection: a fine of \$5 000.

**No. 6**

Clause 12, page 10, after line 23 — To insert:

- (aa) the tenant must give written notice to the lessor of the tenant’s intention to make the prescribed alterations; and

**No. 7**

Clause 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 14 days of the alterations being completed; and

**No. 8**

Clause 12, page 11, line 2 — 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 lessor within 14 days of the restoration being completed.

**No.9**

Clause 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.

**No. 10**

Clause 18, page 17, line 13 — To delete “not less than” and insert:

within

**No. 11**

Clause 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 3<sup>rd</sup> 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 3<sup>rd</sup> anniversary.

**No. 12**

New Clause 22A, page 20, after line 19 — To insert:

**22A. Section 88 amended**

After section 88(2) insert:

- (3) Regulations made under subsection (1) for the purposes of section 47(4) or 71AB(2)(d)(vi) cannot come into operation earlier than six months after they are published in the *Gazette*.

**No.13**

Clause 29, page 26, line 4 — To delete “not less than” and insert:

within

**No. 14**

Clause 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 3<sup>rd</sup> 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 3<sup>rd</sup> anniversary.

**No. 15**

Clause 31, page 30, line 17 — To delete “fundamental”.

**No. 16**

Clause 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 3<sup>rd</sup> 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 3<sup>rd</sup> anniversary.

**No. 17**

New Clause 32A, page 31, after line 18 — To insert:

**32A. Section 95 amended**

After section 95(3) insert:

- (4) Regulations made under subsection (1) for the purposes of section 45A(2)(d)(vi) or Schedule 1 clause 14(4) cannot come into operation earlier than 6 months after they are published in the *Gazette*.

**No. 18**

Clause 33, page 32, line 18 — To insert after “park operator”:

in writing

**No. 19**

Clause 33, page 32, line 24 — To delete the line and insert:

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



**No. 20**

Clause 35, page 34, after line 23 — To insert:

- (aa) the long-stay tenant must give written notice to the park operator of the tenant's intention to make the prescribed alterations; and

**No. 21**

Clause 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 14 days of the alterations being completed; and

**No. 22**

Clause 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 14 days of the restoration being completed.

**No. 23**

Clause 35, page 34, after line 32 — To insert:

- (6) The long-stay tenant must give notice of the prescribed alterations to the park operator within 14 days after the alterations have been completed.

**No. 24**

Clause 36, page 35, after line 8 — To insert:

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

Clerk of the Legislative Council