

WESTERN AUSTRALIA



**LEGISLATIVE COUNCIL**

**AMENDMENTS AND SCHEDULES**

**Supplementary Notice Paper No. 67**  
**Issue No. 8**

**THURSDAY, 29 NOVEMBER 2018**

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***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 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 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.

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

42/12 Page 11, after line 7 — To insert:

- (7) The tenant must give notice of the prescribed alterations to the lessor within 14 days after the alterations have been completed.

### 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 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.

**New Clause 22A**

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

43/NC22A 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 (6)(b) or 71AB(2)(d)(vi) cannot come into operation until after the end of the period during which they are subject to disallowance under the *Interpretation Act 1984* section 42(2).

**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

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

5/29

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 as soon as is practicable after the 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 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.

### **Clause 31**

**Hon Rick Mazza:** To move —

**28/31** Page 30, line 17 — To delete “fundamental”.

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

**6/31**

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 as soon as is practicable after the 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 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.

**New Clause 32A**

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

**44/NC32A** Page 31, after line 18 — To insert:

**32A. Section 95 amended**

After section 95(3) insert:

- (4) Regulations made for the purposes of subsection (1) for the purposes of under section 45A(2)(d)(vi) or Schedule 1 clause 14(4) cannot come into operation until after the end of the period during which they are subject to disallowance under the *Interpretation Act 1984* section 42(2).



**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.

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

**45/35** 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.

### **Clause 36**

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

**7/36**

Page 35, after line 8 — To insert:

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

