

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 67
Issue No. 10

WEDNESDAY, 5 DECEMBER 2018

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

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

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 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.

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 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.

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 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.

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