

LEGISLATIVE COUNCIL

RESIDENTIAL TENANCIES AMENDMENT BILL 2018

(Amendments to be proposed in Committee by Mr O'DONOHUE)

1. Clause 5, page 8, line 31, after "any" insert "domesticated".
2. Clause 5, page 8, after line 33 insert—  
    "***private student accommodation*** means a premises that—
  - (a) is primarily used to provide accommodation for students attending a school or an institution which provides education and training; and
  - (b) is not formally affiliated with (within the meaning of section 21(2)), operated, owned or leased by a school or an institution which provides education and training;"
3. Clause 17, page 31, after line 7 insert—  
    "(2) A residential rental provider may apply to the Tribunal for an order requiring a renter who occupies rented premises under a periodic residential rental agreement to enter into a written residential rental agreement."
4. Clause 17, page 31, after line 20 insert—  
    "(3) The Tribunal may make an order requiring a renter to enter into a written residential rental agreement if the Tribunal is satisfied that—
  - (a) the residential rental provider and renter are subject to an existing periodic residential rental agreement or a residential rental agreement that is not in writing or that is only partly in writing; and
  - (b) the renter is continuing in occupation of the rented premises after a previous fixed term residential rental agreement has ended."
5. Clause 23, page 39, line 4, after "64" insert "or in respect of the keeping of a pet under section 71F".
6. Clause 25, omit this clause.
7. Clause 34, page 47, line 14, omit "agreement";" and insert "agreement".
8. Clause 34, page 47, line 15, omit all words and expressions on those lines.
9. Clause 48, page 58, after line 10 insert—  
    "Penalty: 60 penalty units."
10. Clause 49, line 7, omit "may" and insert "must not".

11. Clause 49, lines 8 to 10, omit "that are prescribed modifications without the residential rental provider's consent." and insert—
- "unless—
- (a) the modifications are prescribed modifications; or
- (b) the residential rental provider has given consent to the renter to make the modifications."
12. Clause 52, after line 22 insert—
- "(3) This section applies on and after 2 years from the date that regulations prescribing rental minimum standards first come into operation."
13. Clause 61, page 76, lines 4 to 9, omit all words and expressions on these lines.
14. Clause 61, page 76, lines 19 to 36 and page 77, lines 1 to 2, omit all words and expressions on these lines and insert—
- "71C When is the residential rental provider taken to have consented to the keeping of a pet on rented premises?**
- A residential rental provider who is given a request under section 71B(2) to keep a pet on rented premises is taken to have consented in writing to the request unless the residential rental provider gives the renter written consent or a written refusal within 21 days of being given the request.
- 71D Application to keep a pet on rented premises or to exclude a pet from rented premises**
- (1) A renter (other than a renter who rents private student accommodation) may apply to the Tribunal for an order to keep a pet on the rented premises if—
- (a) the renter has requested the residential rental provider's consent to keep a pet on the rented premises under section 71B; and
- (b) the residential rental provider has refused to consent to the keeping of the pet on the rented premises."
15. Clause 61, page 77, line 19, after "pet" insert "or a pet of that type".
16. Clause 61, page 78, line 10, omit 'effect.'" and insert "effect."
17. Clause 61, page 78, after line 10 insert—
- '(4) If the Tribunal makes an order under this section in relation to a fixed term residential rental agreement, the order applies for the duration of—
- (a) the term of the agreement; and
- (b) any periodic residential rental agreement created under section 91Q in respect of that agreement.
- 71F Additional amount of bond for keeping a pet on rented premises**

- (1) A residential rental provider, in writing, may require a renter to pay an additional amount of bond if—
    - (a) the renter keeps a pet on the rented premises; and
    - (b) either—
      - (i) the residential rental provider has consented in writing to the renter keeping the pet on the premises; or
      - (ii) the Tribunal has made an order that the renter is permitted to keep the pet on the rented premises; and
    - (c) the additional amount of bond does not exceed the amount of rent payable under the residential rental agreement for 2 weeks.
  - (2) The additional amount of bond referred to in subsection (1) must be paid by the renter on or before the end of 14 days after the day on which the residential rental provider required the renter to pay the additional amount of bond.
  - (3) The residential rental provider must not require an additional amount of bond under this section more than once during the term of the residential rental agreement in respect of the pet to which the residential rental provider consented or the Tribunal made an order.".'.
18. Clause 63, page 79, lines 9 to 12, omit all words and expressions on these lines and insert—
 

'(b) in paragraph (a), for "landlord" **substitute** "residential rental provider";'
19. Clause 63, page 79, line 21, omit "7" and insert "14".
20. Clause 63, page 79, line 29, after "system" insert "that is not under a warranty".
21. Clause 63, page 80, line 2, omit 'system.'".' and insert "system.".
22. Clause 63, page 80, after line 2 insert—
 

"(3A) If a renter replaces an appliance, fitting or fixture under subsection (3), the residential rental provider is not required to reimburse the renter for an amount greater than the cost of an appliance, fitting or fixture with a rating that is of or above a rating in the efficiency rating system, which, if compared with a range of appliances, fittings or fixtures with ratings that are of or above a rating in the efficiency rating system, is not more than the appliance, fitting or fixture with the middle cost in that range.".'.
23. Clause 65, page 81, after line 28 insert—
 

'(4) For the purposes of subsection (3)(b) and (c), the Director may take into account whether the residential rental provider is experiencing hardship.'".'.
24. Clause 68, page 84, after line 21 insert—
 

'(3) After section 76(2) of the Principal Act **insert**—

"(3) In making an order under this section, the Tribunal is to have regard to whether the residential rental provider is experiencing hardship.".'.

25. Clause 75, page 95, line 33, omit "appointment;" and insert 'appointment.'.'.
26. Clause 75, page 96, lines 1 to 7, omit all words and expressions on these lines.
27. Clause 94, lines 14 and 15, omit all words and expressions on these lines.
28. Clause 109, page 124, line 11, omit "7" and insert "14".
29. Clause 109, page 124, line 18, after "system" insert "that is not under a warranty".
30. Clause 109, page 124, line 23, omit 'system.'".' and insert "system.".
31. Clause 109, page 124, after line 23 insert—

"(3A) If a resident replaces an appliance, fitting or fixture under subsection (3), the rooming house operator is not required to reimburse the renter for an amount greater than the cost of an appliance, fitting or fixture with a rating that is of or above a rating in the efficiency rating system, which, if compared with a range of appliances, fittings or fixtures with ratings that are of or above a rating in the efficiency rating system, is not more than the appliance, fitting or fixture with the middle cost in that range.".'.
32. Clause 236, page 259, line 29, omit ", second, third and fourth" and insert "and second".
33. Clause 236, page 260, line 19, omit "fifth" and insert "third".
34. Clause 236, page 261, lines 31 to 33, omit "within a 12 month period of the residential rental agreement".
35. Clause 236, page 262, lines 1 to 17, omit all words and expressions on these lines.
36. Clause 237, page 294, lines 29 and 30, omit "has entered into a fixed term rooming house agreement" and insert "continues to occupy a room after a fixed term rooming house agreement entered into in respect of the room has ended".
37. Clause 248, omit this clause.
38. Clause 268, page 384, line 30, omit "(1)".
39. Clause 268, page 385, lines 1 to 36 and page 386 lines 1 to 2, omit all words and expressions on these lines.
40. Clause 270, page 387, line 5, omit "6" and insert "3".
41. Clause 270, page 387, line 10, omit "6" and insert "3".
42. Clause 270, page 387, line 14, omit "6" and insert "3".

43. Clause 273, line 23, omit "Section 395 substitute and new section 395A" and insert "New sections 395A and 395B".
44. Clause 273, line 25, omit "For section 395 of the Principal Act **substitute**" and insert "After section 395 of the Principal Act **insert**".
45. Clause 273, line 26, omit "**395**" and insert "**395A**".
46. Clause 273, page 388, lines 3 to 13, omit all words and expressions on these lines and insert—

**'395B What if the renter believes the occupation fee is too high?**

A renter or other person who has a lawful right to stored goods may apply to the Tribunal for an order that that the residential rental provider reduce the occupation fee if the renter or other person believes the total amount of the occupation fee required by the owner of premises is greater than the actual costs of storing the goods.".
47. Clause 276, lines 22 to 30, omit all words and expressions on these lines and insert—

"(a) in the case of an application under section 395, make an order for compensation; or

(b) in the case of an application under section 395A, order that an owner must store goods for a period of more than 14 days; or

(c) in the case of an application under section 395B, order that a residential rental provider reduce the occupation fee; or'.
48. Clause 276, line 31, omit "(c)" and insert "(ca)".
49. Clause 276, page 390, line 1, omit "(ca)" and insert "(cb)".
50. Clause 276, page 390, line 12, omit "(cb)" and insert "(cc)".
51. Clause 363, after line 8 insert—

'( ) In section 395(2) of the Principal Act, for "tenancy agreement" **substitute** "residential rental agreement".'.
52. Clause 368, page 472, line 35, omit "sections 35A and" and insert "section".