

Residential Tenancies and Rooming Accommodation Bill 2008

Explanatory Notes for Amendments to be Moved During Consideration in Detail by the Honourable Robert Swarten MP

Title of the Bill

Residential Tenancies and Rooming Accommodation Bill 2008

Objectives of the Amendments

The objectives of the amendments are to clarify the application of the Act to leases entered into under a contract of sale, and to correct incorrect references and typographical errors. The *Residential Tenancies Act 1994* is also amended to clarify the application of that Act to tenancy guarantees.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Premier has been consulted on the proposed amendments.

Notes on Provisions

Amendment 1 inserts a new clause 26 (1A). The amendment ensures that this Act does not apply to leases entered into by the State under a contract of sale for the purposes of certain infrastructure projects.

Amendment 2 replaces clause 92 (6) to correct a drafting error by ensuring that clause 92 does not apply if the lessor is the Department of Housing or if it is State Government employee housing.

Amendment 3 removes clause 173 (4) to address possible unintended consequences associated with this clarifying provision.

Amendment 4 replaces clause 176 (3) to correct a drafting error by clarifying that clause 176 does not apply to a requirement about a food service, personal care service or a utility service.

Amendment 5 removes clause 178 (4) to address possible unintended consequences associated with this clarifying provision.

Amendment 6 replaces clause 179 (2) to correct an incorrect reference to a residential tenancy agreement.

Amendment 7 replaces clause 248 (1) (a) to provide that the provider or their agent must give a written notice stating the provider's name and address or the agent's name and address. This removes the obligation to provide both the provider's and agent's details and ensures consistency with lessors' obligations for the giving of names and details as set out in clause 206.

Amendment 8 replaces clause 255 (1) to correct a typographical error.

Amendment 9 replaces clause 256 (1) (b) to correct a typographical error.

Amendment 10 replaces clause 262 (1) to remove an incorrect reference to clause 259 (3).

Amendment 11 replaces clause 525 (3) (a) to correct a typographical error.

Amendment 12 inserts clause 544A to clarify the transitional arrangement for clause 30 about leases entered into under a contract of sale.

Amendment 13 inserts a consequential amendment into Schedule 1. The amendment inserts the equivalent of clause 180 about tenancy guarantees into the *Residential Tenancies Act 1994* to accommodate the early introduction of the tenancy guarantee scheme.