

RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION AND OTHER LEGISLATION AMENDMENT BILL 2013

Explanatory Notes

for

**Amendments to be moved during consideration in detail by
the Honourable Tim Mander MP, Minister for Housing and
Public Works**

Title of the Bill

Residential Tenancies and Rooming Accommodation and Other Legislation
Amendment Bill 2013.

Objectives of the Amendments

In its Report No. 35 which was tabled on 22 October 2013, the Transport, Housing and Local Government Committee provided its recommendations on the Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2013.

One objective of the amendments is to take into account the comments and recommendations of the Transport, Housing and Local Government Committee to:

- In proposed new section 290A(1)(b)(iii) of the *Residential Tenancies and Rooming Accommodation Act 2008* (Act), insert the word 'significantly' after the word 'interfered'.
- In the definition of 'antisocial behaviour' in proposed new section 527A of the Act, remove the word 'littering' and replace it with a reference to the dumping of 'excessive rubbish'.
- Amend the signpost definitions in the Bill so that they refer directly to the section where a term is defined rather than to the signpost definition in the part and then to the section.

A further objective of the amendments is to make minor drafting corrections to:

- In proposed section 290A(3) of the Act, omit the words 'the tenant' and replace them with the word 'anyone', given that section 290A(1) provides that a notice to leave may be given because of an illegal

activity by the tenant, an occupant, a guest of the tenant or a person allowed on the premises by the tenant.

- Confirm the power of the Queensland Civil and Administrative Tribunal (tribunal) to make a termination order under new section 527E of the Act.

Achievement of policy objectives

The objectives are achieved by way of amendments to the Bill as described below.

Alternative ways of achieving policy objectives

There is no alternative way to achieve the objectives.

Estimated cost for government implementation

There are no costs associated with these amendments.

Consistency with fundamental legislative principles

Fundamental legislative principles have been addressed in the explanatory notes to the Bill.

Consultation

The proposed amendments to the Bill, which stem from the comments and recommendations of the Transport, Housing and Local Government Committee, are as a result of the submissions received by the Committee.

Notes on provisions

Amendment 1 amends clause 9, which introduces new section 290A(1)(b)(iii) to insert the word 'significantly' after the word 'interfered'.

Amendment 2 amends clause 9, which introduces new section 290A(3), by omitting the word 'the tenant' and inserting 'anyone'. This amendment replaces the reference to the tenant with a broader reference to confirm that a lessor may form a reasonable belief that premises or property has been used for an illegal purpose whether or not anyone has been convicted or found guilty of an offence in relation to the activity.

Amendment 3 amends clause 20, which introduces new section 527A of the Act by omitting the definition of anti-social behaviour and replacing it with a new definition. The new definition includes a reference to 'excessive rubbish' rather than 'littering'.

Amendment 4 amends clause 20, which introduces new section 527E of the Act, by inserting new subsection (3A) to confirm that the tribunal has power to make a termination order if it is satisfied the lessor has established the ground of the application, consistent with the other termination provisions in the Act.

Amendments 5 to 8 amend clauses 23 and 32 of the Bill so that signpost definitions in the dictionary to the Act and the Queensland Building and Construction Commission Act 1991 refer directly to the section where a term is defined rather than to the signpost definition in the part and then to the section.