

House of Representatives
Supplementary Order Paper

Tuesday, 16 March 2010

Residential Tenancies Amendment Bill

Proposed amendments

Hon Maurice Williamson, in Committee, to move the following amendments:

Clause 4

Subclause (1): to insert the following definition before the definition of **assignment** (before line 8 on page 7):

“**approved form**, in relation to any application or other matter, means a form approved and made available by the chief executive for the purposes of that application or matter

Subclause (1): to omit the definitions of **boarding house**, **boarding house tenancy**, **boarding house tenancy agreement**, and **boarding room** (lines 10 to 12 on page 7).

New subclause (1A): to insert the following subclause after *subclause (1)* (after line 30 on page 7):

(1A) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**boarding house**, **boarding house tenancy**, **boarding house tenancy agreement**, and **boarding room** have the meanings given to them in **section 66B**”.

Clause 13: new section 16A(4)(b)

To omit “prescribed” (line 11 on page 15) and substitute “approved”.

Clause 15: new subclause (1A)

To insert the following subclause after *subclause (1)* (after line 24 on page 16):

(1A) Section 19(1)(b) is amended by omitting “prescribed” and substituting “approved”.

New clause 15A

To insert the following clause after *clause 15* (after line 29 on page 16):

15A Tenant may pay bond direct to chief executive with landlord's consent

Section 21(2) is amended by omitting “prescribed” and substituting “approved”.

Clause 16

New section 22(1)(a): to omit “prescribed” (lines 1 and 2 on page 17) and substitute “approved”.

New section 22A(1): to omit “prescribed” (line 12 on page 17) and substitute “approved”.

Clause 55(4): new section 72(2)(mc)

To omit this paragraph (lines 23 to 27 on page 56) and substitute the following paragraph:

“(mc) to make orders under **section 62B** concerning goods left on the premises on the termination of a tenancy:”.

Clause 58

New section 86(1): to omit “prescribed form” (line 15 on page 58) and substitute “approved form”.

New subsection (1A): to insert the following subsection after *subsection (1)* (after line 16 on page 58):

“(1A) Before the chief executive approves a proposed form for the purposes of **subsection (1)**, the chief executive must consult with the Principal Tenancy Adjudicator about the proposed form.

New clause 66A

To insert the following clause after *clause 66* (after line 7 on page 62):

66A Enforcement of orders other than possession orders and work orders

Section 107(3) is amended by omitting “in the prescribed form”.

Clause 72

New section 112B(2)(b): to omit “the prescribed” (line 14 on page 64) and substitute “any prescribed”.

New section 112C(1)(a): to omit “the prescribed” (line 4 on page 65) and substitute “any prescribed”.

Clause 76

To add the following subclause as *subclause (2)* (after line 3 on page 68):

(2) Section 117(5) is amended by omitting “, in the prescribed form,”.

New clause 89A

To insert the following clause after *clause 89* (after line 2 on page 73):

89A References to Part 2A to be disregarded before its commencement

- (1) Until the commencement of **Part 2A** of the principal Act, **section 50(ab)** of the principal Act must be read as if it did not refer to a sole tenant under a boarding house tenancy agreement or to **section 66W** of the principal Act.
- (2) Until the commencement of **Part 2A** of the principal Act, **Schedule 1A** of the principal Act must be read as if it did not contain the items that relate to sections located in **Part 2A** of the principal Act.

Explanatory note

This Supplementary Order Paper amends the Residential Tenancies Amendment Bill.

The Supplementary Order Paper—

- separates certain provisions that relate to the new regime for boarding houses from provisions that do not relate to that regime. This allows the boarding house regime to be brought into force after the other provisions are in force;
- replaces requirements to use forms prescribed by regulations with requirements to use forms approved by the chief executive of the Department of Building and Housing when—
 - notifying the chief executive of the particulars of certain agents appointed by landlords;
 - lodging bonds with the Department of Building and Housing;
 - applying for refunds of bonds;
 - commencing proceedings before the Tenancy Tribunal (the form used for this purpose is approved in consultation with the Principal Tenancy Adjudicator);
- amends provisions on the jurisdiction of the Tenancy Tribunal to reflect changes in its jurisdiction concerning abandoned goods;
- continues the power to prescribe a fee for providing contact information about judgment debtors to judgment creditors, but no longer requires the Governor-General in Council to prescribe such a fee;

- removes the requirement to prescribe notices to be filed in District Courts, particularly notices of appeal against decisions of the Tenancy Tribunal; as a result the form of such notices will be governed by rules of court.
-