

House of Representatives

Supplementary Order Paper

Tuesday, 24 May 2016

Residential Tenancies Amendment Bill

Proposed amendments

Hon Dr Nick Smith, in Committee, to move the following amendments:

Clause 4

In *clause 4(1)*, replace “its” (page 3, line 17) with “their”.

In *clause 4(1)*, after the new definition of **income-related rent tenancy** (page 3, after line 25), insert:

New Zealand Standard has the meaning given in section 4(1) of the Standards and Accreditation Act 2015

In *clause 4(2)*, replace “definition” (page 4, line 1) with “definitions”.

In *clause 4(2)*, after “**tenancy**” (page 4, line 1), insert “and **New Zealand Standard**”.

After *clause 4(2)* (page 4, after line 2), insert:

- (3) In section 2(1), replace the definition of **work order** with:

work order—

- (a) means an order by the Tribunal to carry out any repairs to any premises or to any chattels, or to rectify any deficiency in the performance of any services, by doing such work or attending to such matters (including the replacement of chattels) as may be specified in the order; and
- (b) includes (without limiting the generality of **paragraph (a)**), an order by the Tribunal requiring a party to carry out any work, as specified in the order, for the purpose of complying with any requirement in respect of smoke alarms or insulation imposed on the party by regulations made under **section 138A or 138B**

Clause 6

In *clause 6(3), new section 13A(1A)(a)*, after “is” (page 4, line 20), insert “, as at the date of the tenancy agreement, any”.

In *clause 6(3), new section 13A(1A)(a)*, delete “as at the date of the tenancy agreement” (page 4, lines 21 and 22).

In *clause 6(3), new section 13A(1A)(b)*, after “is” (page 4, line 23), insert “, as at the date of the tenancy agreement,”.

In *clause 6(3), new section 13A(1A)(b)*, delete “as at the date of the tenancy agreement” (page 4, line 25).

In *clause 6(3), new section 13A(1AE)*, delete “other” (page 5, line 9).

In *clause 6(3), new section 13A(1AE)*, replace “this Act” (page 5, line 9) with “section 45(1) or 66I(1)”.

Clause 13

In *clause 13(1)*, replace *new section 45(1)(bc)* (page 7, lines 4 to 8) with:

- (bc) if the tenancy is not an income-related rent tenancy, comply with any requirement imposed on the landlord by regulations made under **section 138B** that provides (generally or in specified circumstances)—
 - (i) for the prohibition of any insulation (or any material or other item related to insulation) of a specified description; or
 - (ii) that any work, or other activity, of a specified description that is carried out during the tenancy must be carried out in accordance with a specified New Zealand Standard or a specified provision of a New Zealand Standard; or
 - (iii) that specified requirements in relation to thermal resistance (as defined in the regulations) must be met where any work, or other activity, of a specified description is carried out during the tenancy; and

In *clause 13(3)*, replace *new section 45(1C)* (page 7, lines 17 to 19) with:

- (1C) **Subsection (1B)** does not apply to a requirement that provides (generally or in specified circumstances)—
 - (a) for the prohibition of any insulation (or any material or other item related to insulation) of a specified description; or
 - (b) that any work, or other activity, of a specified description that is carried out during the tenancy must be carried out in accordance with a specified New Zealand Standard or a specified provision of a New Zealand Standard; or

- (c) that specified requirements in relation to thermal resistance (as defined in the regulations) must be met where any work, or other activity, of a specified description is carried out during the tenancy.

Clause 17

In *clause 17(1)*, replace *new section 66I(1)(bb)* (page 8, lines 18 to 21) with:

- (bb) comply with any requirement imposed on the landlord by regulations made under **section 138B** that provides (generally or in specified circumstances)—
 - (i) for the prohibition of any insulation (or any material or other item related to insulation) of a specified description; or
 - (ii) that any work, or other activity, of a specified description that is carried out during the tenancy must be carried out in accordance with a specified New Zealand Standard or a specified provision of a New Zealand Standard; or
 - (iii) that specified requirements in relation to thermal resistance (as defined in the regulations) must be met where any work, or other activity, of a specified description is carried out during the tenancy; and

Clause 33

In *clause 33*, after *new section 123D(5)* (page 17, after line 15), insert:

- (5A) A person (A) may accompany the authorised person under **subsection (5)** whether or not A would otherwise be entitled to enter or be in the premises.

Explanatory note

This Supplementary Order Paper proposes amendments to the Residential Tenancies Amendment Bill, which amends the Residential Tenancies Act 1986 (the **principal Act**).

The amendments to *clause 4(1) and (2)* are consequential on the amendments to *clauses 13 and 17*.

New clause 4(3) replaces the definition of work order in section 2(1) of the principal Act to clarify that the definition covers an order made by the Tribunal requiring a party to carry out any work for the purpose of complying with a requirement imposed on the party in respect of smoke alarms or insulation by regulations.

The amendments to *clause 6* are minor drafting clarifications.

In *clause 13(1)*, *new paragraph (bc)* of section 45(1) of the principal Act is replaced. The Bill currently provides for the staged commencement of the new requirements in respect of insulation. The requirements will apply from 1 July 2016 for income-related rent tenancies (as defined in the amendment to the principal Act made by *clause 4(1)*). The requirements will apply from 1 July 2019 for tenancies that are not income-related rent tenancies, except requirements that prohibit the use of specified insulation products, which will apply from 1 July 2016.

New paragraph (bc), as replaced, will extend the requirements that will apply from 1 July 2016 for tenancies that are not income-related rent tenancies to include the following:

- requirements for insulation work carried out during the tenancy to be carried out in accordance with a New Zealand Standard (for example, NZS 4246:2006, which relates to installing insulation in residential buildings);
- requirements in relation to thermal resistance that must be met where insulation work is carried out during the tenancy.

Corresponding amendments are made to *clauses 13(3)* (*new section 45(1C)* of the principal Act) and *17(1)* (*new section 66I(1)(bb)* of the principal Act).

The amendment to *clause 33* clarifies that a person may accompany an authorised person on an inspection of premises under *new section 123D(5)* of the principal Act, whether or not that person would otherwise be entitled to be on the premises.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.