

**RESIDENTIAL TENANCIES AMENDMENT BILL 2015**  
**EXPLANATORY MEMORANDUM**

**Overview of the Bill**

The Residential Tenancies Amendment Bill 2015 amends the *Residential Tenancies Act 1987* to:

- simplify the process when a lessor is required to issue a notice of proposed entry to the tenant;
- remove the requirement for notices of abandoned goods to be advertised in a newspaper circulating throughout the State;
- allow for notices and documents under the Act to be served by electronic means; and
- provide for forms that were formerly prescribed to be approved forms by the Commissioner for Consumer Protection.

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| <b>Clause 1</b> | <b>Short title</b><br>Provides for this Act to be known as the Residential Tenancies Amendment Act 2015.   |
| <b>Clause 2</b> | <b>Commencement</b><br>Provides for section 1 and 2 of the Act to commence on the day the Act receives Royal Assent and for the rest of the Act to come into operation on a day fixed by proclamation, allowing different days to be fixed for different provisions.   |
| <b>Clause 3</b> | <b>Act amended</b><br>Provides for this Act to amend the <i>Residential Tenancies Act 1987</i> .   |
| <b>Clause 4</b> | <b>Section 46 amended</b><br>(1) Inserts a definition for “notice” in section 46(1) to mean a notice in a form approved by the Commissioner.<br>(2) Amends section 46(4) to require a lessor or property manager to negotiate with a tenant an alternative time for a proposed entry if the day and/or time stated by the lessor or property manager in a notice is unduly inconvenient to the tenant. |
| <b>Clause 5</b> | <b>Section 79 amended</b><br>(1) Amends section 79(2) in accordance with current drafting conventions to make clear that the current penalty of a fine of \$5,000 applies to this subsection.  |

- (2) Replaces section 79(3) to remove the requirement for a notice of abandoned goods to be published in a newspaper and replaces it with a requirement that a lessor causes a written notice in, or to the effect of, a form approved by the Commissioner:
  - a. to be given to the tenant within seven days of placing the tenant's goods into storage; or
  - b. to be:
    - i. made publicly available in a manner prescribed, such as on a website, within seven days of placing the tenant's goods into storage; and
    - ii. posted in a prominent position on the rental premises from which the tenant's goods have been taken within nine days of the tenant's goods being placed into storage.

Retains a fine of \$5,000 for a breach of this subsection.

**Clause 6**

**Section 85 amended**

- (1) Amends section 85(1) to include that notices or documents required or authorised to be given under the Act may be given by electronic means in accordance with the regulations provided that the parties have agreed, or in other circumstances set out in the regulations.
- (2) Amends section 85(3) to require, where the address of a person is unknown, that a notice is to be posted in a newspaper operating throughout all or most of the State and to allow for notices and documents to be deemed to have been served by making them publicly available in any other manner prescribed, including by means of a website.

**Clause 7**

**Schedule 1 clause 8 amended**

Amends Schedule 1, clauses 8(3) and 8(4)(b), to change the form required to be completed by a party who intends to dispute an application for the disposal of a security bond from a prescribed form to a form approved by the Minister.