

## SECOND READING SPEECH – HON. JACQUIE PETRUSMA MP

### *Residential Tenancy Amendment Bill 2015*

Madam Speaker, I move that the *Residential Tenancy Amendment Bill 2015* be read a second time.

The *Residential Tenancy Amendment Act 2013* was passed by the previous Parliament late last year. This Amendment Act contained a range of reforms including the changes to notice periods, the creation of special rules for social housing and the expansion of the role of the Residential Tenancy Commissioner.

This Amendment Act was to commence on proclamation, which did not occur prior to the calling of a State election. It therefore fell to the current government to proclaim this legislation.

The Act as a whole provided a range of beneficial reforms to the *Residential Tenancy Act 1997*. However, following further consultation with various stakeholders, including the Real Estate Institute of Tasmania and the Tenants Union of Tasmania, the Government determined that there were several provisions that brought an unnecessary burden onto property owners, and therefore chose to exclude both the Minimum Standards and the provision relating to the display of photographs from the proclamation of the Act on 1 October 2014 pending further amendment.

The *Residential Tenancy Amendment Act 2015* seeks to restore a better balance between the rights of property owners and tenants by two relatively simple changes. Stakeholder feedback on the draft amendments has been incorporated into the final Bill to reflect a compromise position of sorts between the need for property owners to have flexibility, while not unduly disadvantaging tenants.

The first change is to one of the Minimum Standards for Premises. The 2013 Amendment Bill created a suite of Minimum Standards for Premises. Tasmania is leading the nation with the creation of Minimum Standards and this State Government wholeheartedly supports the creation of such standards. However, following consultation with stakeholders, the provision relating to cooking elements has been amended to require a

premise with three or more bedrooms to have at least three cooking elements, and all smaller premises to have at least two cooking elements.

It is not uncommon for modern stove tops to have three rather than four hot plates, and it is intended that this amended provision will provide flexibility for owners while not unduly disadvantaging tenants.

The 2013 Amendment Act also contained a provision prohibiting, without the written permission of the tenant, the display of any photos of the property if they identified the tenant, or any other person, or that showed items belonging to the tenant.

The restriction on the publication of photographs of a tenanted property has been limited by this Amendment Bill to applying to photos, as well as film and video footage, that identifies the tenant or another person. The provision thereby protects the privacy and security of the tenant while not placing too great a restriction on the owner's ability to promote the property for sale or lease.

This was a very broad provision that, if a tenant refused their consent, could prevent most, if not all, photos of a property being displayed. In the current world of online sale and rental websites, such a restriction could significantly affect an owner's ability to sell or rent out their property.

The provision has therefore been amended to not only restrict the publication of photos that identify a tenant or another person – without the reference to goods that belong to the tenant – but also extends the provision to include film and video footage, mediums which are becoming increasingly common in promoting properties for rent or sale. I believe this provision now provides protection for the privacy of the tenant, their family and friends while not posing an unnecessary burden on owners.

The Bill also contains provisions remedying several earlier drafting oversights. Section 39 has been amended following a drafting oversight in the 2013 Bill which inadvertently affected a tenant's ability to issue a notice of termination.

The provision in the 2013 Amendment Act relating to the installation of locks following a family violence order has been widened to include Police Family Violence Orders.

I believe this Amendment Act brings a greater balance between the rights and obligation of the tenant and that of the owner. If this Bill passes both Houses, The

Government will proclaim the Minimum Standards and Photographs provisions as a matter of priority.

Madam Speaker, I commend the *Residential Tenancy Amendment Bill 2015* to the House.