

House of Representatives
Supplementary Order Paper

Tuesday, 27 April 2010

Residential Tenancies Amendment Bill

Proposed amendments

Hon Phil Heatley, in Committee, to move the following amendments:

Clause 13: new section 16B

Subsection (1): to omit “1972” (line 19 on page 15) and substitute “2010”.

Subsection (2): to omit this subsection (lines 20 to 22 on page 15) and substitute the following subsection:

- “(2) Body corporate operational rules made under the Unit Titles Act 2010 that affect a tenant of premises to which this section applies are taken to be terms of the tenancy agreement.

Clause 19: new section 25(2A)

To omit this subsection (lines 4 to 9 on page 21) and substitute the following subsection:

- “(2A) Despite subsection (2), a tenant who is a party to a fixed term tenancy of premises held in a stratum estate under the Unit Titles Act 2010 may apply under subsection (1) within 3 months after the tenant is notified of a change or otherwise becomes aware of a change in the body corporate operational rules made under that Act, if that change affects the tenant.”

Clause 46: new section 66(4)

To omit this subsection (lines 24 to 31 on page 37) and substitute the following subsection:

- “(4) On an application by a tenant who is party to a fixed-term tenancy of premises held in a stratum estate under the Unit Titles Act 2010, the Tribunal may make an order terminating the tenancy if satisfied that—
“(a) the tenant is adversely affected by a change to the body corporate operational rules made under that Act; and

- “(b) because of that change, it would be unreasonable to require the tenant to continue with the tenancy.

New clause 89B

To insert the following clause after *clause 89A* (as proposed to be inserted by Supplementary Order Paper No 110):

89B References to Unit Titles Act 2010 before operation of that Act

- (1) Until the commencement of the Unit Titles Act 2010, the references in **sections 16B(1), 25(2A), and 66(4)** of the principal Act to a stratum estate under the Unit Titles Act 2010 must be read as references to a stratum estate under the Unit Titles Act 1972.
- (2) Until section 37 of the Unit Titles Act 1972 ceases, by operation of sections 218, 220, and 221 of the Unit Titles Act 2010, to be in force in respect of any premises held in a stratum estate, the references in **sections 16B(2), 25(2A), and 66(4)** of the principal Act to body corporate operational rules must be read as references to rules prescribed by or under section 37 of the Unit Titles Act 1972.

Explanatory note

This Supplementary Order Paper amends the Residential Tenancies Amendment Bill by making consequential changes required by the recent enactment of the Unit Titles Act 2010.
