

[Act 1996 No 79]



New South Wales

# Residential Tenancies Amendment Bill 1996

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

### Overview of Bill

The object of this Bill is to amend the *Residential Tenancies Act 1987* so as:

- (a) to facilitate the recovery of goods that have been left on residential premises by former tenants, and
- (b) to facilitate the recovery of compensation for the costs incurred by former tenants under residential site agreements (within the meaning of Schedule 3 to that Act) as a result of the termination of those agreements.

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\* Amended in committee—see table at end of volume.

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## Outline of provisions

**Clause 1** specifies the name (also known as the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the amendments to the *Residential Tenancies Act 1987* contained in Schedule 1.

### Recovery of goods left on residential premises

**Schedule 1 [1]** inserts a new section 79A into the Act, so giving effect to the object referred to in paragraph (a) above. The new section enables a former tenant of residential premises, or any other person having an interest in goods that have been left on the premises, to apply to the Residential Tenancies Tribunal for the recovery of the goods. The new section allows the Tribunal to order that the goods be delivered into the possession of the applicant, and to order the applicant to pay any reasonable costs incurred by the landlord in connection with the removal, storage or delivery of the goods.

### Recovery of compensation for costs arising from termination of residential site agreements etc

Schedule 3 to the Act contains provisions with respect to certain moveable dwellings. The agreements under which such dwellings are accommodated in caravan parks and manufactured home estates are defined as *residential site agreements* for the purposes of that Schedule. Schedule 1 [2]–[4] amend Schedule 3 to the Act to give effect to the object referred to in paragraph (b) above.

**Schedule 1 [2]** and **[3]** amend clauses 9, 10, 11, 12 and 13 of Schedule 3 to the Act so as to make it clear that the compensation to which a former tenant is entitled under those clauses is payable by the landlord.

**Schedule 1 [4]** substitutes clause 14 of Schedule 3 to the Act. The new clause:

- (a) makes it clear that the amount of compensation to which a former tenant is entitled under clause 9, 10, 11, 12 or 13 of Schedule 3 to the Act is to be determined by the Tribunal, and
- (b) identifies the circumstances in which an application may be made to the Tribunal for compensation under those clauses, and
- (c) ensures that any financial or other assistance that the landlord has given to the tenant is taken into account in determining the amount of compensation payable to the tenant.

The new clause is otherwise the same as the clause it replaces.

### **Savings and transitional provisions**

**Schedule 1 [5]** amends clause 1 of Schedule 4 to the Act so as to provide for the making of savings and transitional regulations in connection with the proposed Act.

**Schedule 1 [6]** adds a new Part 3 to Schedule 4 to the Act. The new Part contains the following provisions:

- (a) a definition clause (proposed clause 3),
- (b) a clause that applies proposed section 79A to goods left on residential premises before the commencement of the proposed Act in the same way as it applies to goods left on residential premises after that commencement (proposed clause 4),
- (c) a clause that applies the proposed amendments to Schedule 3 to compensation arising from a notice or order given or made before the commencement of the proposed Act in the same way as they apply to compensation arising from a notice or order given or made after that commencement (proposed clause 5).