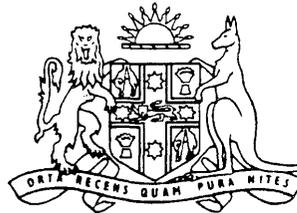


[Act 1998 No 60]



New South Wales

Residential Tenancies Amendment Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*
This Bill is cognate with the *Fair Trading Amendment Bill 1998*.

Overview of Bill

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

- (a) to clarify the circumstances in which a tenant is required to pay “user charges” (such as for the supply of electricity, gas and water),
- (b) to provide for the termination of a residential tenancy agreement where the tenant would otherwise suffer undue hardship,
- (c) to authorise the issuing of penalty notices for certain offences against the Act or the regulations,
- (d) to make consequential and other minor changes.

The Bill also makes a consequential amendment to the *Fines Act 1996*.

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

Outline of provisions

Clause 1 sets out the name (also called 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 giving effect to the amendments to the *Residential Tenancies Act 1987* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to the *Fines Act 1996* set out in Schedule 2.

Schedule 1 Amendment of Residential Tenancies Act 1987

Schedule 1 [1] amends section 19 to clarify the circumstances in which a landlord is to pay the user charges and any other prescribed charges under a residential tenancy agreement. The section further ensures that the liability to pay user charges of a kind prescribed by the regulations fall upon the landlord if the relevant services are not separately measured by a meter or other official measuring method.

Schedule 1 [2] makes a consequential amendment to section 69.

Schedule 1 [3] inserts proposed section 69A to allow a tenant to terminate a residential tenancy agreement where the tenant would suffer undue hardship if the agreement were not terminated, and describes the orders the Tribunal can make with respect to such a termination. The effect of the provision is to confer a right upon the tenant which was previously available only to the landlord under section 69.

Schedule 1 [4] inserts proposed new section 125A which authorises the issuing of penalty notices for prescribed offences against the Act or the regulations.

Schedule 1 [5] amends Schedule 4 to provide for the making of regulations of a savings or transitional nature as a consequence of amendments made by the proposed Act.

Schedule 1 [6] amends Schedule 4 to provide for savings and transitional provisions as a consequence of amendments made by the proposed Act.

Schedule 2 Amendment of Fines Act 1996

Schedule 2 consequentially amends the *Fines Act 1996* to allow penalty notices that are issued under the provision proposed to be inserted by Schedule 1 to the proposed Act, to be issued and enforced using the procedures set out in the *Fines Act 1996*.