

LEGISLATIVE COUNCIL

**Residential Tenancies and Housing Legislation Amendment (Public Housing—Antisocial Behaviour) Bill 2015**

**Second print**

**Proposed amendments**

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- No. 1      **Tribunal must have regard to steps taken by tenant to remedy breach**  
Page 4, Schedule 1 [8], proposed section 154B. Insert after line 5:  
                 (2) If the Tribunal has regard to a breach of a social housing tenancy agreement as referred to in subsection (1), the Tribunal must also have regard to any steps taken by the tenant to remedy the breach.
- No. 2      **Longer minimum period for tenant to make submissions about strikes**  
Page 4, Schedule 1 [8], proposed section 154C (2) (g), line 32. Omit “21”. Insert instead “28”.
- No. 3      **Extension of time for submissions about strikes**  
Page 4, Schedule 1 [8], proposed section 154C (2) (h), line 35. Insert “within the period specified in the strike notice or such longer period as the landlord allows” after “submissions”.
- No. 4      **Extension of time for submissions about strikes**  
Page 4, Schedule 1 [8], proposed section 154C (4), line 40. Omit “as set out in a strike notice”. Insert instead “within the period specified in a strike notice or such longer period as the landlord allows”.
- No. 5      **Longer minimum period for tenant to make application for review of strike notice**  
Page 4, Schedule 1 [8], proposed section 154C (4) (b), line 46. Omit “21”. Insert instead “28”.
- No. 6      **Extension of time for application for review**  
Page 5, Schedule 1 [8], proposed section 154C (5), line 1. Insert “within the period specified in the notice or such longer period as the landlord allows” after “tenant”.
- No. 7      **Circumstances in which Tribunal retains discretion**  
Page 5, Schedule 1 [8], proposed section 154D (1), line 34. Omit “The”. Insert instead “Subject to subsection (3), the”.
- No. 8      **Circumstances in which Tribunal retains discretion**  
Page 6, Schedule 1 [8], proposed section 154D (2), lines 7–9. Omit all words on those lines.

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- No. 9      **Circumstances in which Tribunal retains discretion**  
Page 6, Schedule 1 [8], proposed section 154D (3), lines 10–13. Omit all words on those lines. Insert instead “Subject to subsection (3), the Tribunal must make a termination order on the application of a landlord if”.
- No. 10      **Circumstances in which Tribunal retains discretion**  
Page 6, Schedule 1 [8], proposed section 154D. Insert after line 39:
- (3)    However:
- (a)    subsection (1) (a) does not apply if the application for the termination order is based on an act of a person who although not a tenant is occupying or jointly occupying the residential premises and not on an act of the tenant, and
- (b)    subsections (1) and (2) do not apply if:
- (i)    the application for the termination order is based on an intentional or reckless act of a person who although not a tenant is occupying or jointly occupying the social housing premises, unless the Tribunal is satisfied that the tenant knew, or ought reasonably to have known, that the person committed the act and was complicit in the act or failed to take reasonable steps to prevent or report the act, or
- (ii)   the Tribunal is satisfied that the termination order would be likely to result in undue hardship being suffered by a child, a person in whose favour an apprehended violence order could be made, a person suffering from a disability within the meaning of the *Anti-Discrimination Act 1977*, or any other person, who is occupying or jointly occupying the social housing premises, and
- (c)    subsection (2) does not apply if the tenant satisfies the Tribunal that there are other exceptional circumstances that justify the order not being made.
- Note.** If a provision is disapplied by this subsection, the Tribunal retains a discretion as to whether or not to make the termination order in the circumstances to which the provision would otherwise have applied.
- No. 11      **Circumstances in which Tribunal retains discretion**  
Page 7, Schedule 1 [8], proposed section 154D (5), line 6. Omit “decides not to make a termination order under”. Insert instead “does not make a termination order as a consequence of”.
- No. 12      **Ensure neighbourhood impact statement does not identify neighbours**  
Page 7, Schedule 1 [8], proposed section 154F (2) (b), line 32. Omit “should”. Insert instead “must”.
- No. 13      **Neighbourhood impact statement to be provided to tenant**  
Page 7, Schedule 1 [8], proposed section 154F. Insert after line 32:
- (3)    If the landlord submits a neighbourhood impact statement to the Tribunal, the landlord must provide a copy of the statement to the tenant and the Tribunal must give the tenant a reasonable opportunity to respond to the statement.
- No. 14      **Orders for possession to be minimum of 60 days in certain cases**  
Page 7, Schedule 1 [8], proposed section 154G (1), line 41. Omit “28”. Insert instead “the prescribed number of”.
- No. 15      **Orders for possession to be minimum of 60 days in certain cases**  
Page 7, Schedule 1 [8], proposed section 154G (2), line 45. Omit “28”. Insert instead “the prescribed number of”.
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No. 16      **Orders for possession to be minimum of 60 days in certain cases**

Page 8, Schedule 1 [8], proposed section 154G. Insert after line 2:

(3) In this section:

*prescribed number of days* means:

- (a) if the termination order is made under section 87 (other than on the grounds of non-payment of a pecuniary sum), 90, 91 or 92—28 days,
- (b) in any other case—60 days.

No. 17      **Evidentiary certificate not conclusive proof if tenant satisfies Tribunal of certain factors**

Page 8, Schedule 1 [9], proposed section 156A. Insert after line 22.

- (4) However, subsection (3) does not apply if the tenant satisfies the Tribunal that the failure to make the submissions was the result of factors outside the control of the tenant or that there is some other reasonable explanation for the failure.