

Residential Tenancies Legislation Amendment Bill 2019

Ms FYLES: The scrutiny committee looked at this bill and made a number of proposals, including:

- amendments to clarify that the amendments to section 77 only relate to an order made by NTCAT under section 77 and not under any other circumstance - Recommendation 3 from scrutiny committee .
- an extension to the notice period in proposed sections 146(b) and (c), 147(1) in clause 20, from 7 days to 14 days - Recommendations 5 and 6 from scrutiny committee. This is to afford tenants more time to move premises under section 146, or to make a submission to the CEO Department of Local Government, Housing and Community Development under section 147.

The intent is to provide flexibility in situations where transitional accommodation is not available on the date the tenant agreed with the CEO to vacate their premises to enable the renovation, replacement or demolition of the premises.

We did not have a request for a briefing from the opposition, but I reached out to their Whip this morning at about 9 o'clock to indicate we would be accepting all but the one recommendation about pets from the scrutiny committee—to respond to the Leader of the Opposition, which was all she spoke about and was quite harsh that they felt that they were not informed.

Regarding pets, which is what we have spent time debating today, the government considered the committee's recommendation to remove clause 6, which inserts new sections 65A and 65B, providing a presumption to keep pets. It has been determined that new sections are necessary and workable and should be maintained, despite the committee's recommendation.

This is no way to reflect upon the committee. We acknowledge the scrutiny committees do a large volume of work, and away from this Chamber scrutinise these bills.

Where a landlord has reasonable ground to refuse, an application may be made to NTCAT which considers the objection, and if reasonable. It is important to note we are not the only jurisdiction to make amendments in favour of keeping pets, and more and more jurisdictions are considering similar provisions.

I know you, Mr Deputy Speaker, would be supportive, as a pet owner of Topsy and Henry. Many of us in this Chamber have pets and they are a large part of our lives ...

Mr Wood: The Speaker is independent. He cannot give you an opinion on that.

Mr DEPUTY SPEAKER: Order!

Ms FYLES: The Member for Nelson is interjecting about his pets. We heard from the Member for Braintree about the importance that animals can have in people's overall social and emotional wellbeing. Pets are important. As a government, we believe that, with 50% of Territorians who rent their homes, they should have the opportunity to have a pet.

It is reasonable. I have a pig that lives in my electorate, where I go doorknocking in Rapid Creek. I have sent the pictures of the pig to the Deputy Chief Minister. She ...

Mr Wood: So, it has a pig, has it, like you are supposed to have in the *Livestock Act*?

Mr DEPUTY SPEAKER: Order!

Ms FYLES: I am sure that this pig is well-kept under all legislation. The good people of Rapid Creek are straight onto any unusual animals. There is a reasonable aspect to this. We are talking about cats, dogs and you spoke about budgies that old people talk to, Member for Nelson. I promise that you can come into the parliament and talk to us so you do not have to talk to the budgies when you retire.

In all seriousness, this is an important issue. We know the benefit of caring for pets. Some would argue that a pet is far more responsible than a toddler. The Member for Goyder would have something to say about that. She is always claiming that the animals are easier to look after than children.

I did not realise that the Leader of the Opposition hated pets and animals so much until her rant of a response speech.

I have received, as has every member of this Legislative Assembly, a letter from the RSPCA. It provided in detail its thoughts. I will read an extract:

The Northern Territory is an animal-loving jurisdiction with the highest animal ownership levels in Australia of 82%, compared to an average of 62%.

Submissions from nine diverse organisations to the committee provided clear support for these inclusions—and I will come back to that point. We consider this is clearly reflective of the wider community's view given the positive feedback we received on the proposals when first announced by the government.

They went on to say:

It was unfortunate that there was a single submission to not support pets and that was what was focused on. They believe the conclusion was based on limited evidence.

They did an online Facebook poll. The opposition loves to talk about Facebook. They come in here, as soon as something is on Facebook, and quote it. I will throw that right back to them. The RSPCA Darwin conducted a Facebook poll. We will give this Facebook poll merit. It was supported ...

Mr Wood interjecting.

Ms FYLES: I pick up on the laughter. Well, if it is good for the other side, it is good for us, Member for Nelson.

Mr DEPUTY SPEAKER: Attorney-General, please pause. Honourable members, remember you are not on a lunch date, you are in parliament. Please refer to each other through the Chair and do not interject.

Ms FYLES: This is important and serious ...

Mr Wood interjecting.

Mr DEPUTY SPEAKER: Member for Nelson! I will remove you. Do not interject.

Mr WOOD: I was asking for clarification.

Mr DEPUTY SPEAKER: Then you can call a point of order.

Mr WOOD: Could I ask for a clarification of interjection. Is laughter an interjection?

Mr DEPUTY SPEAKER: I will rule laughter as not an interjection.

Mr WOOD: Then I did not interject, thank Mr Deputy Speaker.

Ms FYLES: The RSPCA—very familiar with animals, that is their main duty, and well respected by the community—did a poll that said 'should the law be changed to stop landlords unreasonably refusing to rent properties to Territorians who have pets'. They had over 1200 responses and over 80% of people said the law should be changed to support pets. They hoped that amendments 65A and 65B will be retained. I think that is really important. They had correspondence in quite detail around the importance of pets and what this legislation sets out to achieve. It provides for those Territorians who rent a property to have the same rights as Territorians who own their home and that there is a presumption that they can reasonably keep a pet. We have heard if the body corporate has a no-pets policy that would overrule.

It is important we understand the context of the Northern Territory housing environment and this is about being reasonable in terms of what pets can be kept and the benefits. We are not the only jurisdiction to make amendments in favour of keeping pets and more jurisdictions are considering similar provisions. There is no evidence to suggest there was a decrease in rental properties in Victoria or the ACT when they introduced similar reforms and there is no evidence to suggest that would occur here.

The act currently makes no provisions for pets and there are many benefits in enabling tenants to make a home with a pet. The amendments provide a mechanism for tenants to keep a pet and for a landlord to reasonably oppose the keeping of a pet. The act already provides that tenants must not damage the property and provides landlords with a means to obtain financial compensation if damage occurs. Any damage that

might be caused by a pet can be considered by NTCAT, to decide whether the pet has caused an issue during the tenancy and whether the tenancy has to take additional steps to compensate for it.

We have consulted NTCAT during the drafting of these amendments and it has been determined that these amendments will not adversely impact their workload. Perhaps a question would have been fantastic if the Leader of the Opposition had bothered to get a briefing from the Department of Attorney-General and Justice on the bill.

We are seeing an increase in the period of time that people use rental properties and the number of people who reside in rental properties without ever becoming homeowners. That is an important point. Traditionally people would rent a property for a few years when they moved out of home and then they would go on to buy a unit and then a house. We have seen a significant shift. I have friends who for a long time have rented their home and in fact will most likely will always rent. They have raised their children there, keeping their pet. They have not been bad tenants. In fact they have maintained those properties.

Some would argue that a person who is caring for a pet, who walks their pet, engages with their pet, is likely to maintain a property to a higher standard than someone who simply crashes there so to speak. It has been disappointing to see those opposite come in here and pick one aspect of what is a number of changes to the Residential Tenancies Act and to pick on that without any evidence or with any facts.

I point to the RSPCA, the information provided in this bill and from NTCAT and also the well-known fact that pets are known to have health and general wellbeing effects on individuals, families and children. The benefits of pets should not be denied simply because a property is rented but those opposite want to do that.

The amendments maintain a balance between a landlord's right to safeguard their investment and the tenant's right to enjoy the premises and make it their home.

The government also notes the committee's recommendations 4, 7 and 8 which relate for further consultation and consideration of the issue of notice periods; whether it will be appropriate to remove this requirement in section 25(3) that the tenant should be present when the landlord completes the ingoing inspection of the premises and the next tranche of reforms giving further consideration to the inclusion of amendments to address the impacts of domestic violence on tenants, something that the Member for Brainting spoke about.

I sincerely thank the committee for its work on this bill. I acknowledge that it is hard work and is not always easy. It is not a tick-and-flick; they call for submissions and seek information. In bringing this bill to the House, we have done a discussion paper and we note the submissions were received. We look forward to further work on it.

Once the bill has passed, the Department of the Attorney-General and Justice will re-engage with stakeholders, including in relation to the identified areas by the committee to develop further tranches of legislative reform.

This bill is an important step forward in the government's commitment to reforming the *Residential Tenancies Act*, and this is just the start. It is difficult work. We have very different interest parties represented in this work. By working together we can see change that will allow landlords to have their investment properties maintained, but also to allow people who want to rent a property to have access to the protections they should be afforded.

Having a house and a home is important. You cannot engage in education or employment if you do not have a roof over your head.

I thank the Department of the Attorney-General and Justice staff who have led the development of this bill. Some of them are in the Chamber today and some are listening in. I also thank the Department of Local Government, Housing and Community Development for its contribution. There were some tricky issues in this, but I met with them and we worked through them. The Office of Parliamentary Counsel also deserves thanks for its work on the bill.

I commend the bill to the Assembly, and I thank everyone for their contributions.

Motion agreed to; bill read a second time.

Consideration in detail

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7:

Ms FYLES: Mr Deputy Speaker, I move amendment 1 that clause 7 be amended by omitting all the wording in clause 7 as it is drafted in the bill, and replace clause 7 with new provisions that repeal current section 77 in its entirety and insert a new section 77 and 77A.

The Legislation Scrutiny Committee's recommendation 3 recommended that the bill be amended to clarify the proposed section 77(4) to (6) only to relate to orders by the NTCAT under current section 77(1).

While it is noted that the current wording of proposed subsections (4) to (6) to section 77 do not pose legal uncertainty, they are based on the drafting style preferences of the Office of Parliamentary Counsel. The committee's recommended amendment is intended to enhance clarity and does not change the intent of the provision.

With this in mind, we have taken the opportunity to completely redraft those provisions to further enhance the clarity of the intention to amendments in section 77. Proposed new section 77 now sets out up front the general requirement that a tenant not unreasonably impede a landlord when attempting to gain lawful entry to premises. Proposed new section 77A sets out what may then follow should a tenant unreasonably impede a landlord's lawful entry.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 19, by leave, taken together and agreed to.

Clause 20:

Ms FYLES: I move amendment 2 to clause 20 to omit the words 'if there is no agreement' in (proposed section 141(b)). The words have been identified as an error in drafting which may cause confusion of the operation of the amendments. The operation of the proposed section 139(e) requires the CEO housing and the tenants to have agreed to a date for vacant possession of the premises before the tenancy can be terminated and therefore when the tenant must give up possession of the premises under proposed section 141.

As currently drafted, proposed section 141 provides two alternate times for giving up a vacant possession as being the latter of (a) the date agreed under section 139.1(e) or (b) there is no agreement and the date the transitional accommodation becomes available. The CEO in housing and the tenant must agree to vacate the possession date under section 139.1(e). Vacant possession may only occur on the date agreed between the CEO housing and the tenant and therefore section 141(b) has no operational effect.

The amendment will make the policy intent of the proposed section 141 clear. It provides some flexibility where the transitional accommodation is not available on the date agreed between the CEO housing and the tenant, where the tenant would give up vacant possession either on the agreed date or at a later date.

Amendment agreed to.

Ms FYLES: I move amendment 3 to clause 20 to replace the 7-day time period with a 14-day time period in proposed sections 146(b) and (c) and 147(1)

The Legislation Scrutiny Committee's recommendations 5 and 6 proposed sections 146(b) and (c) and 147(1) be amended to increase the 7-day timeframe to 14-days to afford tenants more time to move premises under section 146 or make a submission to the CEO Department of Local Government, Housing and Community Development under section 147.

While the proposed relocation of a tenant under division 3 would only be done following extensive consultation with the tenant, government agrees that the proposed extension of time will benefit tenants and therefore adopts the committee's recommendations.

Amendment agreed to.

Clause 20, as amended, agreed to.

Remainder of the bill, by leave, taken as a whole and agreed to.

Ms FYLES (Attorney-General and Justice): Mr Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

DRAFT