



20 May 2010

The Hon Virginia Judge MP
Minister for Fair Trading
Level 36, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister,

Residential Tenancies Bill

1. We write to seek your support for the introduction and passage of the new Residential Tenancies Bill, incorporating the changes recommended below. We understand that the NSW Government is currently working on the final version of a new Residential Tenancies Bill. We provided comments on the draft Bill to NSW Fair Trading last year (attached).
2. Women's Legal Services NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We regularly provide legal advice and representation to women who are escaping domestic violence, including in relation to tenancy and apprehended violence orders.
3. In general, we support the provisions of the draft Bill. In particular, we welcome the proposed provisions relating to tenancy and domestic violence. Our clients regularly face problems relating to their tenancy arrangements when they experience or are escaping domestic violence. These include circumstances where the woman stays in the house and when she leaves the house.
4. Further, we note that the Tenants' Union considers that the draft Bill is generally sound and uncontroversial, benefiting both tenants and landlords, and that it would make tenancy laws clearer, fairer and easier to administer. In particular, we note their advice that the draft Bill would:
 - improve arrangements for rent arrears;
 - provide a fair, straightforward way for one co-tenant to end their liability when they move out; and
 - provide rules for all tenancy database users about when and why a person can be listed, and allow the Consumer, Trader and Tenancy Tribunal to resolve disputes about database listings.



5. We recommend that some changes be made to the draft Bill prior to introduction. First, we refer you to the changes and clarifications recommended in our attached submission to strengthen further the domestic violence provisions.
6. Second, we commend the Tenant's Unions recommendations to you, in particular that:
 - in relation to accessing premises that are being sold, the penalty provisions for tenants' refusing access should be moved, and a low minimum level of access should be set to encourage landlords to negotiate with tenants for any additional access;
 - landlords should be permitted to destroy goods left by tenants at the premises after termination after 21 days (instead of 14 days), and that landlords should be required to dispose of goods valued more than \$100 by sale for a reasonable value, with the proceeds to go to the former tenant, less the landlord's costs;
 - the Consumer, Trader and Tenancy Tribunal should retain its discretion to refuse termination orders to landlords who give termination notices without grounds (or, at a minimum retain its discretion as to the date by which possession of the premises is to be returned to the landlord)
7. If you would like to discuss this further, please contact me on 02 9749 7700 or at edwina_macdonald@clc.net.au.

Yours sincerely,

Edwina MacDonald
Law Reform and Policy Solicitor