

# LEGISLATIVE ASSEMBLY

Read 1° 6 October 1982

(Brought in by Mr Spyker and Mr Cain)

## A BILL

To amend the *Residential Tenancies Act* 1980 and the *Landlord and Tenant Act* 1958 and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Residential Tenancies (Amendment) Act* 1982. Short title.

(2) In this Act the *Residential Tenancies Act* 1980 is called the Principal Act. Principal Act No. 9514.

10 (3) Section 3 shall be deemed to have come into operation immediately before the coming into operation of section 154 of the Principal Act. Commencement.

15 (4) The provisions of this Act other than section 3 shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

2. (1) Sections 153 (1), 155, 156 and 157 of the Principal Act are repealed. Amendment of No. 9514. Preservation of rights of tenants of prescribed premises.

(2) Sections 43A to 43F and 67A of the *Landlord and Tenant Act* 1958 are repealed. Amendment of No. 6285. Reprinted to No. 9514.

(3) In section 107A of the *Landlord and Tenant Act 1958* after the word “income” (wherever occurring) the words “assets and liabilities” are repealed.

Amendment of  
No. 9514.  
Powers of  
Residential  
Tenancies  
Tribunal in  
relation to  
prescribed  
premises  
under *Landlord  
and Tenant Act  
1958*.

3. In section 154 (b) of the Principal Act for the expression “34” there shall be substituted the expression “43”. 5

Amendment of  
No. 6285.  
Jurisdiction of  
Residential  
Tenancies  
Tribunal in  
relation to  
vacation from  
prescribed  
premises.

4. The *Landlord and Tenant Act 1958* is amended as follows:

(a) After section 82 (3) there shall be inserted the following sub-sections:

“(3A) The Residential Tenancies Tribunal has jurisdiction to hear and determine applications to it under sub-section (3) and for that purpose may exercise in relation to the application and the hearing and determination of the application the powers conferred on a court of competent jurisdiction pursuant to this Division but subject to sub-section (3B) and the powers conferred on it by Division 2 of Part II. of the *Residential Tenancies Act 1980* insofar as the provisions of the *Residential Tenancies Act 1980* are consistent with the provisions of this Division. 10 15

(3B) Sections 90, 91, 94, 97, 103 and 106 do not apply in relation to applications made to the Residential Tenancies Tribunal pursuant to sub-section (3).”;

(b) In section 82 (4) (c) after the words “in accordance with” there shall be inserted the words “an order of the Residential Tenancies Tribunal or”; and 25

(c) In section 82 (5) after the expression “(5)” there shall be inserted the words “In proceedings before a magistrates’ court under this section”; and

(d) In section 89 after the word “jurisdiction” there shall be inserted the expression “in relation to applications made under section 82 (3) before the commencement of the *Residential Tenancies (Amendment) Act 1982*, and only the Residential Tenancies Tribunal constituted under the *Residential Tenancies Act 1980* shall be a court of competent jurisdiction in relation to applications made on or after the commencement of the *Residential Tenancies (Amendment) Act 1982*.”. 30 35