

Residential Tenancies (Damage Insurance) Amendment Bill

24 March 2006

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: RESIDENTIAL TENANCIES (DAMAGE INSURANCE) AMENDMENT BILL

1. We have considered the Residential Tenancies (Damage Insurance) Amendment Bill ('the Bill'), a Member's Bill in the name of Maryan Street MP, for consistency with the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act'). The Bill was introduced to the House of Representatives on 16 March 2006 and is currently awaiting its first reading. The Ministry understands that the next Members' Day is scheduled for 29 March 2006.
2. The Bill amends the Residential Tenancies Act 1986 to protect tenants against personal liability for major damage caused to premises that they played no part in causing. The Bill provides that landlords must insure the interests of tenants against liability for damage to the premises. This requirement does not apply where the damage was intentional and the tenant was personally liable for it. The Bill also provides that the tenant has no liability in the event that the landlord fails to take out such insurance.
3. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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