



AUSTRALIAN CAPITAL TERRITORY

# Landlord and Tenant (Amendment) Act 1993

No. 46 of 1993

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## **An Act to amend the *Landlord and Tenant Act 1949***

*[Notified in ACT Gazette S165: 27 August 1993]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

### **Short title**

1. This Act may be cited as the *Landlord and Tenant (Amendment) Act 1993*.

### **Commencement**

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

### **Principal Act**

3. In this Act, “Principal Act” means the *Landlord and Tenant Act 1949*.<sup>1</sup>

**Condition of premises**

4. Section 62AF of the Principal Act is amended by omitting from subsection (3) “3” and substituting “7”.

**Requests for payment of bond money**

5. Section 62AM of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) Application may be made under this section before the termination of a lease if the application—

- (a) is a joint application; or
- (b) is made by a lessor or lessee requesting the total amount of bond money paid under the lease to which the application relates be paid out of the Trust Fund to the lessee or lessor, respectively.”.

**Notification of application**

6. Section 62AN of the Principal Act is amended—

- (a) by inserting in subsection (1) “(other than a joint application)” after “application” (first occurring); and
- (b) by inserting in subsection (2) “(other than a joint application)” after “application” (first occurring).

**Payments where no dispute**

7. Section 62AP of the Principal Act is amended—

- (a) by omitting from subsections (1) and (2) “10 days” and substituting “14 days, or if another period is prescribed, that period,”;
- (b) by inserting in subsection (3) “or (1A)” after “(1)”; and
- (c) by adding at the end the following subsection:

“(4) The Director shall not pay out of the Trust Fund in respect of an application an amount of bond money that exceeds the amount paid into the Fund in respect of the lease to which the application relates.”.

### **Proceedings**

**8.** Section 62AS of the Principal Act is amended—

(a) by omitting from subsection (2) all the words after “subsection (1)” and substituting the following:

“as if—

(a) those proceedings were proceedings under that Act; and

(b) section 50 of that Act were repealed.”; and

(b) by omitting subsection (3).

### **Further amendments**

**9.** The Principal Act is amended as set out in the Schedule.

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## **SCHEDULE**

Section 9

### **FURTHER AMENDMENTS**

**Subsection 8 (2)—**

Insert “or her” after “his”.

**Subparagraphs 36 (1) (a) (iv) and (v)—**

Insert “or her” after “his”.

**Paragraph 36 (1) (c)—**

Insert “or her” after “his”.

**Subsection 36 (2)—**

Insert “or her” after “him”.

**Subsection 36 (3)—**

(a) Omit “he” (first occurring), substitute “the person”.

(b) Insert “or she” after “he” (second and last occurring).

**Subsection 36 (5)—**

Insert “or her” after “his”.

**Subsection 37 (1)—**

Insert “or she” after “he”.

**SCHEDULE**—continued**Paragraph 37 (2) (a)**—

Insert “or she” after “he”.

**Paragraph 38 (3) (b)**—

Insert “or her” after “his”.

**Subsection 38 (4)**—

Insert “or she” after “he”.

**Subsection 56 (1)**—

(a) Omit “him”, substitute “the lessor”.

(b) Insert “or her” after “his”.

**Subsection 56 (3)**—

Omit “or his”, substitute “or herself or the lessor’s”.

**Subsection 62 (3)**—

Omit “clerk”, substitute “Registrar”.

**Subsection 62AA (1) (paragraph (b) of the definition of “movable dwelling”)**—

Omit “one”, substitute “1”.

**Subsection 62AF (5)**—

Omit “one”, substitute “1”.

**Subsection 62AS (4)**—

Omit “Clerk”, substitute “Registrar”.

**Subsection 62AU (1)**—

Omit “Clerk”, substitute “Registrar”.

**Subsection 62A (4)**—

Insert “or she” after “he”.

**Subsection 62A (9)**—

Insert “or her” after “him”.

**Subsection 63 (3)**—

(a) Insert “or her” after “him”.

(b) Omit “one”, substitute “1”.

**SCHEDULE—continued**

**Paragraph 63 (5) (f)—**

- (a) Omit “his”.
- (b) Insert “or she” after “he” (wherever occurring).

**Subparagraph 63 (5) (g) (i)—**

- (a) Omit “himself”, substitute “the lessor”.
- (b) Omit “him”, substitute “the lessor”.

**Subparagraph 63 (5) (g) (ii)—**

Insert “or her” after “his”.

**Paragraph 63 (5) (i)—**

- (a) Insert “or her” after “his”.
- (b) Omit “him”, substitute “the beneficiary”.

**Paragraph 63 (5) (k)—**

Insert “or her” after “his”.

**Subparagraph 63 (5) (l) (i)—**

- (a) Insert “or herself” after “himself”.
- (b) Omit “him”, substitute “the purchaser”.

**Subparagraph 63 (5) (l) (ii)—**

Insert “or her” after “his”.

**Subsection 63 (6)—**

Omit “one” (wherever occurring), substitute “1”.

**Subsection 69 (1)—**

Omit “he”, substitute “the lessor”.

**Subsection 71 (1)—**

Omit “one” (wherever occurring), substitute “1”.

**Subparagraph 78 (2) (b) (iii)—**

Insert “or her” after “his”.

**Subsection 82 (3)—**

- (a) Insert “or her” after “his”.
- (b) Omit “he” (first and last occurring), substitute “the lessee”.

**SCHEDULE**—continued

(c) Insert “or she” after “he” (second occurring).

**Subparagraph 83 (1) (b) (ii)**—

Insert “or her” after “his”.

**Subsection 83 (1)**—

(a) Insert “or she” after “he” (first occurring).

(b) Omit “him”, substitute “the sub-lessee”.

**Paragraph 83 (1) (d)**—

(a) Insert “or her” after “his”.

(b) Insert “or she” after “he”.

**Paragraph 83 (3) (a)**—

Insert “or she” after “he”.

**Paragraph 83 (3) (b)**—

Insert “or her” after “him”.

**Paragraph 84 (c)**—

Insert “or her” after “his”.

**Section 84**—

Insert “or she” after “he” (wherever occurring).

**Subsection 87 (3)**—

Insert “or her” after “his”.

**Subsection 88 (2)**—

Insert “or she” after “he”.

**Paragraph 88 (3) (a)**—

Insert “or she” after “he” (wherever occurring).

**Paragraph 93 (1) (b)**—

Insert “or her” after “him”.

**Paragraph 93 (1) (c)**—

Insert “or her” after “his”.

**Subsection 93 (3)**—

Insert “or she” after “he” (wherever occurring).

**SCHEDULE**—continued

**Subsection 93 (4)**—

- (a) Omit “him “ (first occurring), substitute “the person”.
- (b) Insert “or she” after “he”.

**Paragraph 93 (4) (a)**—

Insert “or her” after “him”.

**Subsection 95A (1)**—

Omit “him” (first occurring), substitute “the person”.

**Paragraph 95A (1) (a)**—

Insert “or her” after “him”.

**Paragraph 95A (1) (b)**—

- (a) Omit “him at his”, substitute “the person at his or her”.
- (b) Omit “him” (last occurring), substitute “the person”.

**Subsection 95A (2)**—

Omit “him”, substitute “the Minister”.

**Subsection 95B (3)**—

Omit “one”, substitute “1”.

**Section 95C**—

Insert “or she” after “he”.

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**NOTE**

1. Reprinted as at 30 September 1991. See also Act No. 23, 1992

*[Presentation speech made in Assembly on 17 June 1993]*