



AUSTRALIAN CAPITAL TERRITORY

Residential Tenancies (Amendment) Act 1997

No. 122 of 1997

An Act to amend the *Residential Tenancies Act 1997*

[Notified in ACT Gazette S420: 24 December 1997]

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

Short title

1. This Act may be cited as the *Residential Tenancies (Amendment) Act 1997*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day on which the provisions of the *Energy Efficiency Ratings (Sale of Premises) Act 1997*, other than sections 1 and 2, commence.

Principal Act

3. In this Act, “Principal Act” means the *Residential Tenancies Act 1997*.¹

Interpretation

4. Section 3 of the Principal Act is amended by inserting in subsection (1) the following definitions:

“ ‘energy efficiency rating’ means the energy efficiency rating contained in an energy efficiency rating statement;

‘energy efficiency rating statement’ has the same meaning as in the *Energy Efficiency Ratings (Sale of Premises) Act 1997* ;”.

Insertion

5. After section 11 of the Principal Act the following section is inserted:

Energy efficiency rating—advertising

“11A. (1) A person shall not, without reasonable excuse, publish an advertisement for the lease of premises unless the advertisement contains a statement of any existing energy efficiency rating of the habitable part of the premises.

Penalty:

(a) if the offender is a natural person—5 penalty units;

(b) if the offender is a body corporate—25 penalty units.

“(2) A person shall not, without reasonable excuse, publish an advertisement for the lease of premises that includes a statement of the energy efficiency rating of the habitable part of the premises that is false or misleading in a material particular.

Penalty:

(a) if the offender is a natural person—5 penalty units;

(b) if the offender is a body corporate—25 penalty units.

“(3) In this section—

‘existing energy efficiency rating’, in relation to the habitable part of premises, means the energy efficiency rating, or the most recent energy efficiency rating, ascertained for the purpose of a sale or leasing of those premises;

‘publish’ means communicate or disseminate information in such a way or to such an extent that it is available to, or likely to come to the notice of, the public or a section of the public.”.

Lessor's obligations

6. Section 12 of the Principal Act is amended by adding at the end of subsection (3) the following paragraph:

- “(c) in relation to the premises that are the subject of the proposed residential tenancy agreement—
- (i) if there is an energy efficiency rating statement in relation to the habitable part of the premises—a copy of the statement; or
 - (ii) where—
 - (A) building work within the meaning of the *Building Act 1972* has been carried out on the premises that affects the energy efficiency rating of the habitable part of the premises; and
 - (B) before that building work was carried out, an energy efficiency rating statement had been prepared in relation to the habitable part of the premises;
- a copy of a fresh energy efficiency rating statement in relation to the habitable part of the premises.”.

NOTES

Principal Act

1. Act No. 84, 1997.

Penalty units

See section 33AA of the *Interpretation Act 1967*.

[Presentation speech made in Assembly on 3 December 1997]