

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Tucker)

**Residential Tenancies (Amendment)
Bill 1997**

A BILL

FOR

An Act to amend the *Residential Tenancies Act 1997*

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

Short title

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

Commencement

- 10 **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 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

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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

5 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:

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

‘energy efficiency rating statement’ means—

15 (a) a statement prepared in accordance with the Energy Ratings System for Residential Buildings prescribed by the Australian Capital Territory Planning Authority for the purposes of the Territory Plan as in effect from time to time under the *Land (Planning and Environment) Act 1991*; or

(b) if an energy efficiency rating statement is prescribed—that statement;”.

Insertion

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

Energy efficiency rating—advertising

25 “11A. (1) A person shall not, without reasonable excuse, publish an advertisement for the lease of premises unless the advertisement contains a statement of the 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.

5 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—

10 ‘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:

15 “(c) in relation to the premises that are the subject of the proposed residential tenancy agreement—

(i) a copy of an energy efficiency rating statement in relation to the habitable part of the premises; or

(ii) where—

20 (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

25 (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*.

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