2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Jo Clay)

Residential Tenancies Amendment Bill 2024

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(Jo Clay)

Residential Tenancies Amendment Bill 2024

A Bill for

An Act to amend the [Residential Tenancies Act 1997](http://www.legislation.act.gov.au/a/1997-84) and the [Residential Tenancies Regulation 1998](http://www.legislation.act.gov.au/sl/1998-17)

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

Part 1 Preliminary

1 Name of Act

This Act is the *Residential Tenancies Amendment Act 2024*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Residential Tenancies Act 1997](http://www.legislation.act.gov.au/a/1997-84) and the [Residential Tenancies Regulation 1998](http://www.legislation.act.gov.au/sl/1998-17).

Part 2 Residential Tenancies Act 1997

4 Section 11AD heading

substitute

11AD Lessor or agent must not accept rent bids

5 Section 11AD (1) and (2)

substitute

 (1) A person commits an offence if the person—

 (a) is a lessor, or an agent of a lessor; and

 (b) accepts a rental rate for premises that is higher than the advertised rental rate for the premises.

Maximum penalty: 20 penalty units.

6 Sections 64A and 64B

substitute

64B Limitation on rent increases

 (1) A lessor may increase the rental rate for rental premises only if—

 (a) the lessor increases the rental rate by not more than the amount prescribed by regulation; and

 (b) the increase happens at least 12 months after—

 (i) for the first increase for the rental premises—the day the premises are first rented; or

 (ii) for a later increase for the rental premises—the day the rental rate for the premises was last increased; and

 (c) the lessor gives the tenant notice under subsection (3).

 (2) Despite subsection (1) (a), the lessor may increase the rental rate for rental premises by more than the amount prescribed by regulation if—

 (a) the lessor applies to the ACAT to allow an increase in the rental rate that is more than the prescribed amount; and

 (b) the ACAT allows the increase.

 (3) For subsection (1) (c), the lessor must give the tenant a written notice stating—

 (a) the day the proposed increase takes effect (being a day at least 8 weeks after the day the notice is given); and

 (b) the amount of the proposed increase; and

 (c) if the proposed increase is more than the amount prescribed under subsection (1) (a)—that the ACAT has given prior approval for the proposed increase.

 (4) For subsection (1) (a), if the amount prescribed by regulation is nil—

 (a) the lessor may not apply to the ACAT to increase the rental rate by more than the prescribed amount; and

 (b) if a fixed term agreement provides for an increase in rent that is more than nil—the amount of the increase is taken to be nil.

 (5) Subsection (4) and this subsection expire 2 years after the day the Residential Tenancies Amendment Act 2024, section 6 commences.

 (6) In this section:

rental premises includes premises in relation to which a residential tenancy agreement has been in force in the 6-month period before the day a proposed rental rate increase is to take effect.

7 Guideline for orders
Section 68 (1)

omit

section 64B (1) (c)

substitute

section 64B (2) (a)

8 Section 68 (2)

substitute

 (2) The ACAT may allow a rental rate increase if the increase is not excessive.

9 Section 68 (4) (g)

omit

10 Standard residential tenancy terms
Schedule 1, clause 35

substitute

35 The rent may not be increased at intervals of less than 12 months from—

 (a) for the first increase—the date the premises were first rented; or

 (b) for later increases—the date the last rent increase for the premises took effect.

Part 3 Residential Tenancies Regulation 1998

11 Section 5A

substitute

5A Rent increase threshold—Act, s 64B and s 68

 (1) The prescribed amount is the amount worked out as follows:

$current rental rate x 0.02$

 (2) However, for the 2-year period beginning on the day the Residential Tenancies Amendment Act 2024, section 11 commences, the prescribed amount is nil.

 (3) Subsection (2) and this subsection expire 2 years after the day the Residential Tenancies Amendment Act 2024, section 11 commences.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 8 February 2024.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2024.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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