

2024

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Jo Clay)

# Residential Tenancies Amendment Bill 2024

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of Act	2
2	Commencement	2
3	Legislation amended	2
<b>Part 2</b>	<b>Residential Tenancies Act 1997</b>	
4	Section 11AD heading	3
5	Section 11AD (1) and (2)	3
6	Sections 64A and 64B	3

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

Contents

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		Page
7	Guideline for orders	
	Section 68 (1)	5
8	Section 68 (2)	5
9	Section 68 (4) (g)	5
10	Standard residential tenancy terms	
	Schedule 1, clause 35	5
<b>Part 3</b>	<b>Residential Tenancies Regulation 1998</b>	
11	Section 5A	6

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# Residential Tenancies Amendment Bill 2024

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## A Bill for

An Act to amend the *Residential Tenancies Act 1997* and the *Residential Tenancies Regulation 1998*

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Residential Tenancies Act 1997* and the  
10 *Residential Tenancies Regulation 1998*.

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**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).

- 1           (2) Despite subsection (1) (a), the lessor may increase the rental rate for  
2 rental premises by more than the amount prescribed by regulation  
3 if—
- 4           (a) the lessor applies to the ACAT to allow an increase in the rental  
5 rate that is more than the prescribed amount; and
- 6           (b) the ACAT allows the increase.
- 7           (3) For subsection (1) (c), the lessor must give the tenant a written notice  
8 stating—
- 9           (a) the day the proposed increase takes effect (being a day at least  
10 8 weeks after the day the notice is given); and
- 11           (b) the amount of the proposed increase; and
- 12           (c) if the proposed increase is more than the amount prescribed  
13 under subsection (1) (a)—that the ACAT has given prior  
14 approval for the proposed increase.
- 15           (4) For subsection (1) (a), if the amount prescribed by regulation is nil—
- 16           (a) the lessor may not apply to the ACAT to increase the rental rate  
17 by more than the prescribed amount; and
- 18           (b) if a fixed term agreement provides for an increase in rent that is  
19 more than nil—the amount of the increase is taken to be nil.
- 20           (5) Subsection (4) and this subsection expire 2 years after the day the  
21 *Residential Tenancies Amendment Act 2024*, section 6 commences.
- 22           (6) In this section:
- 23           ***rental premises*** includes premises in relation to which a residential  
24 tenancy agreement has been in force in the 6-month period before the  
25 day a proposed rental rate increase is to take effect.

1 **7** **Guideline for orders**  
2 **Section 68 (1)**

3 *omit*

4 section 64B (1) (c)

5 *substitute*

6 section 64B (2) (a)

7 **8** **Section 68 (2)**

8 *substitute*

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

11 **9** **Section 68 (4) (g)**

12 *omit*

13 **10** **Standard residential tenancy terms**  
14 **Schedule 1, clause 35**

15 *substitute*

16 35 The rent may not be increased at intervals of less than 12 months  
17 from—

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

20 (b) for later increases—the date the last rent increase for the  
21 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.

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**Endnotes****1 Presentation speech**

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

**2 Notification**

Notified under the [Legislation Act](#) 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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